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# House of Representatives

The House met at 10 a.m.

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

Ever present Lord God in our midst, You have exhorted us: ''Be hospitable to one another without complaining.'' Make this House a place of hospitality. Be with our guides, our guards, and all who create an environment here.

Throughout our days, Lord, there is a movement within, from hostility to hospitality. You help us determine our relationship to other people.

Life today is very complex. Yet when we reflect on the kindness we have enjoyed from others and we can face the stranger within ourselves, we begin to see in Your creation a free and friendly space that always welcomes the newborn, the estranged, the sick and the immigrant.

Let this place and all the institutions of this Nation, especially our schools and hospitals, be caring places and careful to meet people on their own terms.

For You, our God, hear us and welcome us as we are today and forever. Amen.

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. SKELTON led the Pledge of Allegiance as follows:

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

## MESSAGE FROM THE SENATE

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

H.R. 4259. An act to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

H.R. 5164. An act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 3069. An act to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia.

H.R. 5239, An act to provide for increased penalties for violations of the Export Administration Act of 1979, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3244) ''An Act 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.''

The message also announced that the Senate has passed a bill and concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. 2917. An act to settle the land claims of the Pueblo of Santo Domingo.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosic, and for other purposes.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies.

S. Con. Res. 149. Concurrent resolution to correct the enrollment of H.R. 3244.

The message also announced that in accordance with sections 1928a–1928d of title 22, United States Code, as amended, the Chair, on behalf of the Vice

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President, appoints the following Senators as members of the Senate Delegation to the North Atlantic Treaty Organization Parliamentary Assembly during the Second Session of the One Hundred Sixth Congress, to be held in Berlin, Germany, November 17–22, 2000—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Arkansas (Mr. HUTCHINSON);

the Senator from Maryland (Mr. SARBANES); and

the Senator from Maryland (Ms. MIKULSKI).

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain 10 one-minutes on each side.

## SECURING AMERICA'S FUTURE FOR OUR CHILDREN

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

Mr. BALLENGER. Mr. Speaker, our economy is good, interest rates are low and we have a record budget surplus. Due to the sound fiscal policies of Republicans, we have been able to pay off $354 billion in public debt and will completely eliminate it by 2012.

That is why Republicans are committed to using 90 percent of the next year's Federal budget surplus to pay off the national debt while protecting the Social Security and Medicare trust funds. That leaves us with 10 percent of the surplus to boost our already substantial $600 billion commitment to our national priorities such as education, defense and health research.

Specifically, we will use half the money to strengthen education with the flexibility, funding and support to give our children the world's best schools. In addition, we will provide a prescription drug benefit to seniors in need now, not 5 or 10 years from now.

Republicans have made education funding a top priority, providing more money than ever before. And most importantly, we have cut the checks with fewer strings being attached. Currently, Washington provides 7 percent of the Nation's education funding but provides 40 percent of the regulations. We have made a real dent in removing some of these onerous, bureaucratic regulations. By eliminating our national debt, we will secure America's future for our children and grandchildren.

## TERRORIST ATTACK ON THE U.S.S. ''COLE''

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

Mr. SKELTON. Mr. Speaker, earlier today the U.S.S. *Cole*, an Aegis destroyer, while being refueled in the enemy port of Aden was attacked by suicide terrorists. There were five sailors who lost their lives. One is missing. Approximately 30 have been injured.

This is the latest crime to be added to the list of deadly terrorist attacks against our fellow countrymen. It is terrible that anyone would sink so low. I have great admiration for the professionalism of the crew of the U.S.S. *Cole*, tending to the wounded and taking care of their ship.

We deplore the loss of American lives and my deepest sympathies and prayers go to the families and friends of the victims of this cowardly attack. Serving in the military is a dangerous profession. I want to recognize the selfless dedication of the American military personnel who risk personal safety in the service of our country.

I want to be clear. The U.S. Government should seek retribution against those who are responsible for this attack against U.S. military personnel. We should do all that we can to ensure that our service members and citizens are protected in the future.

It is impossible to predict with certainty where or when terrorists will strike. Today's events, however, are a terrible reminder that we must take the threat of terrorism seriously.

## THE VICE PRESIDENT'S MISSTATEMENTS

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

Mr. PITTS. Mr. Speaker, our prayers and condolences go out to our military personnel as well.

Mr. Speaker, the Vice President promised us last night that he was going to try to do better at telling the truth from now on. But his performance said otherwise.

He told the moderator that he never called George Bush a bumbler, but he is running commercials right now that say exactly that. He said he was not in favor of big tax hikes on gas and oil but he was Washington's number one supporter of a Btu tax on fuel. He even wrote a book calling for hiking the price of gas to $2.50 a gallon.

But here is the real whopper. He criticized former President Bush for not removing Saddam Hussein from power during the Gulf War. But on January 30, 1991, Senator GORE said he opposed invading Iraq to take out Saddam Hussein. He said the war should stop as soon as Iraq was out of Kuwait.

He said that he wants more effective gun prosecutions, but Justice Department gun prosecutions have dropped 46 percent during the Clinton-Gore administration.

Vice President GORE promised he was going to try to do better. Well, he is going to have to try a lot harder than last night.

## INTERNATIONAL CHILD ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, on April 30, 2000, Maya and Omar Murad, ages 3 and 5, were forcibly abducted by their father, Ruwayn Murad, who had resided in the United States for nearly 20 years but retained dual citizenship in Lebanon. The children, who had spent only 2 weeks of their lives on Lebanese soil, were spirited to Lebanon where they have now been held for nearly 6 months. Their exact whereabouts are presently unknown.

Prior to the abduction, the children's mother, Elizabeth Henry Murad, had been informed by a colleague of her husband that Mr. Murad was planning the abduction. After a judge in New York family court failed to take emergency action, a divorce action had been commenced by Mr. Murad, who ultimately abducted the children after having been granted an adjournment in the case. In advance of his flight, Mr. Murad also wired all the family's liquid assets from their accounts in the U.S. to Lebanon.

Elizabeth Henry Murad, the custodial parent of Maya and Omar, is now waging a desperate battle for the return of her children to New York, the only home they have ever known.

Mr. Speaker, it is time now to assist Mrs. Murad and others like her to bring our children home.

## FRANKLIN ON EDUCATION

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

Mr. KNOLLENBERG. Mr. Speaker, the key to the American dream is a quality education. As Benjamin Franklin told us, ''Tell me and I forget. Teach me and I remember. Involve me and I learn.''

The hands-on education Franklin was talking about can only be found in our Nation's classrooms. This underscores the necessity of putting decision-making power in the hands of those closest to the children. Those are the local school teachers, the administrators, and, most importantly, the parents. The Republican education vision does just that, returning control to these local jurisdictions which are uniquely equipped to make the decisions on how to best involve our students.

Since 1995 under the steady hand of the gentleman from Pennsylvania (Mr. GOODLING), the Republican majority has repeatedly passed legislation to shift power and resources from the Washington bureaucracy into the hands of those closest to our students.

Mr. Speaker, while education is at the forefront of public debate over the next few weeks, Republicans have a vision and a record that America can be proud of.

## NAVY CONCENTRATES ON GENDER NEUTRALITY IN WAKE OF CHINA NUCLEAR THREAT

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

Mr. TRAFICANT. The CIA said China is buying nuclear attack submarines with missiles that experts say can destroy our entire Navy fleet. Knowing this, the Navy has decided to, and I quote, replace all aircraft carrier urinals with gender-neutral water closets, end quote.

Unbelievable. We have a dragon breathing down our necks and the Navy is constipating over urinals. What is next, bidets in powder rooms? How about some ballroom dancing lessons, folks?

Beam me up. I yield back the fact that this gender-neutral business is getting ridiculous.

## GILMAN CONDEMNS ONGOING PALESTINIAN VIOLENCE

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

Mr. GILMAN. Mr. Speaker, the past 2 weeks, tension in the Middle East has spiraled out of control as PLO Chairman Mr. Arafat attempts to dictate Israeli concessions at the negotiating table through the unbridled use of violence and, most appallingly, through the manipulation of young children as ''martyrs in training.''

This massive, fundamental violation of the Oslo Accords is intentional, as underscored when the leader of the Tanzim paramilitary forces in the West Bank said yesterday that his organization would escalate the confrontations with Israel and not try to calm the situation. Marwan Barghuti said, and I quote, ''This blessed Intifada is looking ahead and mass activity is moving forward.''

Mr. Speaker, in today's latest outrage, a Palestinian mob killed two Israeli soldiers and dumped their bloody bodies in the streets after the pair were captured with two other servicemen earlier today in the Palestinian city of Ramallah. That is why I am appalled that the administration abstained during the recent U.N. Security Council condemnation of Israel. The administration must understand, as must the Palestinians, that you cannot have it both ways.

Today, I will be introducing a resolution along with the gentleman from Connecticut (Mr. GEJDENSON) of the Committee on International Relations condemning the Palestinian violence. I invite our colleagues to join us in cosponsorship.

## OIL PIPELINE SAFETY

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

Mr. INSLEE. Mr. Speaker, I would urge the House to see the failure of passage of the oil pipeline safety bill the other night, not to be seen as an end of our efforts on oil pipeline safety this year but, rather, I believe we should look at it as a very strong statement by this House that there is a bipartisan sentiment for a strong pipeline safety bill.

We have the ability this year, particularly with the extension of time, to pass a strong pipeline safety bill from this Chamber this year. We hope that that bill would have two elements: One, a very strong inspection criteria to assure Americans that the pipelines they live hundreds of feet from in fact will be inspected, and, number two, an assurance that the Office of Pipeline Safety can have supervisory authority over the training plans by operators.

Mr. Speaker, I think it is time for us to reach across the aisle and across the Chambers to fashion a consensus bipartisan bill. I believe that is possible. I am open to do so. I urge my colleagues to join me in pursuit of that strong bill.

## TRIBUTE TO THE HONORABLE TILLIE FOWLER

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise today to honor a wonderful friend, Tillie Fowler, who has dedicated a lifetime not only to national public service but to her local community as well.

Before beginning her fulfilling tenure as a Member of Congress, Tillie devoted much of her time to helping those in need. She served as the president of the Junior League of Jacksonville, chaired the Florida Humanities Council, and was active with the American Red Cross, among many other charitable endeavors.

In 1992, Tillie was elected to Congress and immediately began to make her mark as a strong advocate of our national defense. She has worked with great success on behalf of our military personnel around the world. She always sought to ensure that our men and women in uniform were well equipped and prepared when placed in harm's way.

While protecting U.S. national security was her first priority, she also played a vital role in the passage of domestic bills, such as the 6-year Federal transportation bill which will alleviate some of the serious transportation challenges that we in Florida face.

□ 1015

TILLIE has served her constituents, her State and our country well and with distinction. Her intellect and domain of critical issues, combined with her personal commitment and Southern grace and charm, made her an efficient Member, a leader and a role model for young women everywhere. TILLIE FOWLER will be sorely missed. I ask my colleagues to join me in this tribute to our retiring Member.

## U.S.S. ''COLE'' RAMMED, AT LEAST FOUR KILLED

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

Mr. SCOTT. Mr. Speaker, earlier today in the Arabian Peninsula the U.S.S. *Cole* was rammed by a small boat in an apparent suicide terrorist attack. Our prayers go out to the families of the sailors, especially the families of those sailors who were killed, injured, or are missing.

Mr. Speaker, at this time we do not know who was responsible, and it is important that we not jump to conclusions; but when we find out, those responsible will be held accountable.

Finally, we should congratulate our courageous sailors who responded to this tragedy. Because of their expertise, the damage and casualties were kept to a minimum.

Again, Mr. Speaker, our prayers go out to the sailors and the families.

## TENNESSEANS THE MOST CHARITABLE IN THE NATION

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

Mr. DUNCAN. Mr. Speaker, the Christian Science Monitor reported a few days ago that Tennesseans had given more charitable contributions on average than citizens from any other State. This report was based on a generosity index published by the Urban Institute in Washington and came from charitable deductions listed on 1998 tax returns.

Tennesseans gave an average of $4,572. Mississippi gave the most in proportion to income with an average of $4,070. The top five most generous States, according to the Urban Institute, were Mississippi, Arkansas, South Dakota, Louisiana, and Tennessee. Tennessee gave the most per person at over $4,500 each. Rhode Island gave the least per person at $2,059.

The least generous States, according to the Urban Institute, in proportion to income given to charity were Massachusetts, New Hampshire, New Jersey, Minnesota, and Rhode Island. It seems that the highest taxed, most politically liberal States were the least generous in giving to charitable causes, according to this report from the Urban Institute.

I want to commend my fellow Tennesseans for their generosity in giving to charitable organizations.

## WE STILL LIVE IN A DANGEROUS WORLD

(Mr. SISISKY asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SISISKY. Mr. Speaker, we have already heard about the tragic accident that happened to the USS Cole. I am sorry the gentlewoman from Florida (Mrs. FOWLER) is leaving, but I would also like to pay tribute to her, and I do it in the vein that both she and I and many members of the Committee on Armed Services spent a good deal of our time trying to tell people what a dangerous world we live in, and sometimes it is pretty hard to explain to them that we still live in a dangerous world.

I was advised early this morning by the Chief of Naval Operations and by the commander in chief of the Atlantic Fleet, both of them, of what happened as well as they know. The ship is just sitting there. They are trying to repair it as best they can. Four lives were lost. There were 12 missing and 36 were already hospitalized. Certainly our prayers, the prayers of the Members of Congress, go out to the families of the deceased and, of course, the injured.

What is more important is that we always remember that these people are serving us and this Nation and we should always pay tribute to them.

## PLANNED PARENTHOOD REVEALS LARGE PROFITS

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

Mr. STEARNS. Mr. Speaker, as the appropriation process continues here in Congress, I want to bring attention to Planned Parenthood's 1998/1999 annual report. The report shows the inordinate amount of profits made from their operation. In 13 years, their profits have totaled $356 million and not once, not once in that time, did they report a loss. In fact, their annual report stated they currently have net assets totaling $536 million.

This is an increase of $131 million in just one year. Even dot-com companies would be envious of such profits. These numbers might be wonderful if Planned Parenthood was just a normal business, but the organization claims to be a charity. They are subsidized by the United States Government through grants; and they also want special deals, including reduced rates of advertising in the media.

It is time, Mr. Speaker, that the American public saw Planned Parenthood for what it is, a business intent on making profits at taxpayers' expense.

## ATTACK ON THE U.S.S. ''COLE''

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

Mr. PICKETT. Mr. Speaker, as has been reported, the Norfolk-based destroyer *Cole* suffered a terrorist attack earlier today while in the process of refueling at the Port of Aden in Yemen. This cowardly sneak attack has left four brave American sailors dead, 36 injured, and 12 missing. The survivors courageously and successfully sought to save and stabilize their ship.

Once again, we are reminded of the terrible price that some of our military members pay in defense of our country. We extend our profound sympathy and condolences to the families and friends of those honored defenders of our country who suffered in this tragic attack. May God give them the peace, strength, and understanding to sustain their grief and suffering of this terrible loss.

## TOP DOLLAR SHOULD NOT BE DEMANDED TO BUILD NEW SCHOOLS

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

Mr. GIBBONS. Mr. Speaker, today I rise to urge my colleagues to vote for H.R. 4656, which will sell 8.7 acres of land at fair market value for the use as an elementary school in Incline Village, Nevada. This bill which was debated Tuesday night will be voted on today and will give every Member on both sides of the aisle an opportunity to keep their promises to support education and school construction for our children.

The present elementary school there has more than 40 students in each classroom because there is simply nowhere else for them to go. But H.R. 4656 will solve this education problem. The land will be sold, and I say sold, not given away, to the school district for construction of a school to provide over 400 students with a quality education.

Mr. Speaker, this administration is demanding 800 percent, that is more than 8 times, the limited-use value as a school site. This administration's greed is an unconscionable effort to deny these children an education. Obtaining top dollar for the land seems to be more important to them than the education of our children.

I urge everyone to vote for H.R. 4656.

## BREAST CANCER

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

Ms. WOOLSEY. Mr. Speaker, in Marin County, California, just north of the Golden Gate Bridge, the district that I represent, 150 women out of every 100,000 were diagnosed with breast cancer between 1991 and 1996. A 1994 Northern California Cancer Center study showed that Marin County has the highest breast cancer rate in the country. An alarming number of women are dying in Marin and across this country. We need to know why, and we need to make sure that all women have the care they need to survive this disease.

The Breast and Cervical Cancer Treatment Act would help protect women and save lives. This bill should not be encumbered by the words that the gentleman from Oklahoma (Mr. COBURN) will try to add to the debate this morning or this afternoon. This bill has 270 cosponsors. It should be passed as it was presented.

## DEBT REDUCTION

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

Mr. BARTLETT of Maryland. Mr. Speaker, 30 days have passed and there still has been no response or commitment from the Clinton-Gore administration to lock away 100 percent of the Social Security and Medicare surpluses and to dedicate at least 90 percent of next year's surplus to paying off the debt.

We now have a real chance to do just that and President Clinton has failed to embrace it. Worse, almost every day the administration introduces a new last-minute spending request, further complicating debt reduction. The truth of the matter is that President Clinton is not part of the spending problem. He is the spending problem. It is time the President recognized that the surplus is not the Government's money; it is the people's money.

Mr. Speaker, we have paid off approximately $354 billion in debt since taking majority control in Congress. The Republican Congress made tough choices necessary to get our Nation's book on track. The winners are the hard-working American people. Interest rates are low and the economy is booming. With continued discipline, things will only get better.

It is time President Clinton stops playing politics by accusing Republicans of engaging in a spending spree and sign our letter calling on him to dedicate at least 90 percent of next year's surplus to paying off the debt while locking away 100 percent of the Social Security and Medicare surpluses.

## HATE CRIMES

(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, it is very important that what we do in this Congress is understandable, and it is important to clarify the information that goes out to the American people. Might I set the record straight on hate crimes, a legislative initiative that is very close to my heart, and one that many of us have worked very hard on. We will leave this Congress without passing a real hate crimes bill because the Republican majority will not allow us to

vote on a hate crimes bill; not hate crimes for one ethnic or religious group in America but hate crimes for Americans, so that if one is disabled or if they come from a different background or live in a different way and someone attacks them because of their difference, we have a law that says we abhor hate.

Mr. Speaker, let me set the record straight. It is clear that the hate crimes bill in Texas is not the bill that the family of James Byrd begged for; that bill the governor of Texas did not sign, did not support, even though there was massive support for it. We do not have a real hate crimes bill in Texas. Let us set the record straight.

## PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 111, FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 627 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 627

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 627 is a closed rule providing for consideration of House Joint Resolution 111, a resolution making further continuing appropriations for fiscal year 2001.

H. Res. 627 provides for 1 hour of debate 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. Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, the current continuing resolution expires at the end of the day on Saturday, and a further continuing resolution is necessary to keep the government operating while Congress completes its consideration of the remaining appropriations bills.

□ 1030

Mr. Speaker, House Joint Resolution 111 is a clean continuing resolution which simply extends the provisions included in House Joint Resolution 109 through October 20.

Mr. Speaker, as my colleagues know, we have been working hard to pass remaining appropriations bills as soon as possible. Honest disagreements remain on both sides of the aisle.

However, the House has made progress at resolving these differences over the past 2 weeks, passing the interior, agriculture, energy, and transportation conference reports. We are now very close to completing the appropriations process.

I share the disappointment of many of my colleagues that the negotiations have stretched on this long. However, we have a responsibility to stay the course and pass sensible and fiscally responsible appropriations bills. So, because we refuse to bend our principles, we will stay here in Washington for another week, away from our families, our districts, and our homes.

This fair, clean, continuing resolution will give us the time we need to fulfill our obligations to the American people and finish the appropriations process in an even-handed and conscientious manner.

The rule was unanimously approved by the Committee on Rules yesterday. I urge my colleagues to support it so we may proceed with the general debate and consideration of this bill.

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

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

Mr. Speaker, this is the third concurrent resolution we have done this year. It will push back the appropriations deadline once again for my Republican colleagues, and this time it will push it back to October 20.

The 1974 Budget Act requires that the 13 appropriation bills be signed into law by October 1. The beginning of the fiscal year. But despite repeated promises to the contrary by the Republican leadership, very little appropriation work is finished, even as we speak. Today only two out of 13 appropriation bills have been signed into law, Military Construction and Defense. Three more are on the way to the President, Transportation, Interior, and Agriculture. The others are in various stages of incubation.

Part of the reason for the lack of progress, Mr. Speaker, is my Republican colleagues' budget, which did great things for the very rich and failed to set aside enough money for middle-class tax cuts or social security preservation or medical prescription drug benefits, or any of the other issues that are so important to the working American families.

My Republican colleagues should have passed a minimum wage increase. They should have passed a bill to help us repair our schools, or passed a bill to hire new teachers. They should have passed the Patients' Bill of Rights, Medicare prescription drug benefits, gun controls, gun safety legislation.

But Mr. Speaker, my Republican colleagues have had plenty of time to finish these appropriation bills and a lot more, but they did not. Now, in order to keep the Federal government open, we must pass this third continuing resolution.

The administration asked for a shorter continuing resolution in order to get more things done. I believe they were right to do so. But nonetheless, I will support this longer continuing resolution.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Joint Resolution 111, and that I may include tabular and extraneous material.

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

There was no objection.

## FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to House Resolution 627, I call up the joint resolution (H.J. Res. 111) making further continuing appropriations for the fiscal year 2001, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 111 is as follows:

H.J. RES. 111

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 106–275, is further amended by striking ''October 13, 2000'' in section 106(c) and inserting in lieu thereof ''October 20, 2000''.

The SPEAKER pro tempore. Pursuant to House Resolution 627, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

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

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

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the continuing resolution before us is

the third one for this fiscal year. It would continue the original CR until October 20.

I might say and remind my colleagues that the House has passed all of the appropriations bills earlier this year, but because of conference meetings that needed to be taken care of and meetings with the White House, we have not concluded that business.

However, I am also happy to report that there is considerable movement, I believe, in the other body that we will see today, and hopefully we will be able to conclude this appropriations business next week in the House and in the other body.

So I merely ask the support of the Members to conclude this CR today so we can pass it on to the Senate and then get about our business.

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

Mr. OBEY. Mr. Speaker, I yield myself 13½ minutes.

Mr. Speaker, what I say is meant in no way to criticize the gentleman from Florida, because he has been one of the few realistic voices on the other side of the aisle trying to point out what the realities are.

But the fact is, this is, what, the third continuing resolution that we have had. The budget is supposed to be done on October 1. We are now getting much closer to November 1 than we are to October 1. What have we seen? We have seen bill after bill emerge from conference which have wound up spending much more money than is in the President's budget.

Those bills have virtually no relationship whatsoever to the budget resolution which was laid out at the beginning of the year. Yet, we have no real progress in meeting the needs that we feel on this side of the aisle with respect to the most crucial issue remaining in the budget, which is education.

We also have seen, although one of the appropriation bills tries to provide a fig leaf on this issue, we have seen this Congress take no action on prescription drugs. We have seen this Congress take no action on the Patients' Bill of Rights. Both of those issues are still pending in one form or another in various appropriation bills. Yet, none of them have any real prospect of being dealt with by this Congress before we adjourn.

Now we are being asked to support another week's extension of the deadline for finishing our business. Frankly, I have about had it. I think the White House has, too. I do not expect to stand on this floor and support any further continuing resolutions for more than one or two days at a time. I do not believe it makes sense for us to continue to drift along in this fashion.

What I sense is happening is that there is apparently a slow but nonetheless stealthy plan to avoid our ever facing the hard votes on education or on the Patients' Bill of Rights or on meaningful reform of Medicare to include a prescription drug benefit. I do not believe that this Congress should leave this city until we have dealt with all three.

I do not say that because these happen to just be pet issues of mine. I say that because America has always been, to me, defined by two things. We have been defined by our passion for individual liberty, and we have also been defined by our determination to see to it that the experiences that we have in this country are shared experiences, and that whether we are in good times or in troubled times, we are all in it together.

That is why we have had traditionally such strong support for American institutions and for the American democratic process by each and every one of our citizens.

Mr. Speaker, the reason that education is important and the reason prescription drugs are important and the reason the Patients' Bill of Rights are important is because without actions like that, large segments of our population feel that they have been and are being left out of the blessings and benefits of this society.

There is no society in the world more blessed than is the society of the United States. We have been given more riches, more natural beauty, more geographic insulation from the trouble spots of the world than any other Nation in the history of the globe.

Yet, in my view, this Congress is failing to live up to the traditions of some of the great Congresses in the past in seeing to it that we take these benefits and make certain that everyone has a decent share.

The problem that we have, and it is why I voted against the energy bill, for instance, is because that bill spent a lot of money, but it spent it in no context. There are no rules that describe at this point what will be spent or how far we can go in spending. But we wind up, we wind up still refusing to act on the administration's education priorities.

Now, the majority party has decided that in two areas of education, they are going to put a significant amount of money. One is special education, and the other is Pell grants.

I applaud those two actions. I am fully willing to embrace those priorities. I just wish that the other side would be willing to embrace our priorities.

I would call the attention of Mr. Bush to the actions of this Congress. Mr. Bush in debates the past 2 weeks has talked a lot about education, and he has talked about the bipartisan leadership that he would like to extend to this place. I think bipartisan leadership starts by having effective control of one's own party.

It seems to me that right now we could use some help from Mr. Bush, because this Congress, while it is providing large amounts of money across-the-board in many areas, is continuing to resist the necessary actions to really make progress in reducing class size, to really make progress in training our teachers, to really make progress in providing a significant number of additional after-school centers so that our young children, if they are in a family where they have two parents working outside the home, so they have someplace to go after 2:30 or 3 in the afternoon where they can be under adult supervision and be in an atmosphere where they can learn.

□ 1045

All of these things ought to be embraced by both parties, but we are not seeing them embraced by the majority party in this House.

And so I stand here this morning frustrated because we have a lot of rhetoric that tries to place everyone on the side of education, but this Congress, having a record, under the majority party's leadership, having a record the last 6 years of trying to cut billions of dollars out of previous years' expenditures for education. They are now building on that record by trying to block a further expansion of education initiatives that reflect needed national priorities which the administration has taken as its own. To me, that is the major problem with this continuing resolution today.

I do not see any purpose in kicking the can further down the road on these continuing resolutions if we are not going to get the two or three major things that we need to get out of this Congress in order to call this a successful Congress; one being education, another being a real, rather than a fictional, attack on the problems of our seniors who need prescription drugs, and the third being the passage of a real patients' bill of rights rather than the passage of a bill of goods that masquerades as a patients' bill of rights.

So I will support this continuing resolution, but I do not expect to stand here supporting any further long-term continuing resolutions because, at this point, they do not seem to be doing any good in terms of moving this place forward to recognizing our health care, our Medicare and our education priorities that, above all, this Congress ought to be addressing.

Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin has 19½ minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 6 minutes to the gentleman from Missouri (Mr. GEPHARDT), the distinguished minority leader.

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

Mr. GEPHARDT. Mr. Speaker, here we are again on another continuing resolution some 11, 12, or 13 days into the fiscal year; and we have not begun to finish our work. I am very disappointed that we come to the floor again to debate another continuing resolution simply to keep the government

going. We should have had all of the appropriation bills done 12 days ago.

This Republican Congress has been so busy throwing money at things, helping candidates, and our time and our energy have been so taken up by the contrived 90–10 scheme put out by the other side, that we have been unable to do our most basic work. My biggest fear is that in all of this, education, which is the most important challenge and issue facing our country, is being shortchanged. We should not be taking another full week in which we drift aimlessly and squander, as Republicans would have us do, key opportunities on education.

So we are going to vote for this resolution, but we are putting the Republican leadership on notice. Until we have an opportunity to deal with education, this is the end of the line on comfortable stop-gap measures that keep the government open week by week. Democrats believe that education is priority number one, two and three.

I know that many of my colleagues believe that we are talking about the bare minimum on education; much more important an agenda than we have had on any other issue. We need to give every child the time and attention they need from adults and the life opportunities they deserve. The three items that Democrats believe are the keys to education are the following: tax cuts for school construction, hiring new teachers and reducing class size, and funding key programs like after-school and Pell Grants.

This is the bare minimum of what we need to do. And, unfortunately, while Republicans have been on their spending spree, coming up with false budgets to reduce the debt, education has been shoved to the side by this Congress with a set of priorities that are skewed, to say the least. We want a reasonable, bipartisan tax credit for school construction, and we want funding for emergency repairs. But Republicans are starving that priority because, while they talk about their commitment to education, they do very little to back up that commitment with the proper resources and the proper commitment to those resources.

We want in Labor-HHS funding that is dedicated to hiring new qualified teachers and reducing class size. But our friends on the other side have created loopholes in the bill so big that the money could be spent for anything.

Finally, as part of this first step this year, we support funding for after-school programs so that our children can get the time and attention they need to become productive, functional law-abiding citizens. Listen to this. We have over 2 million people in jail in this country. They do not pay taxes, they do not vote, they do not raise their families, they do not give to charity. They are not functional citizens. They cost us about $40,000 per person per year to hold them.

At the same time, we have 2 million jobs in this country that we cannot fill. We are about to pass an H–1B law that would let more foreign immigrants come into the country to fill these high-tech jobs, and all of us support the legislation because we need to fill the jobs.

The answer to those two stark contradictory facts is that we are not doing a good enough job with educating and raising our children so we prevent them from going to jail, so we get them to take these jobs and give them the education and the mental ability that they need to do it. We have to do better and we cannot wait until next year to do better. The opportunity is in front of us now, by giving our public schools and our families the resources and the incentives that they need to lift up every child.

So let us stop squandering our opportunities and let us work together in a bipartisan fashion in these next few days on the most important priority for the American people. Let us get our work done, but let us do it in a bipartisan way. Let us stop spending our time on naming post offices and passing resolutions that have little import or meaning. Let us stop spending our time buying another week of time so that we can do work that we should have done 3 months ago. Let us get to work in a bipartisan way and serve the needs of the education of our children in this bill.

Democrats will no longer support continuing resolutions to keep the government running for weeks on end. We will support a bipartisan education bill that finally helps the children of this country.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me follow up on what our Democratic leader just said. I have to say, as one Member, that I am tired of coming down here and passing these continuing resolutions, in this case for another week, without getting our work done.

The fiscal year began for 2001 on October 1. We do not have a budget. We have the majority of the appropriation bills out there, somewhere, certainly not on the President's desk, that have not been resolved. This Congress, under the Republican leadership, is simply not doing the job.

There is time left. There is no reason why we have to go home or we have to sit here and dilly dally over naming post offices, for example, as the leader said. There are a number of important issues that need to be addressed and that my constituents and the average American care about: health care needs, a patients' bill of rights.

The Republican leadership keeps talking about how they want to deal with the HMO abuses, but we do not see any legislation coming forward that would solve the problem and get something done so that those people who are being denied care or who are being denied a particular operation or are having problems with access to health care have their problems addressed.

We see the Republican presidential candidate talk about prescription drugs, but there is nothing happening here in this Republican Congress to address the problem of prescription drugs. The Democrats have put forward a Medicare prescription drug proposal that would guarantee that every senior citizen, every disabled person would get their prescription drugs under Medicare; but we do not see any action here. The Republicans are in charge. They do not bring this legislation up. They do not sit down in a conference and try to resolve it so that we can actually accomplish something so that our seniors have access to prescription drugs.

Certainly on the education issue, I think the most important for many Americans who are worried about their children and their children's ability to get a quality education in the public schools, the Democrats have put forward proposals saying that we want to spend some money for school modernization, to reduce class size by hiring more teachers, but the Republicans do not respond. Let us get our work done.

We have proposals out there on education. We know that the public schools need help. We know that our local towns need some extra funding in order to upgrade their schools; or if they are having overcrowded classes, to build new schools. We know that by reducing class size kids get a better education and they are functioning in a more disciplined environment; yet the Republicans refuse to bring this up.

I am telling my colleagues again, as just one Democratic Member, I will not vote for these continuing resolutions for a week any more unless the Republican leadership is willing to come down here, get the work done, and pass these appropriations bills and bring up the health care and education initiatives that the people want. We should simply stand here as Democrats, and any Member, saying that we want action. It is not enough to just talk. We want action, and there is still time to do it and work it out in a bipartisan way.

Mr. OBEY. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, as I said several times before, the problem with these continuing resolutions is not necessarily the time that is being taken. There have been other Congresses that have not finished their work on time either. But the question is will we do the really important things that we need to do with that additional time, important things that we should have done a long time ago.

It is true that over the next week we will pass a few additional appropriation bills. After long delay, we have now reached agreement on some of those bills, so a lot of the controversy has been leached out of them. But in the end, we still face a couple of facts. We face the likelihood that if the House proceeds in accordance with the majority's plans, we will wind up having

passed appropriation bills about $45 billion above the level provided in the original budget resolution which the majority party adopted and which has governed virtually all of the turmoil that we have had over the past 9 months on budget issues in this House.

□ 1100

It appears that we will also wind up approaching some $18 billion to $20 billion in spending above that requested by the President, much of it for congressional priorities and congressional projects; and yet, as I said earlier, we will not have responded to the major needs still before us in the area of education, we will not see a real prescription drug benefit passed for the American people, and we will not see a meaningful Patients' Bill of Rights passed.

We do not want to see this Congress take action on those issues just because they are individually important. We want them all to be dealt with seriously and positively because they are all a necessary part of strengthening the fabric of American society and making this a society that we can all be just a little bit more proud of.

We hear talk about the ''end game'' for this session. Reporters ask me every day, what is going to happen with the end game? What is the end game?

I would point out that, for the people we are supposed to be helping, this is no game. It is no game for parents who send their children to falling down schools, overcrowded classrooms, in some cases teachers inadequately prepared for the subjects that they are supposed to be teaching and with no place where the kids can safely go at the end of the school day because the school day does not coincide with parents' workdays.

That is no game. That for those parents is a serious, serious problem that deserves addressing by this Congress.

It is also no game when you run into the senior citizens who I have run into, single women for instance, widows, who may be making about $20,000 a year in retirement on a fixed income but shelling out 12 to 14 thousand dollars of that for prescription drug costs. Those are real cases. And to them this issue also is no game. And they would, I think, like to think that, with this extra time, we would be producing meaningful action on those items. But I do not see the prospect of that happening given the agenda of the majority party, and that is the real futility in continuing to pass these continuing resolutions.

So, as I said, in order to keep the Government open, we will support this, but no more resolutions of more than 1 or 2 days. If I had my way, we would not pass anything more than a 1-day continuing resolution for the rest of the year if the work is not done by the time this resolution expires. And I do not expect it to be.

So I want to put the majority on notice that we are going to have to operate on a very different set of rules around here if we are going to get things done and get the right things done so we can go home with a straight face and say we have done some really important things for the American people.

Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Wisconsin (Mr. OBEY) has 5 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield the balance of the time to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the distinguished ranking member for yielding me time. I regret that I was late getting here to speak.

I reiterate my respect, affection and empathy for the chairman of the Appropriations Committee, who has tried to get this process going. During debate of the last two CR's, I talked about that and made similar comments. I am not going to spend so much time on the appropriations bills. We are late. We have been late in the past, as I am sure the chairman has observed earlier.

I rise today at the occasion of the passage of this CR to lament the fact that not only have we not completed the appropriations bills, which I know that the ranking member has spoken eloquently about already, but we have some outstanding critical agenda items that have been discussed in the two Presidential debates and the Vice Presidential debate. There has been a lot of talk about how we are going to work together and how we are going to have bipartisanship so that we can have action.

There has been a lot of talk about the fact that we have not accomplished certain objectives over the past few years. I lament the fact that we have not accomplished those objectives, as well. In my opinion, we have not accomplished them because we had leadership and a majority in this House that did not want to accomplish them.

The Patients' Bill of Rights. We passed a bipartisan Patients' Bill of Rights. Not only has the appropriations process been languishing, but Patients' Bill of Rights has been languishing, unpassed, unsigned and, as a result, unhelpful to the American public.

Prescription drugs. The debaters say they are for prescription drugs. Some debaters say, well, why have you not gotten it done? Well, for the same reason we have not gotten the appropriations bills done and we need a CR, because the majority party has not moved them forward.

We want prescription drugs under Medicare for every senior guaranteed them. And by the way, no government HMO, as some ads and the statement of the chairman seem to reflect. We have not passed a prescription drug bill, just as we have not passed the overwhelming majority of the appropriations bills. Why? Because the majority has not sent them to the President for signature.

Education, on everybody's radar screen, is the number one issue in America because the public knows that educating our children is critical to the future of our Nation.

The President stood, Mr. Speaker, on the dias in front of us and said, we need to provide more classrooms, we need to provide more teachers, and we need to provide smaller classes, particularly for our young children in kindergarten to third grade. Why? So they can compete in a world-class economy and be world-class citizens.

Both candidates talk about that. But the Labor-Health bill still languishes with those provisions. Why? Because the majority has not come to grips with passing legislation to ensure there is school construction funding for more classrooms, safer classrooms.

We have not provided for the additional teachers that the President asked for in January. Here we are 9 months later. Why? For the same reason the appropriation bills languish and have not been signed by the President of the United States.

Yes, the President has vetoed one appropriation bill. He sent it back to Congress. That bill is now pending passage in the Senate. But most of these bills have never gotten to the President, not because of the chairman, but because the other side has not come to grips with exercising its majority to pass the needed legislation.

So whether it is Patients', whether it is prescription drugs, whether it is more classrooms for our children and more teachers so that to ensure a quality education, those bills have not been passed. Yes, I will vote for this CR. And, like the ranking member, I will implore our majority to make sure that the next CR is for 1 day only so that we get our work done. We must press forward not only with these appropriation bills but with the critical agenda put before us by the President of the United States 9 months ago.

Mr. Speaker, let's hope that the third time is a charm. Let's hope that this third continuing resolution gives us the time we need to finally complete our work on the fiscal year 2001 appropriations bills.

Let's hope the majority leader, Mr. ARMEY, is correct when he says that we are within ''an inch or two from closure'' of the appropriations process.

Because from where I'm standing—and I think the vast majority of members might agree with me on this—we've still got a mile to go, it's an uphill hike, and we've got legislative riders dragging us back down.

The President has signed only three appropriations bills into law.

He is expected to sign two others—agriculture and transportation. But that leaves eight bills undone, including energy and water, which was vetoed.

Now, I appreciate the Majority Leader's optimism. You might call it irrational exuberance. However, I think most Members of this body tend to agree with my friend from South Carolina, Mr. SANFORD.

He is quoted in Rollcall this morning as saying: ''Anarchy reigns at the moment. Nobody is quite sure what comes next.''

Over on the other side of Capitol Hill, Senator MCCAIN didn't mince words either. He commented: ''It's just what I predicted—the biggest train wreck in history.''

Mr. Speaker, as I've said repeatedly, the blame for this budget debacle does not lie at the feet of the Chairman of the Appropriations Committee, my friend Mr. YOUNG. I empathize with the Chairman. He has done a very good job under trying circumstances.

But his hands have been tied in this process, specifically by the GOP's unrealistic budget resolution that made a mockery of our appropriations process this year.

And today, we're living with the fallout.

As my friend, Mr. SPRATT, the ranking Member of the Budget Committee, noted earlier this week, this Republican Congress—which pretends to be fiscally disciplined—has already appropriated $10.6 billion more in budget authority in five bills sent to the President than the President requested for those bills.

Our sticking point continues to be the substantive riders, which are a staple of GOP budget strategy:

Barring the EPA from issuing stricter limits on arsenic levels in drinking water;

Preventing the EPA from requiring polluters to clean up the contaminated sediments that they have deposited on river bottoms; and

Blocking the Interior Department from imposing new environmental controls on the hard-rock mining industry.

I completely agree with Chairman YOUNG, who was quoted on the hill yesterday as saying: ''The thing that is holding us up are the non-appropriations issues that should have been taken care of in authorizing committees. If we only dealt with appropriations issues, we would have been finished.''

Yes, we would.

But instead we are in a situation where the majority whip, Mr. DELAY, says he doesn't ''have a clue'' when we will adjourn. This morning, he is quoted as saying that this budget fight could ''go to the end of October. It could go up to November 6.''

Mr. Speaker, the Republican majority has shown time and again that it would rather block than lead. On a patients' bill of rights. On a Medicare prescription drug benefit. On a minimum wage increase.

The American people have a right to demand more than the bare minimum.

And, with yet another continuing resolution, this Republican majority proves that it can't even give them that.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I am really interested in this lengthy debate about all kinds of things other than the CR. I appreciate the support that has been indicated for passage of the CR because we need to do this. It will give us the additional time that we need to complete the work.

But I want to remind my colleagues, who are my friends, Mr. Speaker, the House did its job. Three months ago we completed our work on the appropriations bills. But that is only part of the process. The other part of the process is reconciling the differences between the House and the Senate. That is the constitutional system. And then we have to reconcile the differences between the Congress and the President.

Now, we have seen the President sign some of our appropriations bills and we have seen him veto an appropriations bill, and we worked with the administration closely to try to repair that bill to the point that he would be willing to sign it. And I think in a matter of several days that will happen and we will have the opportunity to pass that legislative package back to the President.

The minority party and the majority party at the Member level and the staff level have worked together. They have been at the table at the staff level and Member level on all of these issues between our body and the other body and including the White House. We had representatives from the Clinton-Gore administration sitting with us to try to work out the differences. And, Mr. Speaker, there have been many differences. But slow but sure, we are resolving those differences.

But I am not going to take the time to respond to all of the political statements that we have heard today because I listened to the very distinguished minority leader, the gentleman from Missouri (Mr. GEPHARDT), stand there in the well and appeal for a bipartisan, work-together attitude.

Well, I am all for that. And I think that the gentleman who just spoke would admit that my entire effort here as chairman is to work together with both parties to get the best product that we can get. So I want to stick with the gentleman from Missouri (Mr. GEPHARDT).

I am not going to become partisan. I am not going to be political. I am just going to say we need to pass this CR today and we need to get serious about resolving these differences that exist between the Congress and the President.

And then I would like to close on this thought, Mr. Speaker: It is not that I do not enjoy a good political debate, because I do. I really like politics. And outside of the House, where we are here to do the people's business, people above politics, back in the campaigns I really enjoy the political debate and the political exchanges. But I am in a different mood today. Because early today, America came under attack from terrorists.

An American naval ship was attacked by a suicide mission that blew a gaping hole in the side of the USS *Cole*, an *Arleigh Burke* class destroyer. It flooded the main engine room. At least four American sailors lost their lives. There are 12 additional sailors missing or unaccounted for, and there are more than 30 wounded. Some of them are critically wounded.

America came under attack from terrorists. It is time that we try to put aside as much of the partisan politics as we can and come together recognizing that America, Republicans and Democrats and Independents and whatever the parties might be, America came under attack today and we cannot stand for that. We have got to make it known to the world that we are not going to allow our country, our military, our sailors who are on board those ships to come under attack and not respond.

And so, that is my mood today, Mr. Speaker. I want to get this CR out of here so that we can get to the people's business.

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

Mr. YOUNG of Florida. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I want to associate myself with the remarks of the chairman, who is one of the real leaders in our House and in this Nation on defense policy.

We lament the loss of those four brave sailors. We pray for the injured, the missing, and for their families. And we reiterate what the chairman's sentiment that there will be no division, there will be no partisanship, there will be no disagreement on standing together in defense of our forces around the world to maintain freedom and peace.

I thank the gentleman for his comments and join with him in that sentiment.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments. And I know what is in his heart. The gentleman and I have been friends for a long time and have had some differences but a lot of agreements. I appreciate the comments that he just made. Because when America comes under attack, it is time for all of us to come together to recognize that attack and do what has to be done.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 627, the joint resolution is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 2, not voting 23, as follows:

[Roll No. 527]

YEAS—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
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 (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
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
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
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Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
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Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Baird
DeFazio

NOT VOTING—23

Baca
Boucher
Campbell
Eshoo
Forbes
Franks (NJ)
Green (TX)
Horn
Kaptur
Klink
Lazio
Maloney (CT)
Martinez
McCollum
McIntosh
Meehan
Mica
Nadler
Oxley
Reynolds
Stark
Talent
Wise

□ 1135

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MALONEY of Connecticut. Mr. Speaker, I was unavoidably detained during rollcall vote No. 527. Had I been present I would have voted "yea."

Mr. HORN. Mr. Speaker, on rollcall No. 527, Further Continuing Appropriations for FY 2001, I was on legislative business and was not able to make the rollcall. Had I been present, I would have voted "aye."

Mr. MICA. Mr. Speaker, on rollcall No. 528, I was unavoidably detained. Had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Ms. DANNER. Mr. Speaker, I was absent for rollcall votes 522, 523, and 524. The reason is somewhat obvious, I think. I spent that time in the emergency room.

Had I been present, I would have voted in favor of rollcall votes 522, 523, and 524.

## CONFERENCE REPORT ON H.R. 2415, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 624 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 624

*Resolved*, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

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

Mr. Speaker, the resolution before us provides for the consideration of H.R. 2415, legislation that will reform our Nation's bankruptcy laws. This rule waives all points of order against the conference report and against its consideration. The rule provides that the conference report may be considered as read.

The underlying legislation is important legislation that fundamentally reforms the existing bankruptcy system into a needs-based system. I am very proud of the tireless efforts of the Members of both the House and the Senate who have worked to reach this bipartisan agreement to ensure that our bankruptcy laws operate fairly, efficiently and free of abuse.

There is a strong support for bankruptcy reform. The House version of this bill passed with more than 300 votes earlier this year. The Senate passed their version with 88 votes. There is a great need for this legislation. A record 1.42 million personal bankruptcy filings were recorded in 1998. This is a stunning increase of 500 percent since 1980. Despite an unprecedented time of economic prosperity, low unemployment and rising disposable income, personal bankruptcies are rising, costing over $40 billion in the past year.

Without serious reform of our bankruptcy law, these trends promise to grow each year costing business and consumers even more in the form of losses and higher costs of credit.

Mr. Speaker, the bankruptcy reform that we will consider is based upon two important tenets: number one, the bankruptcy system should provide the amount of debt relief that an individual needs, no more and no less; and, point two, bankruptcies should be the last resort and financial crisis, not the first resort using it as a financial planning tool.

A record 1.4 million personal bankruptcies were filed in 1998. That is one out of every 75 households in America.

The debts that remained unpaid as a result of those bankruptcies cost each American family that did pay their bills over $500 a year in the form of higher costs for credit, goods, and services. Unfortunately, the debt was eventually passed on to consumers last year and the cost to consumers is what bankruptcy filers have added on to the system.

□ 1145

That is why it is so important that we pass real bankruptcy reform.

Opponents of this bill have tried to divert the discussion away from the merits of the bill, and to claim that it would make it more difficult for divorced women to obtain child support and alimony payments. However, nothing could be further from the truth. This bankruptcy reform bill protects the financial security of women and children by giving them a higher priority than under the current law.

The legislation closes loopholes that allowed some debtors to use the current system to delay or evade child support and alimony payments. The bill recognizes that no obligation is more important than that of a parent to his or her children.

Currently, child support payments are the seventh priority, behind such things as attorney's fees. Make no mistake, this bankruptcy bill puts women and children first, well ahead and at the top of that list. We should provide greater protection to families who are owed child support, and this bill will do just that.

One important part of this legislation is known as the homestead provision. Protection of one's home is something that is very important to myself and my constituents in Texas. The homestead provision in this legislation maintains the long-held standard that allows the States to decide if homesteads should be protected, yet stops these purchases or purchase of a home before filing bankruptcy as a means to evade creditors.

The bill also addresses other problems, including needs-based bankruptcy. The heart of this legislation is a needs-based formula that separates filers in Chapter 7 or Chapter 13 based upon their ability to pay.

While many families may face job losses, divorce, or medical bills and therefore legitimately need the protection provided by the bankruptcy code, research has shown that some Chapter 7 filers actually have the capacity to repay some of what they owe.

The formula directs into Chapter 13 those filers who earn more than the national median income, which is roughly $51,000 for a family of four, if they can pay all secured debt and at least 20 percent of the unsecured non-priority debt.

This bill recognizes the need for customer education and protection. It includes education provisions that will ensure that debtors are made aware of their options before they file for bankruptcy, including alternatives to bankruptcy such as credit counseling, and the bill cracks down on bankruptcy mills, which are law firms and other entities that push debtors into bankruptcy without fully explaining the consequences.

The bill also imposes new restrictions and responsibilities upon creditors with the goal of preventing borrowers from getting in over their heads. For example, the bill requires creditors to disclose more about the effect of paying only the minimum payment, and establishes new creditor penalties designed to encourage good-faith pre-bankruptcy settlement with debtors.

I believe Congress has a special responsibility to address this issue and to ensure that our bankruptcy laws operate fairly, efficiently, and free of abuse.

Mr. Speaker, this conference report meets those two tenets I mentioned earlier. It allows those who truly need a fresh start, and compels those who can pay back part of their debt to do so.

I urge my colleagues to support this rule and the underlying legislation.

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

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

Mr. Speaker, I support passage of bankruptcy reform, and so, in order for it to pass before the adjournment of the 106th Congress, I will vote for this rule and for the conference report.

But the reason the Republican leadership has been forced to resort to this kind of parliamentary game is because the Republican majority in this Congress has left unfinished the agenda that matters most to the people of this country.

It is October 12, Mr. Speaker, and there is not an end in sight to this Congress, and there is little hope left that the real American agenda will be finished. Thus, in order to pass legislation which has overwhelming bipartisan support, the Republican leadership has resorted to using tricks and games, rather than regular order.

Were this situation not so sad, Mr. Speaker, it would be laughable. Mr. Speaker, for 2 years Democrats in this body have asked the Republican leadership for the opportunity to address the issues that matter most to Americans: real Medicare prescription drug coverage, real help for America's schools, a real and meaningful Patients' Bill of Rights, an increase in the minimum wage, campaign finance reform, saving social security and Medicare, paying down the national debt.

These are real issues that matter to real people. But in those 2 years, what have my Republican colleagues done? They have brought forward legislation that does everything but what the American people want. When the Republican leadership's position has been soundly defeated on a bipartisan basis, they have simply shelved the wishes of the bipartisan majority in this House.

For example, in August of 1999, the House passed a real Patients' Bill of Rights, a bipartisan Patients' Bill of Rights, passed it by a vote of 275 to 151. It took the Speaker until November 3 of 1999 to appoint conferees. When he did, he failed to appoint a single Republican conferee who supported the bill that passed the House, not a single one.

Today that conference has still not reported back to either the House or Senate. The Patients' Bill of Rights sits on a shelf.

In September of last year, the House passed a bipartisan campaign finance reform bill by a bipartisan vote of 252 to 177. That bill has also disappeared into the legislative dustbin of the 106th Congress.

The Democrats in this body, as well as in the Senate, have repeatedly asked for further consideration of that legislation. But our requests have gone unanswered.

Mr. Speaker, yet another meaningful bill sits on the shelf in the Republican leadership's closet. We asked that the House consider legislation that would give seniors a real Medicare prescription drug benefit, but we were prevented from getting a vote on the Democratic version of the bill.

We have asked that the Congress consider legislation which would provide more well-trained teachers for schools across the country in order to reduce class size. We have been ignored. We have asked for a clean vote on increasing the minimum wage, and our Republican colleagues loaded up the bill with tax cuts that would benefit the wealthiest while begrudgingly offering a $1 an hour over 2 years wage increase for Americans who are at the very low end of the income scale.

We have asked repeatedly for this Congress to consider issues that really matter to real Americans, the people who pay mortgages, who pay rent, who make car payments, who send their children to school, that they want to be safe.

But we have been ignored, Mr. Speaker, so we find ourselves in this situation today. While the House has rules which regulate how and when legislation and amendments can come to the floor, the other body does not. As a consequence, the refusal of the congressional Republican leadership to consider real legislation that would mean something to real Americans, the refusal of the congressional Republican leadership to sit down and work on a bipartisan basis with the Democrats in the House and Senate and with the President of the United States, has resulted in the need to play these kinds of legislative games we are engaged in today.

Mr. Speaker, I have long supported reform of our bankruptcy laws. I support this conference report. It will allow Americans who need a fresh financial start to get one, but it will also prevent those who have indebted themselves and who are able to pay those

debts from just walking away from their obligations.

This bill affords new protections for consumers by requiring that credit statements include more detailed disclosures. It protects the homes of individuals who live in States with homestead exemptions, but not those who move there simply to claim the exemption in a bankruptcy.

It gives permanent Chapter 12 relief to farmers.

Mr. Speaker, many Members are concerned about the process. Quite frankly, I share their views. It is not proper that the House should be considering this important legislative reform within a shell of a bill that has already been passed and signed into law.

But given the hour, given the inability of the Republican leadership to manage the business of this House and the Congress any better than it has in the past 6 years, I will reluctantly vote for this rule so we may at least pass some meaningful legislation before the end of this Congress.

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

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

Mr. Speaker, I, too, would like to have this House not only consider important pieces of legislation, as we are doing today, but also, as the gentleman from Texas has outlined, that there are a good number of things that we have yet to do that have not been done, just as we have not seen the ability to take social security to a lockbox that is being held up in the Congress of the United States because of the Democrat party.

There are frustrating things that are occurring every day. The fact of the matter is, and I would remind my colleague, we are working together. We are going to continue until we have resolved the differences that we have. This is part of the bipartisan approach, but the fact of the matter is that rather than us sitting here and bickering, we need to get our job done on this important piece of legislation that has been passed numerous times.

Mr. Speaker, I will once again remind my colleagues, this bankruptcy reform passed with more than 300 votes from this body. I am proud of the work that we are doing. We have not gone home, we are working together feverishly, not only among our House colleagues but also with the other body and our colleagues there, as well as the White House, on things that are of great importance not only to America but to families and to Members of Congress.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman for yielding time to me, and for his help in bringing this very important piece of legislation to the floor. I rise in strong support of the legislation and the rule on this conference report.

Mr. Speaker, I want to particularly commend the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law of the Committee on the Judiciary where this legislation originated, because he has been working on this legislation for years now trying to break the gridlock that has kept this very, very important reform of our bankruptcy laws from being signed into law.

I think we are now getting very close to accomplishing that if we can get this conference report passed today, as I am confident we will, with the same kind of overwhelming support, bipartisan support, that we have already had.

Our bankruptcy laws are in grave need of reform. We are at very, very high levels of bankruptcy filings in this country, and part of this problem is that all of the incentives exist for people to file bankruptcy and none of the responsibilities for people to consider the consequences of their actions and to pay something when they indeed have the ability to pay a part of those debts.

The reason for that is that today a debtor has a complete opportunity to choose whether they have a Chapter 7 bankruptcy, where they can file all of their debts and discharge them and walk away, or a Chapter 13 bankruptcy, where they are required to make payments.

This legislation reforms that in a very, very important way by allowing people who are responsible consumers to not have to bear this debt themselves. That is what happens today. Every time a bankruptcy is filed, all of those consumers who are responsible, who pay their payments on a monthly basis, who keep good credit ratings, are picking up, in the increased costs of goods and services, in the increased costs of consumer and other types of loans, the difference in the cost of all of those people who file bankruptcies who could make some payments.

This bill is reasonable in its approach. People who make less than $50,000 a year will not be required to participate in what are called mandatory Chapter 13s, but people with significant income but who do not have a lot of other assets and therefore are not worried about filing a Chapter 7 because they are not worried about those assets being taken by a bankruptcy creditor or the trustee to sell and distribute to the creditors right now have the ability to do that and walk away. They should not be able to do that if they are able to pay a portion of those obligations. This will be a significant reform in the law to do just that.

Mr. Speaker, I just want to make the point that this legislation helps protect people who are receiving child support payments by increasing the priority level of protection for those folks.

This is important legislation. I thank the gentleman from Pennsylvania for his leadership and his perseverance on this issue. I thank the gentleman from Texas for bringing forward this excellent rule, and I hope that people will support both the rule and final passage of this conference report.

□ 1200

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule, and I am going to try to shield as best I can my absolute disappointment, indeed outrage, at the process by which this bill has come to the floor and at the rule under which it is coming to the floor. And if the Members would just kind of put themselves in my position, perhaps they will understand the outrage that I feel about the process.

I am a member of the subcommittee of the Committee on the Judiciary that considered the House bill for bankruptcy. I sat through almost all of the hearings, discussions, the markups in the subcommittee. The bill then went to the full committee, and I sat there and dealt with the bill.

Then the bill came to the floor, and it passed the House. Then all of a sudden, yesterday afternoon conferees were appointed who never met and out of the shadows of the back room, a bill emerges and gets substituted in the place of a State Department authorization, so that a bill where we thought we were going to debate American embassy security and State Department matters ends up being a bankruptcy bill, and then the Committee on Rules then turns around and waives all points of order against the bill.

What are we as members of the committee supposed to think under those circumstances? Notwithstanding the substance of the bill, we cannot even get to the substance of the bill when the House is being operated in such a sinister and backhanded way, when the authorizing committee and the committee that is supposed to consider the substance of the bill gets cut out of the process.

The conferees never get an opportunity to meet to discuss what is going to be brought to the floor. How should we as members of the committee feel other than disappointment and outrage? And I think we ought to send a resounding message to the leadership here that this process is unacceptable.

We ought to vote this rule down, and then we can talk about the substance of the bill, which I have some reservations about, too. But right now, we are talking about the process by which this bill got to the floor, and we should all be outraged.

We should not be here considering a bill that brings itself here as an embassy security matter, as a State Department authorization bill and ends up being a bankruptcy bill which has nothing to do with the title of the bill that we are considering. We should be

outraged by this, and we should not conduct this body like this.

Mr. Speaker, I ask my colleagues to oppose the rule and let us at least send this bill through the regular process and get some regular order in this House.

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

Mr. Speaker, I would like to forthrightly address the issues that have been talked about, the outrage from my colleagues on the left. The process that we are going through was done in the light of day. It was a bipartisan agreement. It was initiated on behalf of the Senate.

I have the signature of one of the most distinguished Members of the United States Senate who happens to be a Democrat, who fully supported, not only this process, but agreed that this should be a way that we should get this done.

Bankruptcy reform is important for us to do, and I am proud that Members from the other body forthrightly approached the issue.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for his explanation. I think the one difference or the one response to the gentleman's point is that yesterday, I believe, the House voted enthusiastically for there to be an open conference with full opportunity for presentation or viewing by the public and media present. I do not believe in the last 18 hours, I do not even think it has been 24 hours, that we have had that to occur, that a conference opportunity has happened. Now the bill is on the floor, for a vote.

Mr. SESSIONS. Mr. Speaker, reclaiming my time, I have great respect for what the gentlewoman from Texas (Ms. JACKSON-LEE) talks about. It would be untruthful to suggest this was not a bipartisan agreement. It is a bipartisan agreement on a very important piece of legislation, and I believe that the truth should not be held hostage on this issue.

Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, I was intrigued by the opening statement of the gentleman from Texas (Mr. FROST), who with my gratitude, asserts that he is going to support the rule and the bill to bring to fruition our efforts on bankruptcy reform.

But then he went on to, in a sense, modify his own position by saying that, implying that it is not important to the American people like the matters which the minority have obstructed, like patients' bill of rights, like they have obstructed versions of Medicare reform, like they have obstructed other things. Those things are more important to him, implying that this is not important to the American people.

Let me tell my colleagues this, everyone should recognize that the consumers of our country, the private citizens, the families of our country are affected by bankruptcy. When someone files bankruptcy, the price paid for goods at the supermarket, for the cereals and the oranges and the beefsteak, all of those are subject to price rises because someone has failed to pay a debt, and that has to be made up by the general consuming public.

Mr. Speaker, not only that, but when someone goes bankrupt and a consumer, an average citizen, wants to buy an automobile and contracts to pay over a period of time, the interest rate that he pays, or she, for that automobile is impacted by a bankruptcy, which potentially makes that interest rate rise in cost.

So the consumers are hurt in just two ways that I mentioned: one, prices at the supermarket; and, two, interest rates for goods that the family requires, like an automobile or a refrigerator.

Are not those bankruptcies harmful to the consumer, to the people of our country? That is why we were able to get 313 votes in the House, because the people who represent the consumers back home voted in favor of bankruptcy reform, to make it possible for some of this debt to be recovered, where it can be recovered.

Furthermore, what about the consumer who is also a taxpayer, the taxpayer-consumer, and they are inextricably intertwined in most cases in our country, suffers when someone files bankruptcy, because the taxing authorities, like the State or a school board or a township or some municipality in their inability to recover monies from someone who is declared bankrupt, that means that that uncollected tax from an individual has to be spread among everybody else?

All of a sudden, we have the consumer-taxpayer having to pay additional taxes. We have the consumer paying extra for the cereal, extra for interest rates to purchase an automobile, and extra monies to make up for losses by a taxing authority from someone who has gone bankrupt and has put into that pot, under today's law, the taxes that he owes to a particular entity.

What happens if there is a shortfall of the school district's taxes by $10,000, shall we say, that someone has failed to pay and gone bankrupt to try to avoid? Where do they make up that $10,000? That is correct, from the pockets of the consumer taxpayer.

So I say to the gentleman from Texas (Mr. FROST) that he is correct in voting for the rule. He is correct in voting for the conference report, and he will have to understand and perhaps acknowledge that the people of our Nation will also be benefited from the bankruptcy reform at our hands here this afternoon.

Mr. Speaker, I ask every Member to keep in mind the two themes of bankruptcy reform, each one of which is supremely important: the first is that every single soul who files bankruptcy who needs a fresh start so overwhelmed by debt, so burdened by the obligations that there is no way out but bankruptcy, that person is guaranteed a fresh start under this bankruptcy reform bill. That is extremely important.

Then the other balancing feature is that those individuals who file bankruptcy who have an ability to repay some of the debt over a period of time will be compelled to do so with the mechanism that we place in the bankruptcy reform bill.

With those two balancing features, there is no reason why we cannot match the 313 votes by which this legislation passed the last time it was presented to the Members of the House.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I take the opportunity to correct the gentleman from Pennsylvania (Mr. GEKAS), my good friend and colleague, the chairman of the Subcommittee of Commercial and Administrative Law, and offer to say to him that this is a travesty. It is hypocrisy. Let us call it what it is.

We hope that those of us who disagree will have the opportunity to represent our constituents, represent Americans in this debate. Yesterday we were on the floor of the House, and we asked simply to have a conference committee that would be open and that would have a meeting and that would have the opportunity for the public to be present, so we can see whether this is really reform or a sham.

We did this at 6:22; the House voted almost unanimously. At 8:20 p.m., this conference report was sealed, signed, and delivered. I might say it might not have been signed. I have lived with this issue for almost 4 years, and I am gratified to say that because of the economy, bankruptcies have gone down. There is not the crisis that we thought there was some years ago.

In addition, the bankruptcy judges and trustees oppose this legislation. It is not reform. Interestingly enough, as we look at what this legislation says, even the bankruptcy commission did not agree for means testing. What does that mean? That means before you can file bankruptcy, good hard-working citizens, senior citizens who have catastrophic illnesses, divorced individuals who have fallen upon hard times, you must submit data to be determined whether you can even go into court. It is called a means test, and those hard-working Americans who may have missed the standardized formula, by the way, designed by the IRS, will be

kicked out and cannot even go to reconstruct their lives.

Mr. Speaker, $40 million was utilized to lobby for this law; but yet in States like Texas, where our home is our life and our land, they did not even allow language that states who had their own provisions on homestead could opt out States rights. That is not even in the legislation. So if your parents have lived in a home that has increased in value, but they have fallen upon hard times because of bad health, they cannot even utilize the homestead exemption if, in fact, it is more than $100,000 under this bankruptcy bill.

In this economy we know that has occurred if families have lived in homes for over 40 years. Our divorcees that need child support, in Chapter 13, the child support payments are put in along with credit cards. Can you imagine that? Who is going to be able to be the winner, the child needing child support, the parent who cannot get a lawyer, or the credit card company that says you better pay my credit card debt before you pay child support or alimony?

In Chapter 7, for example, there are no assets, and mostly you pay administrative costs. How will someone pay alimony or child support unless it is isolated?

Let me share with my colleagues what the gentleman from Illinois (Mr. HYDE), chairman of the Committee on the Judiciary, said, ''to say that substituting a reasonably necessary standard, providing some flexibility in determining what a debtor can live on, because what this bill does, it tells you while you are in bankruptcy, you have to be governed by the Internal Revenue Service expenses.'' Can you imagine that?

□ 1215

The chairman says, why are we using the IRS standards? This is the only place in town, this bankruptcy bill, where the IRS is popular.

When he got to the floor of the House and he was arguing about this bill, in the CONGRESSIONAL RECORD on May 5, 1999, the gentleman from Illinois (Chairman HYDE) said, ''Lastly, let me pay my respects to the creditor lobby. They are awesome.''

I only ask that we respect the American people. We know that the American people believe in responsibility. That is what this Nation was founded on. We work every day. We pay our bills. We pay our mortgages.

But I tell my colleagues if one had a catastrophic illness, a tragic accident, which some of my constituents have had, devastating car accident, one cannot work and one falls upon hard times, does one need the IRS telling one what one can live on? Does one need one's house being taken away from one. Does one need the credit card people telling one they are more important than one?

I am voting against this rule, against the bill, and I ask my colleagues to stand up for the American people.

Mr. SESSIONS. Mr. Speaker, may I ask how much time is remaining on both sides, please.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. SESSIONS) has 10 minutes remaining. The gentleman from Texas (Mr. FROST) has 17½ minutes remaining.

Mr. SESSIONS. Mr. Speaker, I appreciate the dialogue from the gentlewoman from Texas (Ms. JACKSON-LEE). I would like to, once again, ask the gentleman from Pennsylvania (Mr. GEKAS) to respond.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. GEKAS).

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

Mr. Speaker, it is peculiar to hear the argument against our provisions on homestead exemption and the modification we made to it. If we do nothing, if we pass no bankruptcy reform at all, the opponents of the current bankruptcy reform say we like the present system, well, the present system is the one against which the President has railed as being one where the rich can go to these homestead exemption States and escape their obligations. He is opposed to that kind of an exemption for the rich.

So now we offer a compromise which preserves the homestead exemption status of the States that employ it and then put into place a reform measure that discourages the rich from shopping to go to a homestead just for the purpose of avoiding bankruptcy.

But now we hear the gentlewoman from Texas (Ms. JACKSON-LEE) criticizing the homestead exemption. Does she want us to stay where we are, to benefit the rich, as the President of the United States has said? That is a salient question.

On the homestead exemption, I think I am going to engage in a colloquy later with people who are interested in the specifics of that, and I will be glad to engage in that. But the other point that the gentlewoman from Texas attempted to make about the stand up for the American people, that is what we did; 313 of us stood up for the American consumer, the people who suffer at the hands of people who go bankrupt and have to pay higher costs at the supermarket and interest rates and the taxes and all of that.

The priorities that we set for women and children are very important and high priorities. The gentlewoman from Texas would say that she is not satisfied with those priorities. She wants what is the current law to prevail here. If that is the case, then she should recognize and we should be truthful about the fact that the current law gives no priorities to that.

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

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Texas for yielding time to me, and I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE. Mr. Speaker, I will not take all of the gentleman's time. I thank the ranking member very much, and I thank him for working on this issue.

Let me just say to the gentleman from Pennsylvania (Mr. GEKAS) I appreciate his work on this bill. But he is inaccurate.

What happens in the discharge of alimony and child support? They are lumped in with credit card debt. It is a big lump of prioritization. What those of us who oppose this bill are asking for is to put credit card debt below that of alimony and child support, which represents real life or death issues in the lives of children and families.

All this bill does is give the single parent, man or woman, with limited resources an opportunity to fight to get child support and alimony. We know who is going to be the victor in that fight against the big credit card companies.

The other thing is, just on the homestead issue, let me be very clear, the language in the conference report does not have the opt-out language that protects State rights to allow them to opt out if they have other homestead exemptions. That is hurting senior citizens who have lived in their home for 50 years and the value of their homes are assessed at more than $100,000 because the value has increased. That is what I am crying out against. This is not reform. This bill is punitive to many Americans.

Mr. CONYERS. Mr. Speaker, as more and more Members begin to examine this, I think the awesome power of the credit lobby is becoming very, very clear. We are making a bill that makes bankruptcy worse. So for the chairman of the subcommittee to be telling us that, because we oppose this bill, we want to go back to the existing circumstance is inaccurate at least for my part. What we want is a better set of provisions than the ones that exist now, and this bill does not contain them.

Mr. SESSIONS. Mr. Speaker, the gentleman from Texas (Mr. FROST), my colleague on the Committee on Rules, indicates he does not have further speakers. I have indicated back that I do have two additional speakers. I am well aware there is an imbalance on time on both sides. I will proceed with that understanding. I will proceed with two additional speakers, then I will offer the gentleman from Texas (Mr. FROST) the opportunity to close, and then I will do the same.

Mr. Speaker, I yield 4 minutes to the gentleman from Del Mar, California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, I was not even going to speak on this issue until I heard the Democrat leadership's partisan attacks which has flowed through these Chambers over the last year.

When one takes a look at the Democrat leadership and their interest to recapture the majority and gridlock this

House and fight against every single thing that we try and do, campaign finance reform was mentioned. The other night when the Presidential debate went forward and Vice President GORE looked at Governor Bush and said, ''would you sign the McCain-Feingold,'' I wanted to jump in the television and ask Governor Bush to ask Vice-President GORE would he sign the Paycheck Protection Act to control the unions. GORE would say no of course.

I went in 18 different congressional districts over the last few weeks. The minimum amount that the union goons had spent against our vulnerable candidates was a million dollars each. But yet my colleagues on the other side, because their campaign coffers are filled by the union bosses, will they do that? Absolutely not.

So when my colleagues talk about campaign finance reform and their extreme rhetoric, no, we will not support those kinds of things.

The Patients' Bill of Rights was mentioned that the Democrats push. It would be so easy for this House to come together. Instead, in an election year, they choose to try to make it a partisan issue. The Patients' Bill of Rights not only has unlimited lawsuits, but unlimited amounts with the intention of killing HMOs. If one kills an HMO, what is left, only a Hillary Clinton government type of health care plan. If one demonizes insurance companies, what is left for prescription drugs? A government-controlled health care system. They say, well, it is under Medicare, but yet the cost would be driven up instead of having insurance.

I had pneumonia last year. My wife is a teacher. I used her insurance. I went down and needed augmentin, and I went to the prescription place, and I got augmentin for a much reduced price. That is an insurance company, but which my colleagues tend to demonize and talk about their patients' bill of rights.

The second aspect of that, they then, the liberal trial lawyers who also fill their campaign coffers, then go down and sue the small businesses with unlimited lawsuits, the people that hire in good faith those HMOs or those organizations to provide health care for their workers. Absolutely not, we are not going to go along with the liberal Democrat leadership agenda.

One takes a look in NFIB and the Chamber of Commerce who produce the jobs in this country they fight it.

Talk about education. Talk about school construction. Why do my colleagues think they want school construction to come out of the Federal Government instead of local, because all Federal monies go down and have to go at the prevailing Davis-Bacon union wage. Again, quote the union boss wage which costs 35 percent more money to build our schools.

Does one think that my colleagues, if we had a bill that said, hey, we will support your construction bill, waive Davis Bacon and the Union wage, and let us put 35 percent more in building schools, but does one think they would do that, no, because it upsets the unions and the money going to their campaign coffers.

It makes me sick on this house floor. Like I said, I had not planned on even speaking on this. In 1993, did you have a minimum wage increase? You had the White House, House and the Senate. Absolutely not.

What did you do? You tried to government control health care, you increased the tax on Social Security, you stole every dime, your leadership took every dime out of the Social Security Trust Fund. AL GORE was the deciding vote on that.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman from California taking time to discuss this with us.

Mr. Speaker, I yield 3 minutes to the gentleman from Addison, Michigan (Mr. SMITH).

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I think this legislation is very important and it is so important that we move ahead and send it to the President. I became interested and concerned with bankruptcy laws when I became chairman of the Michigan Senate Agricultural Committee back in the early 1980s.

Farmers came to me with their frustrations and I note those were tough times for farmers. Farmers came to me with their frustration that they were not allowed to reorganize. They were forced to sell their equipment and then told, well, if you can find a way to pay your way out of this, fine. With out their equipment it didn't work.

I met with my congressman, wrote many others and it was in 1986 that we first came up with chapter 12 to allow special considerations for farmers. In 1992 and 1993, when my son Brad Smith became a law clerk with Judge Edith Jones in Houston, Texas with the Fifth Circuit Federal Court of Appeals. I become more aware of problems with the federal law, talking to my son Brad and Judge Jones. If bankruptcy is to easy lenders raise interest rates for everybody else. Because thru bankruptcy it was too easy for many to get out of paying what they owed somebody else other borrowers are charged more to cover the unpaid bills.

So there must be a balance. One wants to be fair, but on the other hand, one does not want to punish everybody to make it too easy so a few people can declare bankruptcy and not pay what they owe.

I have two bills that I introduced that are now incorporated in this bankruptcy law. One is the child support payments that are owed to local units of government. They have been dischargeable. Now, under my amendment and this legislation they are not.

The other, of course, is making section 12 of the bankruptcy law permanent. In tailoring chapter 12 to meet the economic realities of family farming, this bill has eliminated many of the barriers that family farmers have faced when seeking to reorganize successfully under either chapter 11 or chapter 13 of the Bankruptcy Code.

For example, chapter 12 is more streamlined. It is less complicated. It is directed towards family farmers, not the giants, not the corporation, but family farmers. It provides that they can reorganize in such a way that they do not have to sell their tractors, their plows and their corn planter. It gives them a chance to get back on their feet. Chapter 12 provisions no longer exist in current law. Farmers are not allowed to use these provisions, because they have expired.

This bill, this legislation makes chapter 12 permanent. I hope we move ahead and support this rule and the bill.

Mr. SESSIONS. Mr. Speaker, I have indicated this would be the remaining speakers that we have in line with the agreement that the gentleman from Texas (Mr. FROST) and I had, and I would like to let him know we have now finished our speakers.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member on the committee, and then we are prepared to close.

Mr. CONYERS. Mr. Speaker, I would like to ask the gentleman from Michigan (Mr. SMITH), would he join me in pushing legislation to pass a free-standing bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect? Right now, chapter 12 is being held hostage to this bill.

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

Mr. SMITH of Michigan. Mr. Speaker, I ask the gentleman from Michigan (Mr. CONYERS) to repeat the question.

Mr. CONYERS. Mr. Speaker, would the gentleman from Michigan join me in supporting legislation in a free-standing bill to make chapter 12 permanent should this bill not succeed in the Senate as most expect that it will?

Mr. SMITH of Michigan. Yes, Mr. Speaker. But I certainly hope the other provisions that are so important, such as the discharge of those debts owed in child support, et cetera, somehow need to be corrected. But, yes, I have introduced such a bill. It is very important to farmers. I would hope we would pass the provisions in this bill.

□ 1230

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume to simply state once again, as I indicated in my opening statement, that I intend to vote for this rule and I intend to vote for the bill. We would have preferred that it come up under a regular

procedure; and obviously, we would prefer that other matters obviously be voted on by this House, but I will vote in favor of the rule.

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

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume to tell my colleague, the gentleman from Texas (Mr. FROST), that I appreciate his support. I too would ask Members to vote for this rule.

Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GEKAS. Mr. Speaker, pursuant to House Resolution 624, I call up the conference report on the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 624, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H 9723.)

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

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

It is important, for the purpose of the CONGRESSIONAL RECORD and for the purpose of reenlightening the Members of the House as to the purpose of the mammoth effort that we expended over the last 3 years and more to bring about needed, necessary and cogent bankruptcy reform, to outline the two main theses that apply and on which we banked our experience and our intent to bring about bankruptcy reform. They are worthy of repetition and re-repetition. And every ounce of prevention that we can add to this debate about all those who oppose the concepts that we are employing we repeat and will repeat time and time again.

Everyone and anyone who becomes so flooded with and burdened with and overextended by reason of obligations for a variety of reasons, whether it be divorce or drinking or gambling or overextension of credit in its many different forms, whatever the reason might be that someone became hopelessly indebted and found no reason to do anything except to file bankruptcy, that person, who is so overburdened will find at the hands of the bankruptcy system a fresh start. We guarantee that. That is one of the purposes of bankruptcy from its first usage back in colonial days. The fresh start will be available to every American who needs it.

But by the same token, we cannot permit people to use the bankruptcy system as a mechanism for financial planning for themselves. If we take an objective look at someone's resources, their status in society, their earning power, their status in the financial system of which our economy is a part, if we, upon examination, determine, through the bankruptcy system that we put in place, that there is an ability on the part of this individual to repay some of the debt, albeit not all of it, and not immediately, but over a period of years, then we should compel that individual, through a sympathetic system of transferring that obligation or set of obligations from Chapter 7 to Chapter 13, we should allow that individual to work his way out of that debt. We do not demand that he pay every penny back, but that he return some of the money to the general wheel that keeps our economy going.

It is unfair for such an individual, who could repay, to be absolved of any obligation and then lay his burden at the footstep of every other consumer and taxpayer in the country. Because our country is so wealthy, it is difficult to portray how one bankruptcy that loses in a stream of commerce just $10,000 truly matters. One might say, well, what is that? But that $10,000 of debt unpaid has to be made up somehow in the general economy. And who makes it up? The consumer, the seeker of credit, the purchaser of large items, like automobiles, homes, et cetera.

So this is not an issue that is out there in the ether someplace, that has no connection with everyday living in our communities and the struggles of every family. This touches the heart of the pocketbook of every family. To dismiss it as being a giveaway to somebody or other, or that benefits only one segment of society, one must take a look at individual cases of bankruptcy.

I defy anyone to comment or to assert that our bankruptcy reform crashes down on the poor or the low-income people, when the very threshold upon which the bankruptcy system begins under our reform measure exceeds the median income. Therefore, people under the median income, in whatever quarter in our country, if it is below that standard, there is almost an automatic fresh start accorded that individual when he or she files bankruptcy.

That is a magnanimous view of the low-income stratum of our society. And we say that when that individual from that stratum does find himself or herself overburdened, we are going to help. That fresh start will be available. So I reject contentions that this is a bill biased towards any segment of our society. Rather it is biased, if it is biased at all, towards rectitude, towards balancing the equation in the economy in which we find ourselves.

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

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

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

Mr. CONYERS. Mr. Speaker, this measure imposes indiscriminate means tests to determine the eligibility for bankruptcy relief and the amount a bankruptcy filer is required to pay a creditor. This test does not account for such items as child care payments, most health care costs, and the costs of caring for individuals unable to care for themselves. Further, families will be required to go through a series of means tests to justify their medical bills and other expenses. These standards are so extreme that they have been rejected by the Internal Revenue Service.

So when the chairman of the subcommittee, the gentleman from Pennsylvania (Mr. GEKAS), says that the two themes of this bill is to give people a fresh start and then to have, number two, some accountability for those who can and should pay, this bill flunks the test right from the beginning on both counts. It does not allow for a fresh start, and the accountability is so extreme that we are using standards that even the Internal Revenue Service rejected.

The proposal is highly damaging to a single mother's access to the bankruptcy system. It would treat an individual's credit card debt on the same level of obligation as there is to paying child support or alimony. So, therefore, I would argue that it does not make accountability an important consideration because, as again we see the awesome power of the creditor lobby, they have now elevated credit card obligations to the same level as those for child support or alimony. Now, how that meets theme two is beyond my understanding.

So, therefore, a mother who relies on payments to feed or clothe her children would be competing from the same pool of money as a major credit card company. Thanks a lot, I say to the gentleman from Pennsylvania. That really makes accountability a strong theme in this so-called reform measure.

Next, the business provisions of the proposal will impose harsh time deadlines, massive new legal and paperwork burdens on businesses, real estate concerns and, by design, will lead to premature liquidation and job loss. So much for theme one of the so-called reform and fresh start of the gentleman from Pennsylvania. Thanks a lot. By leading to premature bankruptcy or liquidation and job loss, we are giving folks a fresh start. Well, my colleagues, there is the awesome power of the creditor lobby working again.

Instead of giving businesses a fresh start and a chance to reorganize, this would cripple an organization and defeat the true purpose of a bankruptcy process, even the one that we have now. At the same time, the conference report addresses the alleged rampant bankruptcy abuse by debtors. It gives

next to no attention to the lending industry.

By the way, are bankruptcy filings going up or down? Is there any Member in this body that does not know that they are going down? We have tables to show that the decrease in bankruptcy filings, personal bankruptcy, in the period ending June 30 of this year, ran 8.29 percent below the year earlier levels, and per capita personal bankruptcy rates ran 9.15 percent below the year earlier levels.

So as the bankruptcy courts themselves tell us, the bankruptcy filings are down, not up, according to their figures. So what are we doing here? Well, I think we are genuflecting to the awesome power, as the chairman of the Committee on the Judiciary says, the awesome power of the creditor lobby. So what we have, due to deregulation of credit cards and the resulting deluge of credit card solicitations, is that customer debt has skyrocketed to more than $1.3 trillion.

But what attention do we give to the lending lobby, the lending industry, which has encouraged this? Is there anyone that does not get one or two a week or a month of credit cards that say this card is operative, it is for you; if you need it, use it? They send them to students in colleges in their dorms. They are being flooded with them. So our response to this irresponsible activity of the creditor industry is to say that we are going to make it tough by making it harder to get started again, and then hold at the same level the family's need for their support of children. We are going to elevate the credit card obligation to the same as the ones of people who have families in need.

□ 1245

And so the conference report fails in yet another respect. It fails to require credit card companies to fully disclose the total amount of time it takes an individual to complete payment on a credit card balance if only the minimum is paid.

The conference report also omits an important Senate provision that would prevent protesters found guilty of violence and of harassment at abortion clinics from declaring bankruptcy to avoid paying court judgments.

And so, without such a provision, I say to the subcommittee chairman, we are allowing the abortion bombers to intimidate, maim and kill women without suffering any adverse financial consequence. And so, Mr. Speaker, I obviously oppose the conference reports before us.

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

Mr. GEKAS. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. BRYANT) a former member of our Committee on the Judiciary who, notwithstanding the fact that he abandoned us, I am still willing to yield to him to talk about bankruptcy reform.

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

Mr. Speaker, I do want to thank the gentleman and commend him and other Members and especially the staff who have worked so closely with us over the last 4 years to make this bankruptcy reform a reality. I know a lot of hard work and compromise went into this legislation, and I am confident that the consumers and the creditors will be better off because of it.

In recent years, bankruptcy has truly become a first stop rather than a last resort. In 1998, approximately 1.4 million people filed for bankruptcy, which is the equivalent of more than one in 100 households across this country. This increase in the bankruptcy filings costs the American families, those of us who do not file bankruptcy, on average $400 a year because of these higher prices for their credit and consumer needs that have to be made up because of these filings.

The reform agreement before us today will protect responsible consumers while cracking down on abusive bankruptcy practices.

Now, the object of this bill is to reduce repeat filings and to prevent the gaming of the bankruptcy system, that is running up credit card bills right before they file bankruptcy or filing and dismissing a bankruptcy case and refiling as a stalling tactic. Also, this bill hopes to improve the administration of bankruptcy cases in providing debtors with information about alternatives to bankruptcy such as credit counseling services.

This bill also maintains a needs-based test, a means test so to speak, and it provides safeguards for women and for children and it assists farmers who may be forced into Chapter 7 bankruptcies by extending that particular Chapter 7.

Now, I do want to mention something about this means testing. I sat through a lot of debate this morning on this particular rule and on the general debate and I hear from the other side the opponents, the people who oppose this reform, saying that it is means testing, it is harmful to people who are poor. But then I hear other people from that same side oppose it because it fails to protect the homestead exemption on houses, $250,000 is not enough.

It strikes me kind of strange that we are talking about bankruptcy here and a concern about people who live in houses that have equity of more than $250,000. I think that is an inaccurate figure, too, I might add. Because it is not right that people who file bankruptcy ought to be able to keep houses regardless of how much they have in it or have a value of $250,000.

We have reduced that, in a compromise spirit, down to a $100,000 where it is obvious that they bought the house with the intention of trying to protect their equity and mess over all those creditors out there.

But let me go on to say, too, that I am also pleased to point out that this bill, H.R. 2415, offers my State of Tennessee specific relief by providing additional bankruptcy judges, one in the Western District of Tennessee that is a permanent judge, and a temporary judge in the eastern part of the State.

For example, in the Western District, talking about the tremendous number of bankruptcies cases, we have four judges and it is the highest filing district in the Nation. And we believe these four judges have worked too hard for too long. In fact, when we caseweight the numbers in the Western District based on filings through June of 1999, each judge has had 2,380 cases. And I would point out that 1,500 cases per judge is the level that they should be working at according to their own Judicial Conference.

So by providing this additional judgeship, we can at least reduce their caseloads down to 1,904 cases, still well above the recommended level.

Mr. Speaker, this bill does provide common sense reform and I urge its adoption.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the ranking member very much for yielding me the time. I think he knows how fond I am of him personally and how much I respect his intellect and his heart. But I rise today in support of H.R. 2415 and the much needed bankruptcy reform measures contained in this legislation.

The American people find it unacceptable and inherently unfair that those who do pay their bills have to foot the bill for those who in many instances have the ability to pay but choose not to. It has been conservatively estimated that personal bankruptcies cost every American family $400 per household per year and it takes 15 responsible borrowers to cover the cost of one bankruptcy of convenience.

The system will continue to be unjust if debtors persist in using it as a tool of first resort rather than a tool of last resort when all other financial options have been exhausted.

Clearly, this Nation's bankruptcy system is broken when it enables individuals to avoid paying their debts despite their ability to do so. What this Congress must do is to undertake genuine needs-based bankruptcy reform to require those who have the ability to repay a portion of their debts to enter a Chapter 13 repayment plan while also preserving the historic fresh start in Chapter 7 for those people who have truly fallen on hard economic times.

The goal of our bankruptcy system should be to protect those who need protecting, to provide those who experience genuine and serious financial hardship the opportunity to wipe the slate clean. What we must do is return our system back to its original fair and compassionate mission through a simple legislative fix.

Bankruptcy reform is not a Republican or a Democratic issue. It is a consumer issue. According to a recent National Consumer League survey, 76 percent of Americans believe that individuals should not be allowed to erase all of their debts in bankruptcy if they are able to repay a portion of what they owe. This survey merely reflects the American public's belief that individuals should be responsible for their own action.

This bill would help to remedy the glaring problems of today's bankruptcy system by creating a needs-based system, subject to judicial oversight, which would similarly continue to protect the rights of those citizens who need a fresh start, while at the same time requiring those who do not to meet their personal responsibilities.

H.R. 2415 represents a true compromise product between the House and Senate-passed bankruptcy reform bills. Both Chambers passed bankruptcy reform by strong bipartisan margins. The House passed their version last June by a vote of 314–108 with the support of 96 Democrats. The Senate passed theirs by 83–14.

This bill contains a number of proconsumer items, including a host of new disclosure requirements for credit card companies. Specifically, it requires credit card statements to disclose late payment fees. It also mandates that statements must include a toll free number for consumers to receive estimates on how long it would take to repay their existing balancing by making only the minimum monthly payments.

The legislation also requires improved disclosures on introductory rates and prohibits creditors from closing an account solely if the customer does not incur finance charges.

We need to pass this legislation, and I urge my colleagues to support it.

GENERAL LEAVE

Mr. GEKAS. 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. 2415.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Speaker, it gives me pleasure to yield 5 minutes to the gentleman from Virginia (Mr. BOUCHER).

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

Mr. BOUCHER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me the time, and I want to congratulate him on his fine work in bringing this measure to the floor today.

Mr. Speaker, I am pleased to rise in support of the conference agreement and to urge its approval by the House. With this measure, we bring to conclusion a process that we launched 3 years ago to bring a much needed reform to the Nation's bankruptcy laws.

In an era in which disposable incomes are growing, unemployment rates are low, and the economy is strong, consumer bankruptcy filings should be rare. Contrary, however, to this expectation, there are now more than 1.4 million annual bankruptcy filings, a 40 percent increase from 1996 and a 95 percent increase over the number of filings 1 decade ago.

Bankruptcies of convenience are driving this increase. Bankruptcy was never meant to be used as a financial planning tool, but it is increasingly becoming a first stop rather than a last resort, as many filers who could repay a substantial part of what they owe are using the complete liquidation provisions of Chapter 7 of the Bankruptcy Code rather than the court supervised repayment plans that are provided for in Chapter 13.

The legislation that we bring to the floor today would direct more filers to use Chapter 13 plans. Those who can afford to make a substantial repayment of what they owe would be required to do so.

This is a consumer protection measure. As the gentleman from Virginia (Mr. MORAN) just indicated, the typical American family is paying a hidden tax of at least $400 every year arising from the increased cost of credit and the increases in the prices for goods and services occasioned by the discharge of more than $50 billion annually in consumer bankruptcy filings. By requiring that people who can repay a substantial part of their debt do so in Chapter 13 plans, we will lessen substantially that hidden tax.

Another key point should be made about the provisions of this conference report. The alimony or the child support recipient is clearly better off under this conference agreement than she is under current law. At the present time, she stands number seven in the rank of priority for payment of claims in bankruptcy proceedings. This conference report places her number one. Her priority is elevated from number seven in current law to number one in this conference agreement. Her claim will be first in line for payment, and other provisions of the conference agreement make it easier for her to execute against the assets of the estate of the bankrupt person than under current law.

In May of last year, this reform passed the House by the overwhelming vote of 315–108. A similar reform was approved in the other body by the vote of 83–14. The consensus in support of this reform is broad and it is bipartisan.

I would note that the conference agreement we consider today actually moves in the direction of the bankruptcy filer. It contains a means-testing threshold for the use of Chapter 7 that is more generous to bankruptcy filers than the provision in the House bill. It provides that the filer can still use Chapter 7 if he cannot repay at least 25 percent of his unsecured debt over a 5-year period, and that is after accounting for his normal and necessary living expenses. The House provision was a somewhat less generous 20 percent.

The conference agreement also provides that the filer can still use Chapter 7 unless he can repay at least $6,000 of what he owes over a 5-year period, and that also is after necessary living expenses. And that $6,000 figure over 5 years is compared to the less generous $50 per month over that same period in the House bill.

The conference agreement also contains the credit card consumer disclosure guarantees that were in the Senate bill and assure that consumers have a better understanding of the consequences of only paying the minimum amount on their credit card statement.

□ 1300

I want to commend the gentleman from Pennsylvania (Mr. GEKAS) for his leadership on this and the gentleman from Florida (Mr. MCCOLLUM), who I was pleased to join as the original cosponsor of the first bankruptcy reform that we introduced. I want to commend the gentleman from Virginia (Mr. MORAN) for his excellent work in support of this effort and say that this is a balanced bipartisan measure which will provide a substantial reform and deserves the support of this House.

I am pleased to urge approval of the conference report.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, because my dear friend the gentleman from Virginia (Mr. BOUCHER) whom I tried to get on the conference as a conferee has made a case that on the surface sounds pretty good. But those who are concerned about the payment of alimony and child support have expressed strong opposition to this bill.

Now, why? The proposed legislation does not live up to its billing. It fails to protect women and children adequately. And I think we ought to have a thorough discussion on that part of the report. The child support provisions of the bill fail to ensure that the increased rights the bill would give to commercial creditors do not come at the expense of families owed support. And so what we are saying is that this is a bill that does not improve the status of women and children in bankruptcy proceedings. Absolutely not. That is also why the National Organization for Women is strongly opposed to the measure. The National Partnership for Women and Families is unalterably against this bill. The National Women's Law Center is opposed to the bill. The National Conference of Bankruptcy Institute is opposed to the bill. And one of the main reasons they are opposed to the bill is that contrary to the assertion that it allows a fresh start and a better fresh start than the existing legislation is that it does not. It would raise up the credit card creditor to the same status as those who are seeking alimony and child support

payments, and that is precisely why the women's organizations are seriously opposed to this measure.

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

Mr. GEKAS. Mr. Speaker, it pleases me to yield 2 minutes to the gentleman from South Carolina (Mr. GRAHAM).

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

Mr. Speaker, I, too, would like to echo my congratulations to the gentleman from Pennsylvania (Mr. GEKAS) and all those who have worked so hard to bring this bill to the floor. We are in the last hours of the Congress and I believe we are on the verge of doing something good for the American consumer and business community. This bill is the reaction to a problem. Under the old bankruptcy code, there were people throughout the land running up hundreds of thousands of dollars of debts, making incomes of $100,000, being able to file bankruptcy and walk away from their obligations, leaving a lot of the American business community holding the bag.

This bill has a balance to it. It is going to change the culture of our country. It is going to allow people to start over in a very fair fashion but it is going to ask people, if you can pay, to pay your debts the best that you can. Chapter 7 if you get under that provision, you discharge all of your debts and you basically walk away. This bill is saying, Wait a minute. If your income is such after you take your food, your clothing, private school expenses, necessary living expenses in a liberal fashion and compute it, that if you can afford to pay $100 a month over a 5-year period to your creditors, pay it. Because that is good for the American business community. It is good for the economy. I think it is good for America, to try to get people who owe something to someone else back on their feet without leaving anybody hanging.

I disagree with my friend the gentleman from Michigan (Mr. CONYERS). Child support payments are elevated in this bill. That is the balance that we need. From being seventh you are now first. And you cannot get discharged from Chapter 13 if you file under that chapter if you do not keep your child support payments current. We tell the credit card community, you are just not going to be able to inundate people with free credit. You have to inform them better. There is a debtor's bill of rights that tells people options to bankruptcy and ways to make your payments and try to get people together so you do not have to file bankruptcy.

This is long overdue. This is not only good for our business community, good for consumers, it is going to change our culture. I am proud to have been a part of it. I urge its passage.

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

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

Mr. BENTSEN. Mr. Speaker, I would like to enter into a colloquy with the gentleman from Pennsylvania if I might to understand the homestead provisions in this. The House had adopted my amendment earlier in the proceedings that would have allowed the States to opt out. Now, as I understand it there is a 2-year residency requirement under section 322 of the conference report. So a homeowner who purchased their home and files a petition for bankruptcy within 2 years would be subject to a Federal cap but after that 2 years, would not be subject to a Federal cap?

Mr. GEKAS. If the gentleman will yield, that is exactly correct. The purpose is to say to someone who would move into Texas, if you move into Texas, purchase a property and within 2 years file bankruptcy, you would still preserve a $100,000 exemption but you would not have a total exemption.

Mr. BENTSEN. But after that 2 years you would be under State law?

Mr. GEKAS. After that he is a true Texan and does not have to worry about anything except the State law.

Mr. BENTSEN. The other question is after you have exceeded the 2-year period and you increase the value of your home through addition or property values rise, are you under a new 2-year period?

Mr. GEKAS. No. After 2 years, the person under our provisions and under the intent and under the law generally, after 2 years that individual is a true Texan for all purposes of residency and lives under the homestead exemption laws of your State.

Mr. BENTSEN. And to the extent that one after the 2 years changes residence within the State, the equity they roll over, as I understand it, would be an exempt item under the State homestead law. Would it be additional equity rolled into the new purchase that would be under the $100,000 cap for 2 years or not?

Mr. GEKAS. It would not.

Mr. BENTSEN. I thank the gentleman.

Mr. GEKAS. Mr. Speaker, I yield 2½ minutes to the gentleman from Ohio (Mr. CHABOT).

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

Mr. CHABOT. Mr. Speaker, I rise in support of this very pro-consumer bankruptcy reform conference report. This vital legislation protects individuals and businesses from having to pick up the tab for irresponsible debtors, debtors who are capable of paying off a significant portion of their debts.

This bankruptcy reform bill establishes a clear causal link between a debtor's ability to pay and the availability of Chapter 7 bankruptcy super-discharge. It requires those who can afford to pay their debts to honor their commitments.

Let me emphasize at the outset that individuals who make below the median income will not be forced into Chapter 13 under this bill, although they may still voluntarily choose to file there. What this bill does do is require individuals who make above the median income and are determined to have significant repayment capabilities to file in Chapter 13.

Mr. Speaker, there are people who truly have a legitimate need to declare bankruptcy. No one is denying this. At times hardworking people come up against special circumstances that are beyond their control. Family illness, disability, or the loss of a spouse may necessitate the need to seek relief. This legislation effectively protects these individuals. Too frequently, however, people who have the financial ability or earnings potential to repay their debts are simply seeking an easy way out of repaying debts. While this may prove convenient for the debtor, it is not fair to their friends and neighbors who are ultimately stuck with the bill.

Estimates show that the average American pays as much as $550 per year as a bad debt tax in the form of higher prices and increased consumer credit interest rates to cover the economic costs associated with the excessive bankruptcy filings of others. Nationally, consumer bankruptcies reached a record 1.4 million in 1997 and those numbers have remained high. What makes these statistics particularly alarming is the fact that this trend began in 1994 during a time of solid economic growth, low inflation and low unemployment, during an unprecedented peacetime boom in our economy.

The primary culprit of this dramatic increase in bankruptcy filings is a system that allows consumers to evade personal responsibility for their debts. Under this legislation, individuals who can pay their debts will be moved to Chapter 13 where they will be given a generous 5 years to establish a fair repayment plan and get their financial houses in order.

I would like to take this opportunity to thank the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Florida (Mr. MCCOLLUM) for their leadership in this area, and I urge its passage.

Mr. CONYERS. Mr. Speaker, I am happy to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding time and for his leadership.

Mr. Speaker, it is with great regret that I come to the floor in opposition to this bill. I supported this bill when the House first voted on it. Unfortunately, the majority has taken a bill in which I thought we had made good progress and chosen to railroad it through the House without really holding a conference and by tying it to a totally unrelated embassy bill.

Furthermore, I appreciate the comments and would like to be associated with the gentleman from Michigan's comments about the many leading women's organizations that oppose the bill. Also, the majority has deleted a critical provision that Senator SCHUMER added to the bill. This provision prevents those who commit acts of violence at reproductive health clinics from escaping paying penalties for these actions. Clinic bombers should not be allowed to excuse penalties assessed on them by the courts through bankruptcy. This bill would allow them to excuse these debts and to walk away from these penalties.

Mr. Speaker, bankruptcy reform is important to the American people, but so is protecting women's safety and reproductive freedom. This is a growing problem that the majority is ignoring. Between 1993 and 2000, three doctors, two clinic employees, one clinic escort and one security guard have been murdered in acts of violence at clinics. There have been 16 attempted murders since 1991. More than 2,400 acts of violence have been reported at clinics since 1997. These included bombings, arsons, death threats, kidnappings, and other acts of harassment. The Senate approved this amendment by a vote of 80–17. Why has the majority now excluded it? Why should clinic bombers be allowed to excuse their penalties by declaring bankruptcy?

I urge all Members who care about women's safety to vote against this bill for this reason and also because of the abusive procedure under which it has been brought to the floor.

Mr. Speaker, I include for the RECORD a letter from John Podesta, chief of staff to the President, in which he writes that the President will veto the bill because, and I quote, it gets the balance wrong.

THE WHITE HOUSE,
*Washington, DC, October 12, 2000.*

Hon. J. DENNIS HASTERT,
*Speaker of the House of Representatives,*
*Washington, DC.*

DEAR MR. SPEAKER. I understand that the House will take up today the conference report on H.R. 2412, which apparently incorporates the text of S. 3186, a recently filed version of bankruptcy legislation. If this bankruptcy legislation is sent to the President, he will veto it.

Over the last few months, this Administration has engaged in a good faith effort to reach agreement on a number of outstanding issues in the bankruptcy legislation. The President firmly believes that Americans would benefit from reform legislation that would stem abuse of the bankruptcy system by, and encourage responsibility of, debtors and creditors alike. With this goal in mind, we have pursued negotiations with bill proponents on a few key issues, notwithstanding the President's deep concern that the bill fails to address some creditor abuses and disadvantages all debtors to an extent unnecessary to stem abuses by a few.

An agreement was reached in those negotiations on an essential issue—limiting homestead exemptions—with compromises made on both sides. Unfortunately, H.R. 2412 fails to incorporate that agreement, instead reverting to a provision that the Administration has repeatedly said was fundamentally flawed. The central premise of this legislation is that we must ask debtors, who truly have the capacity to repay a portion of their debts, to do so. This would benefit not only their creditors but also all other debtors through lower credit costs. Unlimited homestead exemptions allow debtors who own lavish homes to shield their mansions from their creditors, while moderate-income debtors, especially those who rent, must live frugally under a rigid repayment plan for five to seven years. This loophole for the wealthy is fundamentally unfair and must be closed. The inclusion of a provision limiting to some degree a wealthy debtor's capacity to shift assets before bankruptcy into a home in a state with an unlimited homestead exemption does not ameliorate the glaring omission of a real homestead cap.

Moreover, the President has made clear that bankruptcy legislation must require accountability and responsibility from those who unlawfully bar access to legal health services. Yet the conference report fails to address this concern. Far too often, we have seen doctors, health professionals and their patients victimized by those who espouse and practice violence. Congress and the States have established remedies for those who suffer as a result of these tactics. However, we are increasingly seeing the use of the bankruptcy system as a strategic tool by those who seek to promote clinic violence while shielding themselves from personal liability and responsibility. It is critical that we shut down this abusive use of our bankruptcy system and prevent endless litigation that threatens the court-ordered remedies due to victims of clinic violence. The U.S. Senate was right in voting 80–17 to adopt an amendment that would effectively close down any potential for this abuse of the Bankruptcy Code. We fail to understand why the bill's proponents refuse to include this provision and shut down the use of bankruptcy to avoid responsibility for clinic violence.

I repeat President Clinton's desire to see balanced bankruptcy reform legislation enacted this year. The President wants to sign legislation that addresses these known abuses, without tilting the playing field against those debtors who turn to bankruptcy genuinely in need of a fresh start. He will veto H.R. 2412 because it gets the balance wrong.

Sincerely,

JOHN PODESTA,
*Chief of Staff to the President.*

Mr. GEKAS. Mr. Speaker, I yield 3 minutes to the gentleman from Texas Mr. BENTSEN for the purpose of wrapping up a colloquy.

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

Mr. Speaker, to follow up where we were, a question that I think is extremely important is the question of homeowners today in Texas and other States which have a broader homestead exemption.

□ 1315

Are these provisions prospective in nature in that if one has resided in their home for 2 or more years today, or of the date of enactment, if this bill is to become enacted into law, would they thus be exempted from the Federal cap provided for in this bill? Would they be under State law at that time and any subsequent purchase they make using the equity from the home they own today be exempted from that cap?

Mr. GEKAS. In the hypotheticals that the gentleman pronounced, it would come under State law. The only time that there is a look-back is the initial 2 years of residency in a homestead-exemption State.

So 2 years, and thereafter the State laws would apply.

Mr. BENTSEN. Including today. So one who has resided today in their home for at least 2 years is under State law and would not be under this cap?

Mr. GEKAS. That is exactly correct.

Mr. BENTSEN. The other is on section 308, the 7-year look-back provision which is designed, as I understand it, to prevent the diversion of nonexempt assets into exempt property, is the burden of proof on the debtor or the creditor?

Mr. GEKAS. It is on the creditor, and that really conforms to the general state of the law in such cases. There has to be affirmative evidence of fraud having been committed so that the creditor must come forth.

Mr. BENTSEN. The question is raised on the roll-over period and the prospective nature talks about interest acquired. The bill reads the homestead as interest acquired by the debtor, and this is getting somewhat technical or minute, I guess, during that 2-year period, would interest be assumed to include such things as routine principal payments or rise in property value?

Mr. GEKAS. Does the gentleman mean during the 2 years for a look-back in the 2 years?

Mr. BENTSEN. Right, during the 2-year look-back.

Mr. GEKAS. I would have to say yes, that in the look-back it would generally be determined what the value was of the claimed exemption and the $100,000 would apply.

Mr. BENTSEN. To close, for general purposes after 2 years of residency and so long as one is a resident of a State, regardless of where they live or how many places they live, the first 2 years exempts them from the Federal cap for the equity that they gain?

Mr. GEKAS. That is correct. The State laws apply.

Mr. BENTSEN. Any appreciation that applies in equity?

Mr. GEKAS. Yes, on anything that occurs after 2 years.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time, and I thank him for his leadership on this issue.

Mr. Speaker, I rise in opposition reluctantly to this conference report because I am shocked, frankly, and outraged about the way in which this bill was brought to the floor of the House. After months of negotiations on this bill, we have been given a day's notice to consider a measure that does not represent a true compromise and is still in the process of being worked out. I support efforts to ensure that those

who are able to pay their debts are required to do so and to ensure that creditors extend and manage credit in a responsible manner; and I would like to see balanced, fair legislation that protects Americans from predatory lending practices and protects the assets of creditors from those who would abuse bankruptcy to avoid their debts; but this bill is lacking in a number of areas, and I would like to focus on one in particular.

The Senate version of the bankruptcy bill included a provision requiring accountability from those who terrorize reproductive health clinics, their employees and the women who need their services. This provision, which received 80 votes, eight zero votes, in the Senate, would prevent those who are convicted of a crime from hiding behind the bankruptcy system in order to shield themselves from paying the consequences of their actions.

Now, despite the fact that the President has said, again, that the clinic violence language must be included in final bankruptcy legislation for it to win his support, the provision was dropped. The proponents of the bill claim it will stop people from abusing the bankruptcy system; but by excluding the Schumer amendment individuals and organizations found to violate FACE, the Freedom of Access to Clinic Entrances law, will have carte blanche to abuse the system. This is wrong. It does not make sense.

Mr. Speaker, let us agree on a simple principle: violence and harassment have no place in our democratic system and using the bankruptcy code to evade the law, any law, is wrong and should not be tolerated.

FACE passed with a broad bipartisan consensus. It has dramatically reduced violent incidents at health clinics, but we need the tools to fully enforce it, and any bankruptcy bill that does not hold these criminals accountable for their actions is a disgrace. So I urge my colleagues to oppose this conference report.

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

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

Mr. Speaker, I will have a motion to recommit the entire conference report to the committee of conference to insist that according to the motion to instruct conferees that we have at least one meeting of the conference committee as required by House rule XXVIII, clause 6. I intend to do that.

What we have found in the course of the study of this bankruptcy anti-reform measure are three myths. One is that it is a pro-consumer bill. It clearly is not.

Two, that it will permit a fresh start for people that are brought into bankruptcy. It actually precludes a start as efficacious as the one that already exists in the existing bankruptcy law. It is a move backwards from fresh start.

The myth of a fair accountability has been destroyed completely in the course of this discussion.

In other words, this is a one-sided measure that is guaranteed to empower the creditors' lobby in a fine new way. Of course, the reality of where this bill is going is known to many of the Members on the Committee on the Judiciary, perhaps not a lot of other Members in the body. That is to say that it is going to again be subject to some delaying tactics in the Senate and that the President has promised to veto on this measure.

So I think that that would be an appropriate conclusion to this measure and give us a chance in the next Congress to begin again.

The bill fails to address the unlimited homestead cap, which is currently enjoyed by Texas and Florida, even though there is a 2-year wait before it kicks in. It imposes a nominal cap on homestead exemptions, but it is so filled with loopholes as to be next to meaningless.

Anyone who lives in a State for more than 2 years will be able to thumb their noses at their creditors and remain in their multimillion dollar mansions, and this goes contrary to a provision that we had that would have cured this.

So this measure before us in the form of a conference report, shot through with all kinds of process defects, is mean-spirited, will have a negative impact on the most vulnerable elements of our society and so is appropriately opposed by the United Automobile Workers, the AFL–CIO, AFCSME, a raft of consumer organizations, women and family organizations. I think it is very clear that we should now vote against this measure, and I hope that many of the Members who supported the bill in an earlier vote will reconsider and vote no when this conference report comes for a vote.

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

Mr. GEKAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS), which that is a reward that I am granting him on the basis that he has been tremendously helpful to this chairman on many separate issues in this bankruptcy reform bill, primarily what we have discussed thoroughly, the homestead exemption. We owe a great deal to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I appreciate the chairman, the gentleman from Pennsylvania (Mr. GEKAS), for his thoughtfulness in allowing me an opportunity to stand up to respond to my colleague, the gentleman from Michigan (Mr. CONYERS).

Mr. Speaker, I have been a student of this process. Perhaps I could be accused of changing what was the Democrat option on this bankruptcy. I appeared before the Committee on the Judiciary. The prior amount was $100,000. It is very clear that the Democrat Party wanted to take people's homes from them for as little as $100,000 of a home. The Democrat Party, as exemplified by the chairman, wants to make it easier for the middle class of this country to lose their homes if they are engaged in a bankruptcy. I stood up before the Committee on the Judiciary, and I said millionaires and billionaires are talked about taking advantage of this circumstance and it is blamed on people that have a home worth $100,000. I understand the gentleman from Michigan (Mr. CONYERS) disagrees with me. I understand the Democrat Party disagrees with me. The fact of the matter is, is that that figure has been moved to $250,000. The gentleman from Massachusetts (Mr. DELAHUNT) agreed with me that day as a result of testimony back in the Committee on the Judiciary. That is why we are at $250,000. $100,000 is a wrong amount, and I believe that we should be forthright in understanding that a figure of $100,000 would mean that the middle class of this country, if faced with a bankruptcy, could then be thrown out of their own home. That is the reason why we have made the changes. That is the reason why it is what is in the best interest of people not only in Texas but all across this country.

It preserves the States' rights, but the most important thing is that we aim at the problem. The problem is not the middle class of this country attempting to get out of paying their bills. It is about a problem of someone hiding their money in an asset or a resource like a home and trying to hide from their creditors. The problem, I believe, has been amply addressed.

I disagree with the gentleman's assessment and would ask that we support this because it is the right thing for America.

□ 1330

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

Mr. Speaker, I think the three myths that have been the basis of this bill's long life have now been exposed. There is no fresh start. The accountability is very severe. This is a very definitely an anti-consumer bill.

People of all incomes are subject to new coercive creditor motions, including being able to challenge the discharge of even small cash advances. In this bill, it defines current monthly income as the previous 6 months' income, even if they have lost their job.

I say, thanks a lot. I just sort of thank the generous, thoughtful, sympathetic people that wrote that into the bill. I will repeat it for the subcommittee chairman's benefit. It defines current monthly income as the previous 6 months' income, even if they lost that job and will not have the income in the future, thereby skewing the whole means test.

If the expenses exceed what the IRS says they should, they have to go to court and litigate it. Thanks a lot. That was a very thoughtful and sympathetic and moving provision, because they are telling an honest bankrupt to

go in and litigate in another court any questions about expenses that exceed the IRS limit.

It is just the idea, it is just an indication of the great concern and touching sympathy that the other side has for the people of limited means that go into bankruptcy court.

''Disclosure of how deep you are getting into debt, and how long it would take you to pay the balance at the minimum payment.'' There is just an 800 number. And then, 80 percent of all the banks would be exempted from even that requirement.

Mr. Speaker, this is a mean-spirited bill. This is a measure that does not meet the tests of anybody.

Finally, I would like to just reiterate the comment made by my good friend, the member of the Committee on the Judiciary, the gentleman from Virginia (Mr. BOUCHER), about moving child support from the seventh to the first priority. That is meaningless. It does it, but the order of priorities apply only in Chapter 7 among unsecured creditors during the bankruptcy proceeding.

Ninety-six percent of all the consumer debtors do not have any assets to distribute to prior unsecured creditors, so that has no meaning. It is a fig leaf. It is phony. It does not improve child support, for those who need the child support at all, because it moves the credit card debtors to the same priority as those who need child support.

Sorry to have to tell everyone about this at the end of this discussion, but I am afraid that those are the sad and sorry consequences of a bill that has the earmarks of the creditor lobby, that awesome creditor lobby that has had such an undue influence on the measure before us.

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

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

Mr. Speaker, I do this for one small purpose, to reiterate for the record, for the Members of the House, that every contention made by the gentleman from Michigan (Mr. CONYERS), every action taken by those who oppose bankruptcy reform, every debate that they offered over the course, every one of them has been thoroughly discussed, thoroughly debated, and each one of them considered in the overwhelming vote granted bankruptcy reform by the Members of the House.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support for the Conference Report of H.R. 2415, which is amended with the Bankruptcy Reform Act. It is important to note that this Member is an original cosponsor of H.R. 833, the Bankruptcy Reform Act, which passed the House on May 5, 1999, by a vote of 313–108.

First, this Member would thank the distinguished gentleman from Pennsylvania (Mr. GEKAS), Chairman of the Judiciary Subcommittee on Commercial and Administrative Law, for introducing the House bankruptcy legislation (H.R. 833). This Member would also like to express his appreciation to the distinguished gentleman from Illinois (Mr. HYDE), the Chairman of the Judiciary Committee, for his efforts in getting this measure to the House Floor for consideration.

This Member supports the Bankruptcy Reform Act for numerous reasons; however, the most important reasons include the following:

First, and of preeminent importance to the nation's agriculture sector, this Member supports the provision in H.R. 2415 which permanently extends Chapter 12 of the Bankruptcy Code for family farmers. Chapter 12 bankruptcy allows family farmers to reorganize their debts as compared to liquidating their assets. Chapter 12 bankruptcy has been a viable option for family farmers nationwide. It has allowed family farmers to reorganize their assets in a manner which balances the interests of creditors and the future success of the involved farmer.

If Chapter 12 bankruptcy provisions are not permanently extended for family farmers, this will have a drastic impact on an agricultural sector already reeling from low commodity prices. Not only will many family farmers have to end their operations, but also land values will likely plunge downward. Such a decrease in land values will affect both the ability of family farmers to earn a living and the manner in which banks, making agricultural loans, conduct their lending activities. This Member has received many contacts from his constituents regarding the extension of Chapter 12 bankruptcy because of the situation now being faced by our nation's farm families—although the U.S. economy is generally healthy, it is clear the agricultural sector is hurting.

Second, this Member supports the provision in H.R. 2415 which provides for a means testing (needs-based) formula when determining whether an individual should file for Chapter 7 or Chapter 13 bankruptcy. Chapter 7 bankruptcy allows a debtor to be discharged of his or her personal liability for many unsecured debts. In addition, there is no requirement that a Chapter 7 filer repay many of his or her debts. However, Chapter 13 bankruptcy filers, on the other hand, commit to repay some portion of his or her debts under a repayment plan.

Some Chapter 7 filers actually have the capacity to repay some of what they owe, but they choose Chapter 7 bankruptcy and are able to walk away from these debts. For example, the stories in which an individual filed for Chapter 7 bankruptcy and then goes out takes a nice vacation and/or buys a new car are too common. Moreover, the status quo is costing the average American individual and family in increased costs for consumer goods and credit because of the amount of debt which is never repaid to creditors.

As a response to these concerns, the needs-based test of H.R. 2415 will help ensure that high income filers, who could repay some of what they owe, are required to file Chapter 13 bankruptcy as compared to Chapter 7. This needs-based system takes a debtor's income, expenses, obligations and any special circumstances into account when determining whether he or she has the capacity to repay a portion of their debts.

Third, this Member supports the additional monthly expenses that are not considered as a factor under the needs-based test of H.R. 2415 which determines whether a person can file Chapter 7 or 13 bankruptcy. These expenses include the following: reasonable expenses incurred to maintain the safety of the debtor and debtor's family from domestic violence, an additional food and clothing allowance if demonstrated to be reasonable and necessary; and reasonable and necessary expenses for the care and support of an elderly, chronically ill, or disabled member of the debtor's household or immediate family.

In closing, for these aforementioned reasons and others, this Member would encourage his colleagues to support the Conference report of H.R. 2415.

Ms. DELAURO. Mr. Speaker, I regret I was absent from the floor of the House on October 12. Had I been present, I would have voted for the motion to instruct conferees to have an open conference on bankruptcy reform.

I look forward to this conference. An issue as crucial as this deserves a full and fair debate. Bankruptcy reform should expect responsible efforts from both debtors and creditors that extend credit far beyond what individuals are capable of paying back.

Mr. CONYERS. Mr. Speaker, the following is a letter which clarifies what will happen to child support obligations if this bill passes. It answers the myth that this bill will not harm children.

NATIONAL WOMEN'S LAW CENTER,
*Washington, DC, June 7, 2000.*

Hon. ROBERT MENENDEZ,
*Cannon House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE MENENDEZ: The undersigned organizations are long-time advocates for women and children, including economically vulnerable single parents and their families. We are writing in response to your May 24 letter to your colleagues which criticizes the recent TIME magazine article on bankruptcy and asserts that the pending bankruptcy bill would help children obtain child support. We must respectfully, but emphatically, disagree. The bill would give many creditors, including credit card companies, finance companies, auto lenders and others, greater claims to a debtor's limited resources than they have under current law. This would intensify the competition for scarce resources between children owed child support and sophisticated commercial creditors both during and after bankruptcy.

Your letter characterizes as a ''myth'' the statement in the TIME Magazine article that: ''The proposed legislation would treat a bankrupt man's credit card debt the same as his obligation to pay child support.'' However, the effect of several provisions of the bill, taken together, would indeed have this result. As the National Association of Attorneys General, commenting on a similar, earlier version of the bankruptcy bill warned, it:

Would encourage credit card companies to treat all debts as secured even though the resale value of the personal property charged on such cards would rarely approach the amount of the debt and even though the interest rates charged for such debt are set in recognition of the fact that such debts are essentially unsecured; and

As a consequence, could allow credit card debt to be elevated to the same or a higher level than domestic support claims and make it far more difficult to ensure that debtors will be able to satisfy their obligations to their spouses and children. (Emphasis added) (Resolution of the National Association of Attorneys General, March, 1999)

Your letter states the following ''fact'':

Bankruptcy reform moves child support to the number one priority position in bankruptcy proceedings. Currently it is priority number seven, behind things like attorney

fees! Just as important, the reform bill ends the ''automatic stay'' provision, which currently allows bankruptcy filers to avoid paying child support while their cases are pending—and which gives filers and their attorneys an incentive to drag out the process. Finally, the bill prevents a debtor from discharging their debt under Chapter 13 until all child support payments are made.

Unfortunately, the child support provisions that you mention in your letter would not solve the serious problems the rest of the bill would create for children in need of support.

Moving child support from seventh to first priority sounds good, but is virtually meaningless. This order of priorities only applies in Chapter 7, among unsecured creditors, during the bankruptcy proceeding. Even today, fewer than five percent of consumer debtors in Chapter 7 have any assets to distribute to priority unsecured creditors after secured debtors receive the value of their collateral. Under the bill, there would be even less for priority unsecured creditors in Chapter 7 cases. Only the poorest debtors will have access to Chapter 7 under the means test, and the claims of secured creditors, who are paid before even ''priority'' unsecured creditors, will be increased. Thus, in effect, children owed support will have ''first priority'' to nothing. And, once the Chapter 7 proceeding is over, these priorities have no effect. Under current law, child support and alimony obligations are among the few debts that cannot be discharged in bankruptcy. However, under the bill, many more debts, including credit card debts, will survive bankruptcy and compete for the debtor's resources.

In Chapter 13, current law already requires child support owed to families to be paid in full. (The major change in this section of the bill would be an increase in the rights of States to be paid in Chapter 13 for child support that was assigned to them as reimbursement for public assistance.) However, other provisions of the bill would make it less likely that children would actually receive all the child support they are due in Chapter 13. For example, the bill would require debtors in Chapter 13 to pay many other creditors in full—including credit card companies claiming security interests in property of little or no value. The bill may say that debtors must pay all these debts in full; but if there is not enough money to go around, it simply will make it less likely that children will get the support they need during the Chapter 13 proceeding, much less afterward.

Under current law, the ''automatic stay'' does not allow bankruptcy filers to avoid paying child support while their cases are pending; relief from automatic stay for child support enforcement is routinely granted, and some jurisdictions do not even require the filing of a motion. The elimination of the automatic stay would simplify the process of collecting child support during bankruptcy in some cases. However, the potential benefit of this provision is outweighed by the hundreds of pages of other provisions that increase the rights of commercial creditors, during and after bankruptcy, at the expense of children.

Our organizations are committed to making sure that children get the support they need and deserve. We have opposed this Bankruptcy Reform Act because it will reduce the ability of parents to pay their most important debt—their debt to their children.

Sincerely,

ACES (Association for Children for Enforcement of Support)
American Association of University Women
Business & Professional Women/USA (BPW/USA)
International Women's Insolvency & Restructuring Confederation (IWIRC)
National Association of Commissions for Women
National Center for Youth Law
National Organization for Women
National Partnership for Women & Families
National Women's Law Center
NOW Legal Defense and Education Fund
The Woman Activist Fund, Inc.
Women Employed
Women's Institute for Freedom of the Press

Mr. HOBSON. Mr. Speaker, I support the long-awaited bankruptcy reform legislation included in H.R. 2415. As a small businessman, I know the importance of improving the bankruptcy system for Americans.

While the bankruptcy process should continue to be a life preserver for those who have debt that is insurmountable, this bill makes the needed for reforms to prevent abuse of the system. Not reforming the system amounts to a hidden tax on American consumers, who currently subsidize individuals who walk away from mountains of debt, yet can afford to pay back a portion of their debts.

The number of bankruptcies has trended upwards, despite the economy's overall good health. In 1997, the figure climbed to 1.35 million, more than triple the number recorded in the early 1980s. The rise in bankruptcy filings is often attributed to a rise in household debt burdens. Since 1980, household debt has risen from about 61 percent to 85 percent of total disposable personal income.

This bill provides for the increased use of Chapter 13 bankruptcy, which allows for the repayment of some debts. This is an appropriate step to ensure that our bankruptcy laws ensure that individuals who can repay a portion of their debts, pay their fair share. I commend my colleagues for their hard work and years of effort to reduce the ''abuse'' of the bankruptcy system while continuing to protect low-income consumers.

Ms. PRYCE of Ohio. Mr. Speaker, I am in strong support of this conference report. We have before us a fair and even-handed conference report that will allow us to consider this important legislation to reform the nation's bankruptcy system.

Procedure in the House is not always all that we might want it to be, but when we are presented with legislation that is so needed and so desired by the American people, we must take hold of it and champion it to see that it becomes law.

This bankruptcy reform legislation will remedy weaknesses in existing law that allow higher income taxpayers to escape their responsibilities even when they are able to repay a portion of what they owe. This bill will take steps to eliminate the ''bankruptcy of convenience.''

At the same time, this legislation will protect those who truly need a second chance and maintain their ability to obtain a fresh start. Further, this legislation contains important protections for children and spouses who are owed child support or alimony.

By equipping state child support collection agencies with the necessary tools and codifying the importance of child support and alimony obligations, this legislation will increase our commitment to children and families, and will hold parents, husbands, and wives to their responsibilities.

Over 70 percent of Americans have indicated their desire for bankruptcy reform. We can do no less than what the American people have overwhelmingly asked of us.

I urge your support of this important legislation, and yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of the bankruptcy reform conference report.

This legislation has been a long time coming. Since 1980, bankruptcies have risen 400 percent, imposing a heavy burden on American families. Some estimate that bankruptcies cost each household $400 a year in the form of higher interest rates on their credit cards, car loans, school loans, and mortgages.

The means testing approach championed by my colleague, GEORGE GEKAS, will make bankruptcy abuse much harder in the future. Wealthy individuals who can hire savvy lawyers will no longer be able to game the bankruptcy system at the expense of the American consumer.

What this bill says is that if you file bankruptcy, you will not be able to walk away from your debt if after all your reasonable monthly expenses are taken into account, you still have $166 in your pocket. If you are one of these people, then you will have to enter into an agreement to repay at least part of your debt in a 5 year plan, unless you can prove special circumstances to the judge. That is taking responsibility for your debt instead of imposing the cost on other consumers.

I also want to thank Chairman GEKAS for his support in helping my home State of Delaware receive an additional bankruptcy judgeship. As I testified before a joint House-Senate Judiciary Committee hearing earlier this year, Delaware's bankruptcy judges have the highest average bankruptcy caseloads in the Nation according to the U.S. judicial conference. The need for relief has reached critical levels and Chairman GEKAS has been quick to recognize this.

Recognition also must go to Speaker HASTERT and Majority Leader ARMEY, who fulfilled their commitment to finding an appropriate vehicle that would allow the will of the House and the will of the Senate to proceed on this legislation. They did the honorable thing by taking our unrelated riders from both sides of the aisle and presenting this body with a clean bill for us to vote on. I thank them for their leadership.

Finally, I want to thank Chairman GEKAS for his support in removing a provision in the bill that would have eliminated a business' place of incorporation as an acceptable venue for filing a bankruptcy. Delaware's bankruptcy judges and the Delaware bar are among the finest in the Nation in resolving bankruptcies quickly, fairly and efficiently. We need to keep the courtroom doors open in Delaware.

Therefore, I urge my colleagues to support this clean, balanced bankruptcy reform conference report.

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

The previous question was ordered.

MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the conference report?

Mr. CONYERS. Yes, sir, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. CONYERS moves to recommit the conference report on the bill (H.R. 2415) to the committee of conference with instructions to the managers on the part of the House to insist on conducting at least one meeting of conferees as required by House Rule XXII, cl. 12, and in accordance with the motion to instruct conferees approved by the House of Representatives yesterday by a vote of 398 to 1, before making any report on the bill.

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

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

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## DIRECTING SECRETARY OF THE SENATE TO CORRECT ENROLLMENT OF S. 3186, BANKRUPTCY REFORM ACT OF 2000

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the concurrent resolution (H. Con. Res. 427) directing the Secretary of the Senate to correct the enrollment of the bill S. 3186.

The Clerk read the title of the concurrent resolution.

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

Mr. CONYERS. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas (Mr. SESSIONS) for the purpose of explaining what we have before us at this time.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the Subcommittee on Commercial and Administrative Law and the Senator from Iowa, Mr. GRASSLEY, the subcommittee chairman of the Subcommittee on Administrative Oversight and the Courts, for all their hard work over the past few years in getting this legislation to the point where it is today.

Both men have demonstrated tremendous leadership and fairness in practice in creating this agreement that just passed this body, and I want to thank them for their efforts in the motion to rename this bankruptcy bill.

Mr. CONYERS. Mr. Speaker, continuing to reserve my right to object, did I understand the gentleman from Texas to say that he wanted to rename the bankruptcy bill in honor of the gentleman from Pennsylvania (Mr. GEKAS) and someone else, Senator GRASSLEY?

Mr. SESSIONS. In fact, the gentleman from Texas is seeking to rename the bill the Gekas-Grassley Act.

Mr. CONYERS. Mr. Speaker, I would say to the gentleman, this is something that he thinks would help the bill, or help American history, or help those who are concerned with bankruptcy law? What are we doing?

Mr. SESSIONS. I thank the gentleman for his question. It is simply to rename the bankruptcy bill in honor of both the gentlemen who have worked diligently on its passage.

Mr. CONYERS. Mr. Speaker, continuing to reserve my reservation of objection, I have a number of questions that I will forego, but I want to say this. I think this is an appropriate disposition of this measure. I will not recall the way I have described this bill.

Mr. Speaker, if any of that is accurate and my friend, the gentleman from Pennsylvania, still wants to have the bill named in his honor, I withdraw my reservation of objection.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman for not only his consideration, but his collegiality in this effort.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 427

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill (S. 3186), A bill to amend title 11, United States Code, and for other purposes, the Secretary of the Senate shall make the following corrections:

(1) Amend section 1(a) of the bill to read as follows:

''(a) SHORT TITLE.—This Act may be cited as the 'The Gekas-Grassley Bankruptcy Reform Act of 2000.' ''.

(2) Strike ''Bankruptcy Reform Act of 2000'' each place it appears throughout the bill and insert ''Gekas-Grassley Bankruptcy Reform Act of 2000''.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SESSIONS:

Page 1, line 2, strike out ''S. 3186'', and insert ''H.R. 2415''; and

Page 1, line 4, strike out ''Secretary of the Senate'' and insert ''Clerk of the House''.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: ''Directing the Clerk of the House to correct the enrollment of the bill H.R. 2415.''.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, October 10, 2000, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 5174, by the yeas and nays;
H.R. 4345, de novo;
H.R. 4656, by the yeas and nays;
H.R. 34, de novo;
H.R. 3292, de novo;
H.R. 468, de novo;
H.R. 5083, de novo.

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

## PROVIDING FOR VOTING IN MILITARY INSTALLATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5174.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. BARTLETT) that the House suspend the rules and pass the bill, H.R. 5174, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 297, nays 113, not voting 22, as follows:

[Roll No. 528]

YEAS—297

| | | |
|---|---|---|
| Aderholt | Clement | Goode |
| Allen | Coble | Goodlatte |
| Archer | Coburn | Goodling |
| Armey | Collins | Goss |
| Bachus | Combest | Graham |
| Baird | Condit | Granger |
| Baker | Cooksey | Green (WI) |
| Baldacci | Costello | Greenwood |
| Ballenger | Cox | Gutknecht |
| Barcia | Cramer | Hall (OH) |
| Barr | Crane | Hall (TX) |
| Barrett (NE) | Cubin | Hansen |
| Bartlett | Cunningham | Hastings (WA) |
| Barton | Davis (FL) | Hayes |
| Bass | Davis (VA) | Hayworth |
| Becerra | Deal | Hefley |
| Bereuter | DeFazio | Herger |
| Berkley | DeLauro | Hill (IN) |
| Biggert | DeLay | Hill (MT) |
| Bilbray | DeMint | Hilleary |
| Bilirakis | Diaz-Balart | Hinojosa |
| Bishop | Doggett | Hobson |
| Blagojevich | Dooley | Hoeffel |
| Bliley | Doolittle | Hoekstra |
| Blumenauer | Doyle | Holden |
| Blunt | Dreier | Hooley |
| Boehlert | Duncan | Horn |
| Boehner | Dunn | Hostettler |
| Bonilla | Edwards | Houghton |
| Bono | Ehlers | Hoyer |
| Borski | Ehrlich | Hulshof |
| Boswell | Emerson | Hunter |
| Brady (PA) | English | Hutchinson |
| Brady (TX) | Etheridge | Hyde |
| Brown (OH) | Everett | Inslee |
| Bryant | Ewing | Isakson |
| Burr | Fattah | Istook |
| Burton | Fletcher | Jenkins |
| Buyer | Foley | John |
| Callahan | Fowler | Johnson (CT) |
| Calvert | Frelinghuysen | Johnson, Sam |
| Camp | Frost | Jones (NC) |
| Canady | Gallegly | Kasich |
| Cannon | Ganske | Kelly |
| Capps | Gejdenson | Kildee |
| Cardin | Gekas | Kind (WI) |
| Carson | Gibbons | King (NY) |
| Castle | Gilchrest | Kingston |
| Chabot | Gillmor | Knollenberg |
| Chambliss | Gilman | Kolbe |
| Chenoweth-Hage | Gonzalez | Kucinich |

Kuykendall
LaHood
Lampson
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Oberstar
Ortiz
Ose
Packard
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—113

Abercrombie
Ackerman
Andrews
Baldwin
Barrett (WI)
Bentsen
Berman
Berry
Bonior
Boucher
Boyd
Brown (FL)
Capuano
Clay
Clayton
Clyburn
Conyers
Coyne
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
Deutsch
Dicks
Dingell
Dixon
Engel
Evans
Farr
Filner
Ford
Frank (MA)
Gephardt
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Holt
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kleczka
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Mink
Moakley
Mollohan
Murtha
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pickett
Price (NC)
Rangel
Rothman
Rush
Sabo
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—22

Baca
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1404

Messrs. FORD, OWENS and MOLLOHAN changed their vote from ''yea'' to ''nay''.

Messrs. COSTELLO, SANDERS, LIPINSKI, GONZALEZ, ETHERIDGE, PHELPS, FATTAH, GEJDENSON, TURNER, MALONEY of Connecticut, BORSKI, ALLEN, WAXMAN, BECERRA and LAMPSON and Ms. SANCHEZ, Mrs. MALONEY of New York and Ms. DELAURO 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.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 528, I was unable to be present. Had I been present, I would have voted ''yes.''

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). 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.

## ALASKA NATIVE CLAIMS SETTLEMENT ACT TECHNICAL AMENDMENTS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4345, 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 Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4345, 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.

## LAKE TAHOE BASIN LAND CONVEYANCE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4656.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4656, 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 248, nays 160, not voting 24, as follows:

[Roll No. 529]

YEAS—248

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

NAYS—160

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berman
Berry
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)

Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kucinich
LaFalce
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Phelps
Price (NC)
Rangel
Reyes
Rodriguez
Roemer
Rothman
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Spratt
Stabenow
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey

NOT VOTING—24

Baca
Bachus
Bonilla
Campbell
Cook
Danner
Dickey
Eshoo
Forbes
Fossella
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1415

Mr. BLUMENAUER changed his vote from ''nay'' to ''yea.''

Mr. ACKERMAN and Ms. CARSON changed their vote from ''yea'' to ''nay.''

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOSSELLA. Mr. Speaker, on rollcall No. 529, I was unable to be present. Had I been present, I would have voted ''yes.''

## COASTAL BARRIER RESOURCES SYSTEM CORRECTIONS

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 34, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34, as amended.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

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

The SPEAKER pro tempore. Without objection, the Chair will put the question again.

There was no objection.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 34, as amended.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

RECORDED VOTE

Mr. HANSEN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 1, not voting 24, as follows:

[Roll No. 530]

AYES—407

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
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
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
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
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
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
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—1

Blumenauer

NOT VOTING—24

Baca
Bonilla
Campbell
Cook
Danner
Dickey
Dunn
Eshoo
Forbes
Franks (NJ)
Green (TX)
Klink
Lazio
McCollum
McInnis
McIntosh
Meehan
Nadler
Norwood
Oxley
Reynolds
Stark
Talent
Wise

□ 1427

Messrs. ISTOOK, CONYERS and METCALF changed their vote from ''no'' to ''aye.''

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## CAT ISLAND NATIONAL WILDLIFE REFUGE

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3292.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3292.

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

A motion to reconsider was laid on the table.

## SAINT HELENA ISLAND NATIONAL SCENIC AREA

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 468.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 468.

The question was taken; and (two-thirds not having voted in favor thereof) the motion was rejected.

## EXTENDING AUTHORITY OF LOS ANGELES UNIFIED SCHOOL DISTRICT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 5083.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 5083.

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.

□ 1430

## AUTHORIZING USE OF CAPITOL GROUNDS FOR MILLION FAMILY MARCH

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 423) authorizing the use of the Capitol Grounds for the Million Family March, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 423

*Resolved by the House of Representatives (the Senate concurring),*

**SECTION 1. AUTHORIZATION OF MILLION FAMILY MARCH ON CAPITOL GROUNDS.**

Million Family March, Incorporated (in this resolution referred to as the ''sponsor'') shall be permitted to sponsor a public event, the Million Family March, on the Capitol Grounds on October 16, 2000, or on such other date as the Speaker of the House of Representatives and the Committee on Rules and Administration of the Senate may jointly designate.

**SEC. 2. TERMS AND CONDITIONS.**

(a) IN GENERAL.—The event authorized by section 1 shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board.

(b) EXPENSES AND LIABILITIES.—The sponsor shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

**SEC. 3. STRUCTURES AND EQUIPMENT.**

(a) STRUCTURES AND EQUIPMENT.—Subject to the approval of the Architect of the Capitol, beginning on the day preceding the event authorized by section 1, the sponsor may erect or place and keep on the Capitol Grounds, until not later than 8:00 p.m. of the day succeeding the event, such stage, sound amplification devices, and other related structures and equipment as may be required for the event.

(b) ADDITIONAL ARRANGEMENTS.—The Architect of the Capitol and the Capitol Police Board are authorized to make any such additional arrangements as may be required to carry out the event.

**SEC. 4. ENFORCEMENT OF RESTRICTIONS.**

The Capitol Police Board shall provide for enforcement of the restrictions contained in section 4 of the Act of July 31, 1946 (40 U.S.C. 193d; 60 Stat. 718), concerning sales, advertising, displays, and solicitations on the Capitol Grounds, as well as other restrictions applicable to the Capitol Grounds, with respect to the event authorized by section 1.

**SEC. 5. LIMITATIONS ON REPRESENTATIONS.**

(a) IN GENERAL.—No person may represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of any person or any product or service.

(b) ENFORCEMENT.—The Architect of the Capitol and the Capitol Police Board shall enter into an agreement with the sponsor, and such other persons participating in the event authorized by section 1 as the Architect of the Capitol and the Capitol Police Board considers appropriate, under which such persons shall agree to comply with the requirements of subsection (a). The agreement shall specifically prohibit the use of any photograph taken at the event for a commercial purpose and shall provide for the imposition of financial penalties if any violations of the agreement occur.

The concurrent resolution was agreed to.

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 on H. Con. Res. 423.

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

There was no objection.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4392) ''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.''

## CONCURRING IN SENATE AMENDMENT TO H.R. 4386, BREAST AND CERVICAL CANCER PREVENTION AND TREATMENT ACT OF 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 628 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 628

*Resolved,* That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) 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, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

The SPEAKER pro tempore. The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER) pending which I yield myself such time as I may consume. During consideration of this rule, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule

waiving all points of order against a motion to concur in the Senate amendment to H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000 with an amendment.

Mr. Speaker, the rule provides for 1 hour of debate in the House on the motion equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce.

The rule also waives all points of order against the amendment printed in the Committee on Rules report.

Mr. Speaker, this rule allows us to finally pass a very, very important bill. The Breast Cancer Treatment Act will allow low-income, uninsured women to get treatment for their breast and cervical cancer.

Right now, uninsured women can receive free Federal mammograms and pap smears; but if they find out they have cancer, they are on their own.

There is nothing worse than being diagnosed with breast cancer or cervical cancer and then being told, sorry, there is nothing we can do to help. That is ridiculous. It is very, very expensive to get chemotherapy and radiation, which are the treatment options we have available today. I know this because I just finished that treatment through my own battle with cancer.

It is also a very emotional battle when one is told they have this disease and just diagnosed with it and somebody should not have to worry that they are not going to be able to get the treatment they need. Because they naturally would think, I am going to die. What is going to happen to me?

I was very lucky because I was able to afford health insurance. This bill is for working women who have no insurance, and it is crucial that we do our part to help them with the tough time in their lives.

In my own State of North Carolina, 20,000 women have been screened for breast cancer through the government's free mammogram program. And up until now, many of these women have been left out in the cold.

Now, as soon as we get this bill to the President, these women will have health. And there is another issue in this bill which we are going to be addressing and we both have speakers on both sides of the aisle, and that is the human papilloma virus. We are going to be talking about that. And then, as we go through the process, I am going to move at the end of the rule to make an amendment to the bill. And I want to make that clear.

So we need to pass this rule and, more importantly, let us get this bill to the President.

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

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

Mr. Speaker, I thank my colleague from North Carolina for yielding me the customary half hour.

Mr. Speaker, first and foremost, I want to express my very strong support for the underlying bill. I am proud to be an original cosponsor of H.R. 1070, on which the legislation is based.

Our consideration of this measure is long overdue. I want to commend the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK) and the gentlewoman from Missouri (Ms. DANNER) as well as all the members of the Women's Caucus for persevering and advancing the issue and bringing it before the House today.

Now, according to our colleagues in the other body, the other body will not, I repeat, will not consider the measure in the final days of Congress if we allow the Coburn amendment to go forward. And with this in mind, my colleague the gentlewoman from North Carolina (Mrs. MYRICK) has secured a mechanism to remove the additional language to provide for consideration of a clean bill. She has my strong support in this effort. I urge the support of my colleagues, as well.

I would like to say a word about the serious nature of the human papilloma virus to both men and women as one of the leading causes of both cervical and prostate cancer, and I would also like to have some more work done on the importance of surveillance and research on that virus. I think it is an important step, and I look forward to seeing the provision that the gentleman from Oklahoma (Mr. COBURN) has in his amendment included on a bill this year, but just not this one. We cannot afford to let this year about to go by while women wait.

The Breast and Cervical Cancer Treatment Act is much too important to be caught up in the procedural confusion. This bill provides an opportunity to extend care and treatment to low-income women diagnosed with cancer under the CDC breast and cervical cancer screening program. For many of these women, such a bill will ensure that they have access to affordable care.

Low-income women screened and diagnosed with breast cancer through the Centers for Disease Control and Prevention of Breast and Cervical Cancer Control Program should not have to hold bake sales to obtain treatment for breast cancer. The underlying bill will give States the option of providing Medicaid coverage for the treatment of these women.

Mr. Speaker, the bill has the strong support of the National Breast Cancer Coalition, a 500 member organization representing hundreds of thousands of individual members. And we also have letters of support from numerous health care organizations urging that the Senate version of the bill be considered so that we can pass this and send it to the President this year.

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

Mrs. MYRICK. Mr. Speaker, I yield 6 minutes to the gentleman from Oklahoma (Mr. COBURN) my friend.

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

Mr. COBURN. Mr. Speaker, I want to thank the gentlewoman from North Carolina, who is a very dear friend of mine, and want to say this: There is no question I have lost the battle on this bill to have women have the knowledge about what the risks are from this virus. And that has been my goal all along.

Every Friday and every Monday that we are not here, I treat women. I hate this virus. I hate it worse than HIV. Because what it does is it takes the self-esteem away from a woman. A woman feels dirty when she finds out that she has got this virus.

Unfortunately, we as a body have condoned the message in this country that says to our young children and young adults that they can have safe sex. That is a lie.

A condom offers no protection from this virus. The NIH has stated so. As a matter of fact, NIH Dr. Richard Cosner has stated that no additional research should be done on the efficacy of condoms as related to this virus because the studies are irrefutable that a condom will not protect them.

I understand the concerns of the gentlewoman from New York and the Women's Caucus in this. I want a breast and cervical cancer bill. I have three close family members with breast cancer. I want this. I want this for the women in my practice who have trouble getting treatment when they are working and do not have health insurance. I do not mean to be an impediment. But if we take the same track on cervical cancer, on prostate cancer, and now 20 percent of the gay men in this country have rectal dysplasia, which means they are going to have rectal cancer if we take the same track we did initially on HIV and offer treatment only, without education and information for prevention, what we have done is a very great disservice to the country.

□ 1445

We have abrogated our responsibility. The fact is that we can prevent cervical cancer. Yes, we have set up a great screening system to find this. That is why we find it early. That is why we have such wonderful cure rates on cervical cancer. But we should not have as many women with cervical cancer as we do in this country: 3,800 women will die this year from cervical cancer; 30,000 will be diagnosed with cervical cancer in this country. Those are preventable diseases.

As we discuss the health care dollars and the health care crisis in this country, to be spending money on treatments when we could have prevented it is very, very foolish. I would like to engage the gentlewoman from New York in a colloquy, if I might. I would like to just ask again, I heard her opening statement and I am very appreciative of it. Can I have a commitment from

the Women's Caucus that before this session of Congress is over, that we in fact will have in some language somewhere a study and a prevention message for the young people in this country as relating to human papilloma virus?

Ms. SLAUGHTER. If the gentleman will yield, if I could give him that assurance, I would. Unfortunately, I do not determine what goes on what bills. However, I made it as clear as I could in my statement that we recognize that what he is doing is important, that we want to see it this year. However, there is no mistaking the fact that if his amendment is on this bill, the Senate will not take it up this year. That means that another year, maybe two, would pass before the poor women in the United States would have access to treatment. We would be more than happy, and I will give the gentleman my commitment that we would vote for that, be happy to do it; but certainly I am not the person he wants to talk to about putting that on another bill.

Mr. COBURN. I have the assurance of our leadership. What I want is the assurance of the Women's Caucus that they want women in this country to be informed about this risk.

Ms. SLAUGHTER. I think we have made that very clear. I do not know anything I could say to make it clearer. We want all the information we can get. We do not believe there is any such thing as too much. But we want to save this bill because women are waiting.

Mr. COBURN. I thank the gentlewoman, and I reclaim my time.

I would just say the following thing: information is powerful. Women in our country are smart. They make good medical decisions. They can and must be informed of the risk of this virus. Seven million women this year will become infected with this virus. Not all of them will develop cervical cancer. But if one does, we have not done our job.

Mrs. MALONEY of New York. Mr. Speaker, will the gentleman yield?

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

Mrs. MALONEY of New York. Mr. Speaker, I just first of all want to commend the gentleman from Oklahoma for his efforts, his really sincere and hard efforts to alert the public on the danger of HPV, which is a very widespread sexually transmitted disease. As cochair of the Women's Caucus along with my dear friend and colleague from the great State of New York (Mrs. KELLY), he has my absolute commitment to work this year to find some vehicle to have this study and the important work that he is supporting in a package this year. But as the gentlewoman from New York (Ms. SLAUGHTER) pointed out, the Senate has said they want a clean bill. That is what we want to give them. But we applaud his efforts, his work and we want to work with him.

Mr. COBURN. I thank the gentlewoman for that assurance.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague from New York for yielding me this time.

Mr. Speaker, I have spent many months working with my colleagues in the Committee on Commerce on helping to support the Breast and Cervical Treatment Act. I want to pay particular tribute to the gentlewoman from California (Ms. ESHOO), who is not able to be here today for her leadership in that effort in the committee and throughout the House.

I want to pay a special tribute today to the gentlewoman from North Carolina (Mrs. MYRICK) for her leadership to move this legislation along. As a nurse, I fully understand the importance of human papilloma virus as a public health issue. I commend the gentleman from Oklahoma (Mr. COBURN) for his interest in this topic, and I hope that the House will address this issue very soon.

But today we must be voting on a clean bill so that we can ensure that low-income women who have been screened positive for breast and cervical cancer can get the treatment that they so desperately need. As the gentlewoman from North Carolina said, early diagnosis is meaningless without the opportunity for treatment. That is what this bill, the Breast and Cervical Cancer Treatment Act, addresses. Adding the HPV provision to this bill which is extraneous to its underlying purpose of treatment jeopardizes its passage. Think of the disservice this does, the critical lifesaving treatment that could be denied to millions of women in this country today if this happens.

Today, instead, we have the chance to pass this strongly bipartisan bill out of the House and send it directly to the President's desk for a signature. We cannot let that opportunity pass by.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise today in support of the rule for H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act. Back in May, the House passed this legislation under the suspension of the rules. Today, we have the opportunity to again support this important legislation which would provide treatment for low-income women with breast and cervical cancer by closing the gap in an existing Federal program that screens low-income women for breast and cervical cancer but does not provide treatment once diagnosed.

The rule we are now considering will allow the House to consider the same bill which the Senate passed this week, and by the end of today we will have a bill to send to the President to close this gap and provide treatment for the hundreds of thousands of women across this country who need this treatment.

The rule removes the amendment offered by the gentleman from Oklahoma (Mr. COBURN). His amendment addresses a serious disease, the human papilloma virus. But unfortunately this language may have slowed this bill's passage in the other body. I support the efforts of my colleague, and I look forward to joining him in the future to have these concerns considered. I join my colleague, the gentlewoman from New York (Mrs. MALONEY), the cochair of the House Women's Caucus, in committing to work within the Women's Caucus for the inclusion of his bill in any vehicle possible this year so we can address this dangerous virus.

Presently, I urge all of my colleagues to support this rule, however, and the underlying bill. This legislation is a critical step in ensuring women have access to the treatment that they need for these terrible diseases. I thank the gentlewoman from California (Ms. ESHOO) and the gentleman from New York (Mr. LAZIO) for their work on this issue.

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

Mr. WAXMAN. Mr. Speaker, I came to the floor originally to speak against the rule, but now I understand that the rule will be amended and the language that was added to the Senate bill will not be included so that this legislation will go directly from the House to the President. We hear he is anxiously awaiting the opportunity to sign it.

I was the author of the legislation originally to provide the breast and cervical cancer screening. That was during the Bush-Quayle administration. We had their support for that legislation, but we could not get them to agree to help fund the treatment for women if they found that they had cancer. It is now 8 years later and in a bipartisan and maybe unanimous move we are finally going to allow low- and moderate-income women who are screened for breast and cervical cancer under the existing program to have assured treatment under this legislation.

This bill would provide them the hope by allowing States to cover them under Medicaid to get the care that they need. It makes sense. It is in fact a cruel hoax to say to a woman, ''Go get screened but if it turns out you have cancer, if you don't have insurance, you're on your own.''

Unfortunately, in these last 8 years, the number of people who are uninsured has grown 1 million each year. So we have more and more people uninsured. At least for those women who have breast and cervical cancer, once they are screened under the existing program, we will now provide medical services, lifesaving medical services for them. It would be a travesty to do otherwise.

I am pleased now to support the rule when it is amended and to support the legislation. It is long overdue. I look forward to having the President sign this legislation into law.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, this should be a guy thing, and I want to tell my colleagues why. I joined the Labor-HHS committee because it focuses primarily on two issues: one is education, the other is medical research. This century is going to be, I think, not for technology but the most important century for medical research in the history of mankind, from the genome program to cell division where we can take pancreatic cells and inject into maybe a child that has juvenile diabetes.

I would like my colleagues to remember that we lost Herb Bateman this year. Congressman Vento, we go to his funeral tomorrow. Cancer is a brutal thing. I know many of our colleagues on this floor have contracted it. I have talked to the gentlewoman from Connecticut (Ms. DELAURO). She is a cancer survivor. My mom is a cancer survivor. There is no better woman in this country than my little mom. But can you imagine, and I know when the doctor looked me in the face and said, ''Duke, you've got cancer,'' that is pretty tough. And I try and put myself in the position that what if I did not have care for my medical retirement from my military retirement, what if someone says, ''Duke, you've got prostate cancer, but you've got no hope. You're going to die.'' How terrible is that in a country as powerful as ours? I look at the things in my own personal life. I am pro-life. My colleagues know that. And I disagree with areas like Planned Parenthood on their abortion issue. But I went to Planned Parenthood, and I saw many women receive mammograms, pap smears, care that indigent women would not have received. At least we need to come together in those areas to make sure that many of our unfortunate that do not have health care can come together and get that. That is why I think this is so important, and I rise in strong support. I want to thank my colleagues on both sides of the aisle for this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to support this measure and to pay tribute to the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for taking the lead and for the rest of the women in the bipartisan Women's Caucus. Many taxpayers' dollars went into the discovery and the security of having diagnostic and treatment modalities for cervical and breast cancer. Yet we have seen a number of working women, low-income women without health insurance coverage not be able to get treatment simply because they cannot afford it. Yet some of their tax dollars went into the real arrival of these answers that we have today.

I stand here as a cancer survivor because of these diagnostic and treatment modalities.

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My grandmother was a victim. So I do know what it is like to be told not only of a family member but be told myself that I have cancer, and to have access to getting treatment.

I would hope that the gentleman from Oklahoma (Mr. COBURN) would understand that we do not want to delay this measure any longer in going to get the President's signature so that women can have access to this treatment. I do not believe that he would want to do that.

I understand the seriousness of that virus. I too am a health professional. I am a registered nurse and understand the real importance of early diagnosis and treatment. Far too long we have waited for this to become law, and I hope we will wait no longer.

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank my good friend, the gentlewoman from North Carolina (Mrs. MYRICK), for yielding me this time.

Mr. Speaker, breast and cervical cancers have continued to increase in exponential numbers. Just today approximately 480 women across our Nation will be diagnosed with breast cancer and approximately 120 will die from this affliction. Women's cancers are sweeping the families of our Nation at high speeds, and while researchers continue to look for cures and effective treatments, many women will never be able to see the benefits of such research because they simply will not be able to afford it.

Today, by passing this legislation, we will be on our way to ensuring that low-income women without health insurance have access to lifesaving treatment.

Cancer eats away at the spirits of women battling with this disease. These women should not have to waste their energy scrambling for an ad hoc patchwork of providers, volunteers and charity care programs that will only result in unpredictable, delayed, or incomplete treatment. For the women and families fighting cancer, every minute counts. They simply cannot and should not have to wait any longer for this treatment. Their lives may depend on the outcome of today's vote. I urge my colleagues to vote for the passage of this bill so that low-income women can have a fighting chance at beating breast or cervical cancer.

I would like to thank my dear constituent, Jane Torres, president of the Florida Breast Cancer Coalition, for her selfless devotion to this very worthy cause; and to Fran Visco, president of the National Breast Cancer Coalition, for her tireless efforts to eradicate breast cancer; and to my dear colleague, the gentleman from New York (Mr. LAZIO), the leader of this legislation, who continues to show through his actions that the welfare and the health of women and families remain his priorities; and lastly, to my colleague, the gentlewoman from North Carolina (Mrs. MYRICK), a breast cancer survivor and a fighter to whom this legislation is dedicated and a fearless advocate for all women living with breast cancer.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time, and for her leadership.

Mr. Speaker, I rise in strong support of this rule and the underlying bill. This is an extremely important bill, and it will literally save thousands of women's lives. Mr. Speaker, I ask everyone to stop for a moment and think about what they might do if they were diagnosed with cancer but were told that no treatment options were available under their insurance and that they could not afford treatment because they could barely afford to feed their family and pay their rent.

Mr. Speaker, for thousands of women in this country, this is an unfortunate reality. There is an outstanding program under the CDC called the National Breast and Cervical Cancer Early Detection program. It provides screening for low-income women who have little or no health insurance, but for women who find that they have cancer from this important screening program there is no guarantee of any treatment. It is clear that this situation must change. This bill will do that.

The Women's Caucus has made it a top priority. I want to thank the gentlewoman from California (Ms. ESHOO) and the gentlewoman from California (Mrs. CAPPS), the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), and my Women's Caucus cochair, the gentlewoman from New York (Mrs. KELLY), for their tireless work to get this bill passed. I also want to thank all the members of the Women's Caucus who signed a letter to Speaker HASTERT this week urging swift passage of the bill.

This bill gives States the option to provide Medicaid coverage to uninsured or underinsured women who have been diagnosed through the CDC's screening program. It passed overwhelmingly in the House and Senate, and every day this bill is delayed we have women dying from treatable breast and cervical cancer. Today is a great and important day for women facing breast and cervical cancer. I commend the leadership for bringing it to the floor today, and I also want to commend the gentleman from Oklahoma (Mr. COBURN) for his efforts and pledge my support to continue working with him on the dangers of HPV.

I urge total support and passage and to the President's desk.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise simply to thank all of those who have been engaged in this battle both personally and as well publicly. I do acknowledge the importance of this legislation and particularly the fight against this virus HPV. I think it is very important to acknowledge the number of women who have died suffering from both breast and cervical cancer. Just a week ago, many of us, or this past month, saw the Susan B. Coleman Race for the Cure all over the Nation. Thousands of women stood up to be counted for a cure for breast cancer. In my own community 20,000 walked, and I am particularly proud of the Sisters Network, a group of African American women who have gone into the community to fight against the stigma of acknowledging the importance of getting a mammogram or the importance of early detection.

This legislation, however, comports with the mission of many women in the United States Congress and that is there can be no real research if we do not use clinics and reach out to women to be tested and further research in the National Institutes of Health. I am glad that this legislation will help low-income women, inner city women, rural women, Asian, Hispanic, African American women, white women, all women who face these devastating diseases; and we will learn more by this legislation. I hope that my colleagues will support this legislation enthusiastically, but I also ask that we continue to fetter out some of the perceived uncurable diseases that have plagued American citizens, and particularly in this instance women. I also want to salute the very brave women who are survivors and ask that there be many more as we seek a cure for these diseases.

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

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

Mr. Speaker, as I stated earlier, the amendment of the gentleman from Oklahoma (Mr. COBURN) is not going to be included on this bill, just for clarity; but I do want to say that I will do everything in my power to make sure that the very important issue is included in a bill this year. I want to thank the Women's Caucus for coming forward and saying that they are willing to work on this as well because we all understand how important it is to women that we get this done, and men, too, relative to prostate cancer.

I also want to thank everyone on both sides of the aisle for their cooperation on this and making it possible to see this bill come to fruition this year, and also thank the Breast Cancer Coalition for their support and other groups on the outside, and especially the gentleman from New York (Mr. LAZIO), who has been a real champion of this and spent a lot of hard work on this issue over the past year.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. MYRICK

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

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Clerk will report the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. MYRICK:

Strike all after the resolved clause and insert:

That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 4386) 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, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Commerce or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Commerce. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Mrs. MYRICK. Mr. Speaker, I do want to reiterate that this means this bill will go straight to the President for signature.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment in the nature of a substitute and on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentlewoman from North Carolina (Mrs. MYRICK).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

Mr. BILIRAKIS. Mr. Speaker, pursuant to House Resolution 628, I call up the bill (H.R. 4386) 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, to amend the Public Health Service Act and the Federal Food, Drug and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus, and for other purposes.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. BILIRAKIS

Mr. BILIRAKIS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. BILIRAKIS of Florida moves that the House concur in the Senate amendment to H.R. 4386.

The text of the Senate amendment is as follows:

Senate Amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Breast and Cervical Cancer Prevention and Treatment Act of 2000''.*

***SEC. 2. OPTIONAL MEDICAID COVERAGE OF CERTAIN BREAST OR CERVICAL CANCER PATIENTS.***

*(a) COVERAGE AS OPTIONAL CATEGORICALLY NEEDY GROUP.—*

*(1) IN GENERAL.—Section 1902(a)(10)(A)(ii) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)(ii)) is amended—*

*(A) in subclause (XVI), by striking ''or'' at the end;*

*(B) in subclause (XVII), by adding ''or'' at the end; and*

*(C) by adding at the end the following:*

*''(XVIII) who are described in subsection (aa) (relating to certain breast or cervical cancer patients);''.*

*(2) GROUP DESCRIBED.—Section 1902 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following:*

*''(aa) Individuals described in this subsection are individuals who—*

*''(1) are not described in subsection (a)(10)(A)(i);*

*''(2) have not attained age 65;*

*''(3) have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) in accordance with the requirements of section 1504 of that Act (42 U.S.C. 300n) and need treatment for breast or cervical cancer; and*

*''(4) are not otherwise covered under creditable coverage, as defined in section 2701(c) of the Public Health Service Act (42 U.S.C. 300gg(c)).''.*

*(3) LIMITATION ON BENEFITS.—Section 1902(a)(10) of the Social Security Act (42 U.S.C. 1396a(a)(10)) is amended in the matter following subparagraph (G)—*

*(A) by striking ''and (XIII)'' and inserting ''(XIII)''; and*

*(B) by inserting '', and (XIV) the medical assistance made available to an individual described in subsection (aa) who is eligible for medical assistance only because of subparagraph (A)(10)(ii)(XVIII) shall be limited to medical assistance provided during the period in which such an individual requires treatment for breast or cervical cancer'' before the semicolon.*

*(4) CONFORMING AMENDMENTS.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended in the matter preceding paragraph (1)—*

*(A) in clause (xi), by striking ''or'' at the end;*

*(B) in clause (xii), by adding ''or'' at the end; and*

*(C) by inserting after clause (xii) the following:*

*''(xiii) individuals described in section 1902(aa),''.*

*(b) PRESUMPTIVE ELIGIBILITY.—*

*(1) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by inserting after section 1920A the following:*

*''PRESUMPTIVE ELIGIBILITY FOR CERTAIN BREAST OR CERVICAL CANCER PATIENTS*

*''SEC. 1920B. (a) STATE OPTION.—A State plan approved under section 1902 may provide for making medical assistance available to an individual described in section 1902(aa) (relating to*

*certain breast or cervical cancer patients) during a presumptive eligibility period.*

*''(b) DEFINITIONS.—For purposes of this section:*

*''(1) PRESUMPTIVE ELIGIBILITY PERIOD.—The term 'presumptive eligibility period' means, with respect to an individual described in subsection (a), the period that—*

*''(A) begins with the date on which a qualified entity determines, on the basis of preliminary information, that the individual is described in section 1902(aa); and*

*''(B) ends with (and includes) the earlier of—*

*''(i) the day on which a determination is made with respect to the eligibility of such individual for services under the State plan; or*

*''(ii) in the case of such an individual who does not file an application by the last day of the month following the month during which the entity makes the determination referred to in subparagraph (A), such last day.*

*''(2) QUALIFIED ENTITY.—*

*''(A) IN GENERAL.—Subject to subparagraph (B), the term 'qualified entity' means any entity that—*

*''(i) is eligible for payments under a State plan approved under this title; and*

*''(ii) is determined by the State agency to be capable of making determinations of the type described in paragraph (1)(A).*

*''(B) REGULATIONS.—The Secretary may issue regulations further limiting those entities that may become qualified entities in order to prevent fraud and abuse and for other reasons.*

*''(C) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing a State from limiting the classes of entities that may become qualified entities, consistent with any limitations imposed under subparagraph (B).*

*''(c) ADMINISTRATION.—*

*''(1) IN GENERAL.—The State agency shall provide qualified entities with—*

*''(A) such forms as are necessary for an application to be made by an individual described in subsection (a) for medical assistance under the State plan; and*

*''(B) information on how to assist such individuals in completing and filing such forms.*

*''(2) NOTIFICATION REQUIREMENTS.—A qualified entity that determines under subsection (b)(1)(A) that an individual described in subsection (a) is presumptively eligible for medical assistance under a State plan shall—*

*''(A) notify the State agency of the determination within 5 working days after the date on which determination is made; and*

*''(B) inform such individual at the time the determination is made that an application for medical assistance under the State plan is required to be made by not later than the last day of the month following the month during which the determination is made.*

*''(3) APPLICATION FOR MEDICAL ASSISTANCE.—In the case of an individual described in subsection (a) who is determined by a qualified entity to be presumptively eligible for medical assistance under a State plan, the individual shall apply for medical assistance under such plan by not later than the last day of the month following the month during which the determination is made.*

*''(d) PAYMENT.—Notwithstanding any other provision of this title, medical assistance that—*

*''(1) is furnished to an individual described in subsection (a)—*

*''(A) during a presumptive eligibility period;*

*''(B) by a entity that is eligible for payments under the State plan; and*

*''(2) is included in the care and services covered by the State plan,*

*shall be treated as medical assistance provided by such plan for purposes of clause (4) of the first sentence of section 1905(b).''.*

*(2) CONFORMING AMENDMENTS.—*

*(A) Section 1902(a)(47) of the Social Security Act (42 U.S.C. 1396a(a)(47)) is amended by inserting before the semicolon at the end the following: ''and provide for making medical assistance available to individuals described in subsection (a) of section 1920B during a presumptive eligibility period in accordance with such section''.*

*(B) Section 1903(u)(1)(D)(v) of such Act (42 U.S.C. 1396b(u)(1)(D)(v)) is amended—*

*(i) by striking ''or for'' and inserting '', for''; and*

*(ii) by inserting before the period the following: '', or for medical assistance provided to an individual described in subsection (a) of section 1920B during a presumptive eligibility period under such section''.*

*(c) ENHANCED MATCH.—The first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—*

*(1) by striking ''and'' before ''(3)''; and*

*(2) by inserting before the period at the end the following: '', and (4) the Federal medical assistance percentage shall be equal to the enhanced FMAP described in section 2105(b) with respect to medical assistance provided to individuals who are eligible for such assistance only on the basis of section 1902(a)(10)(A)(ii)(XVIII)''.*

*(d) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance for items and services furnished on or after October 1, 2000, without regard to whether final regulations to carry out such amendments have been promulgated by such date.*

The SPEAKER pro tempore. Pursuant to House Resolution 628, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Ohio (Mr. BROWN) each will control 30 minutes.

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

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 4386.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act of 2000. I commend the gentlewoman from North Carolina (Mrs. MYRICK) for her personal courage in the face of breast cancer and for her work in persuading the House leadership to bring this important bill to the floor today.

I also wish to recognize one of the original cosponsors of H.R. 4386, the gentleman from New York (Mr. LAZIO), for his many months of hard work on the Committee on Commerce persuading Members and forging alliances with the American Cancer Society, the National Women's Health Network, the National Cervical Cancer Coalition, the National Breast Cancer Coalition, the Cancer Research Foundation of America, and so many others, to make this day possible. His diligent work on H.R. 1070 laid the groundwork for this legislation. Mr. Speaker, I was joined on our Committee on Commerce by the gentlewoman from California (Ms. ESHOO), who persistently fought for progress on this bill.

Like so many women I have met over the last few years advocating for this legislation, I understand the fears that families face when they first hear that word. I have worked in Congress to help find ways to help more women from falling victim to cancer. In the closing days of the last session, the Committee on Commerce reported out H.R. 1070, the Lazio-Eshoo Breast and Cervical Cancer Prevention and Treatment Act of 1999. I am very pleased that we are now on the floor debating a bill based on the committee's work, which addresses both breast cancer, the leading cause of cancer deaths among women, and cervical cancer, cancer caused by the HPV viral infection that kills more women in America than HIV, the cause of AIDS.

I am deeply disappointed, as has been stated by others, that the other body stripped the House-passed amendments that would do so much to prevent cervical cancer. Perhaps this is a consequence of the outside lobbying groups that have been formed around breast cancer, leaving in the dust their sister organizations concerned about cervical cancer, and that is a shame.

Mr. Speaker, we need to do more about cervical cancer than pass resolutions increasing awareness about it. We need to take positive steps to prevent its occurrence in the first place through our public health agencies. Cervical cancer is 100 percent preventable, and I fear that if the House is not successful in addressing prevention, the families of the 5,000 women who will die of this disease this year will judge us for not taking action when we had the opportunity.

So, Mr. Speaker, while I am disappointed that the bill we consider today does not address prevention of cervical cancer, and I am not really sure why in the world we have refused to do that, but in any case I do believe that we should move forward on the underlying bill and address cervical cancer prevention in another piece of legislation.

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H.R. 4386 will close a gap left open when the screening program was first created, and it represents an important step forward in the battle against breast and cervical cancer.

I urge my colleagues to support passage of this critical measure, which will give new hope to breast and cervical cancer patients in need as we continue the fight to find a cure for these terrible diseases.

Again, I thank the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from Missouri (Ms. DANNER), the gentleman from New York (Mr. LAZIO), the gentlewoman from California (Ms. ESHOO), my Committee on Commerce colleagues, and many others who have contributed to bring this legislation to the floor today.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the gentlewoman from California (Ms. ESHOO) and the gentlewoman from North Carolina (Mrs. MYRICK) for their hard work on behalf of women screened under the CDC Breast and Cervical Cancer Screening Program.

H.R. 4386 has garnered tremendous support with some 318 cosponsors. In 1990, Congress passed the Breast and Cervical Cancer Mortality Prevention Act. That bill authorized funding for a national breast and cervical cancer screening program focusing on uninsured and underinsured women.

The program is federally-funded and locally operated. Simply put, it works.

My home State of Ohio set up 12 local screening sites, providing coverage for all of Ohio's 88 counties. Since the Ohio program's inception, 16,000 women have been screened for breast and cervical cancer. Cancer has been detected in more than 200 women.

Early detection alters the odds of successful treatment dramatically, restoring precious years otherwise lost to these devastating cancers. But, unfortunately, there is there is a catch. Early detection is a futile and ultimately cruel exercise if a cancer diagnosis does not trigger appropriate treatment. The two obviously go hand-in-hand.

The 1990 bill authorized funding for screening, but not for treatment. Instead, it calls on States to secure treatment for women diagnosed with cancer under the Federal screening program.

As it turns out, the onus of responsibility has fallen on the local screening programs. Staff at the screening programs and at the screening sites typically do two jobs. They arrange screenings. Then, when tragically necessary, they try to convince hospitals and doctors to provide free cancer care to patients, cobbling together any program, any services, any assistance, any help they can.

This is a labor-intensive hit or miss effort that places an immense burden on the screening programs, with no guarantee that women will receive care on a timely or a consistent basis. In a health care system shaped all too often now by the managed care industry, providers inevitably have less flexibility to offer their time and their services for free.

The Federal government invested $158 million to the breast and cervical cancer screening program in fiscal year 1999, yet we are only reaching 12 to 15 percent of the target population. When the women we have invested in are diagnosed with cancer, our commitment to them, unbelievably, ends.

CDC cancer screening resources should be used to provide cancer screening. Health care resources should be used for health care. That is where Medicaid comes in.

The title of the original authorization is the Breast and Cervical Cancer Mortality Prevention Act, but mortality prevention requires not just screening, but also treatment. H.R. 4386 fills that gap. It establishes a modest optional Medicaid benefit enabling the Federal government to contribute to the costs of providing proper care for these women.

By freeing up screening program resources, by eliminating the uncertainty around treatment for women screened under the CDC program, H.R. 4386 permits our Nation to achieve the full health potential promised in the Breast and Cervical Cancer Screening Program.

We need to fight breast and cervical cancer with every weapon available. Early detection, proper health care, are the strongest weapons we have. Because the Republicans changed a bad rule to a good rule, this bill will go straight to the President, not back to the Senate.

On this side of the aisle, we enthusiastically support this bill, as the gentlewoman from California (Ms. ESHOO) when she began the process did, and as all of us have joined her.

I urge my colleagues to support this very good legislation.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to thank the gentleman for his great work on this, and also commend the gentlewoman from North Carolina (Mrs. MYRICK) for her sponsorship of H.R. 4386, the Breast Cancer Prevention and Treatment Act.

Passage of H.R. 4386 would guarantee low-income uninsured women in this country treatment if they are diagnosed with breast or cervical cancer in the Federal screening program. Currently, as we know, many low-income and uninsured women are not receiving the treatment and medication they urgently need because they simply cannot afford it.

It is crucial that we pass this legislation and that we pass it today so that women across the country receive the lifesaving treatment that they so desperately deserve and need. Mr. Speaker, breast cancer is the most common cancer among women, other than skin cancer. It is the second leading cause of cancer death in women after lung cancer.

I would point out to my colleagues that my own cousin Sue, who was very, very close to me, fell victim to this disease several years ago. She was misdiagnosed. She went to her own doctor, who missed the signs. It was a matter of providential help that she walked into one of those mobile screening clinics and found out that that lump that she was so concerned about turned out to be cancer. Because of that, she got several years because she was able to at least get it treated. Had she known about it sooner, I do believe that my cousin Sue would be here today.

In like manner, my wife's mother died of breast cancer. That was more than 25 years ago. But she, too, went to a doctor, and had it missed because he missed the signs of what was taking place in her body. She passed prematurely while my wife was still in high school.

We all have cases. Every single one of us have a loved one who has been lost to this devastating disease. Hopefully, this kind of initiative will at least spare some the agony of this terrible cancer.

As my colleagues know, the American Cancer Society reports that there will be approximately 182,000 new cases of invasive breast cancer in the year 2000 among women in this country, resulting in about 40,800 deaths from this horrible disease.

It is imperative, Mr. Speaker, that Congress continues to expand research opportunities focusing on finding a cure, increasing early detection, and speeding access to treatment for breast cancer.

Mr. BROWN of Ohio. Mr. Speaker, I yield 4 minutes to the gentleman from Michigan (Mr. DINGELL), who played a role in 1990 in writing the original Breast and Cervical Cancer Treatment Act.

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

Mr. DINGELL. Mr. Speaker, I support this legislation. I want to commend my colleagues who have had a part in bringing this legislation to the floor today.

I want to pay tribute to my friend, the gentleman from Oklahoma (Mr. COBURN) for having withdrawn his amendment. That is going to make it possible for us to send it to the President for signature.

I want to commend my colleagues on the other side of the aisle. I commend the chairman of the subcommittee, the gentleman from Florida (Mr. BILIRAKIS), the gentleman from Ohio (Mr. BROWN), the gentlewoman from California (Ms. ESHOO), the gentlewoman from North Carolina (Mrs. MYRICK), and the gentleman from New York (Mr. LAZIO), for their leadership on it. We owe them a great debt.

More importantly, the people in the country owe gratitude to these Members and all of the others, some 318 of them, who worked to bring this legislation to the floor.

This is good legislation. Hardly a Member of this body, or indeed, a citizen walking down the street in this country, has not had his or her life touched by cancer, and hardly a citizen has not had a loved one who has had to confront this terrible disease.

Like most other, I can tell stories of people in my family that I have lost to this disease. It has left permanent scars on the family. It has left permanent scars on me and on a lot of others.

Having said that, this legislation is not only good, humane, important, but it is needed. Some years ago I was at a

hospital in Michigan, a major hospital. And they say, Mr. DINGELL, ''There is good news.'' I said, ''I am glad to hear it. What is it?'' They said, ''We now are able to examine women under Medicaid to find out if they are at risk from cancer of the breast and of other parts of the body.'' They said, ''But there is bad news.'' I said, ''What is that?'' They said, ''We can screen them for cancer, but we cannot provide the necessary treatment under Medicaid to remove the cancer.''

I said ''That is like telling a woman that she has cancer, that is the good news, and the bad news is, she is going to die.'' I think that was intolerable then, and I am happy to note that the legislation before us addresses that problem. Women are now able to know when this bill is signed by the President, as it will be, that there will be treatment for those women who are in the low- and moderate-income groups so that they will not know that when they get a government analysis of their health and are tested for cancer, they are going to know they have cancer, but they also will know they are going to die.

The wonderful thing about this legislation is it is going to give lots of hope to Americans who have no other hope in the time when they have the greatest need, when they have cancer.

I applaud the legislation. It meets a tremendous need in our society. These women will now know that they can expect to have at least a fighting chance to have decent treatment, and know that they have a chance to live for themselves and for their families and for those who love them.

It is a humane, a necessary, a good piece of legislation. Mr. Speaker, I rejoice that the House is considering this legislation today. I support it, and I am delighted that the matter will now go to the President for signature, because it is an important and needed piece of legislation, and should go so as speedily and as rapidly and as efficiently as we can possibly get it there for the signature of the President, so the money can begin to be spent on a terrible need of women who have no other hope for surviving a terrible disease.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), who is probably the largest proponent of women's issues in this House.

Mrs. MORELLA. Mr. Speaker, I thank the distinguished chairman of the subcommittee, who has been a great advocate for issues that affect women, children, and families, and this is certainly a case in point.

Mr. Speaker, October is Breast Cancer Awareness Month. Congress has an opportunity to do something now to help turn awareness into action by passing H.R. 4386, the Breast and Cervical Cancer Prevention and Treatment Act.

One out of every nine women will be diagnosed for having breast cancer. Just last Saturday I was in Boston, where the eldest child of my late brother was buried, having had breast cancer.

So we know that awareness is important as well as treatment being important, diagnosis, mammograms, personal checking by oneself, and certainly through the Centers for Disease Control and the prevention and early detection program.

The Senate passed the bill we are considering today unanimously last week. Women and their families across the country are really looking forward to this legislation finally being signed into law. Indeed, I want to applaud the many groups that have diligently worked very hard for this bill.

I also want to applaud the gentlewoman from North Carolina (Mrs. MYRICK), the gentlewoman from California (Ms. ESHOO), the gentleman from New York (Mr. LAZIO). I want to applaud the chairman, the gentleman from Florida (Mr. BILIRAKIS), the ranking member, and the gentleman from Ohio (Mr. BROWN) for the hard work they have put into this legislation.

The legislation is lifesaving. It has strong bipartisan support, a groundswell of support from the grass roots level. With passage of the Senate version of the bill, we will take the final step in a long process to guarantee low-income, uninsured women in this country the treatment they need when they are diagnosed with breast or cervical cancer through the Centers for Disease Control and Prevention's early detection program.

I cannot imagine diagnosing and then not treating. This bill will do that. It will allow us treatment. Many of us have worked hard to get this bill passed. Let today be the day. We are going to pass this bill through the House, with the gentleman's leadership.

□ 1530

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

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time and for his hard work on this bill.

This is a great bipartisan moment in the House. The gentleman from Oklahoma (Mr. COBURN) and the bipartisan Women's Caucus have worked together to make sure that this bill gets done this year.

Mr. Speaker, it is harder to get low-income women to take preventive steps. We know resources is one of the reasons; but the fact is we have to fight against advice, for example, on whether or not mammograms are harmful. We have to fight against the lack of education that middle-income women do not suffer from. But there is no greater deterrent than knowing that the information I find may be information I have to not only live with, but ultimately die with, because there is no treatment, no matter what we learn.

Mr. Speaker, this really raises moral and ethical issues, because if we detect but do not treat, what are we as a society doing and saying? We have made real progress on early detection in recent years. It is quite amazing progress.

For example, the majority of women in the District of Columbia probably now get a mammogram. D.C. offers free screening at 26 different sites, a program called WISH, Women Interested in Staying Healthy, that is pennywise and healthwise, because it saves money and saves lives, but not if there is no treatment. We are then defeating our own purpose.

Let me give you a painful example. The incidence of breast cancer among black women is significantly less than among white women, but the mortality rate among black women is much greater: 19.8 per 100,000 for white women, 26.5 for black women. Why? Of course, it is a combination of early diagnosis and no treatment, no early diagnosis and no treatment.

It is almost cruel to offer one without the other. If we continue to do this, it will throw us back on early detection, because we would be sending the message, don't come forward and scare yourself to death because we cannot do anything for you afterwards.

Mr. Speaker, we have made enormous progress on early diagnosis of cervical cancer and breast cancer. Now we are making great progress on curing them.

Mr. BROWN of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. BENTSEN), who has been very, very involved in this issue in his 6 years in the House.

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

Mr. Speaker, I want to commend the gentleman from Florida (Mr. BILIRAKIS), the chairman, and the gentleman from Ohio (Mr. BROWN), the ranking member of the Subcommittee on Health and Environment, for getting this bill brought to the floor, and, in particular, in moving to concur in the action by the other body so this bill can be sent directly to the President and be enacted this month, which is in fact Breast Cancer Awareness Month.

Mr. Speaker, this measure would provide critical Medicare for low- and moderate-income working women who have been diagnosed with breast and cervical cancer.

Under a 1990 law, low- and moderate-income women are eligible for screening for both breast cancer and cervical cancer through the Centers for Disease Control and Early Prevention early detection program. This has served more than a million women and diagnosed more than 30,000 women with cancer or precancerous conditions. However, it is unconscionable that we would help these women get the screenings they need to discover these cancers, but not provide any ability for follow-up care.

The diagnosis of breast or cervical cancer should not be a notice of a

death sentence to a working woman who has no insurance.

Mr. Speaker, under current law, treatment is available only for a small percentage of these diagnosed women, those who are eligible under the TANF programs or under the supplemental security income program for disability. As a result, many of these 30,000 low- and moderate-income women who have been diagnosed simply delay treatment because they cannot afford it or because they make too much money to qualify for Medicaid.

This bill would correct this inequity by giving States the option to expand Medicaid coverage for these women who have no health insurance.

Mr. Speaker, I am also pleased that the bill is structured to encourage the States to immediately expand their Medicaid coverage program for women. Under the bill, States would receive an average of 68 percent of the cost share by the Federal Government and they would be responsible for 32 percent. This is much higher than the basic Medicaid rate for many States, including my State of Texas, where the average rate of the Federal Government is 61 percent. And I hope it would encourage the State to move quickly.

Earlier this year, I met a young women, Ms. Barbara Marsh, who is receiving treatment in a clinic, the Rose, which is located in my district and who would benefit from this program. Ms. Marsh of Humble, Texas, was diagnosed with breast cancer and is a self-employed dance instructor. At the age of 32, Barbara discovered a lump in her breast and was treated for breast cancer through the public health system. However, because she owns her own dance studio, which is considered to be an asset, she was required to pay the $26,000 for her medical treatments.

Mr. Speaker, unable to afford these high bills, Ms. Marsh did not seek any additional follow-up treatment until August of 1999 when her breast cancer had advanced to Stage 3. If Barbara had health insurance, she would have had access to follow-up care and treatment and may have discovered this disease in a much earlier stage. But because she is self-employed and does not have any health insurance, she suffered.

This legislation would ensure that Ms. Marsh and thousands of women like her across America will have access to cutting-edge treatments that can save their lives. In a Nation with the greatest health and research assets and facilities in the world, no one should suffer the risk of death due to cancer for lack of access to such assets.

I congratulate the sponsors of this bill. I am proud to be a cosponsor of the initial House bill, and I look forward to its passage and its enactment into law.

Mrs. FOWLER. Mr. Speaker, I rise today in strong support of the Breast and Cervical Cancer Treatment Act.

Nearly 40,000 low-income women have been diagnosed with breast or cervical cancer or pre-cancerous lesions since the National Breast and Cervical Cancer Early Detection Program was established one decade ago. For many of them, the pain of learning they have a devastating illness is exacerbated by the fact that they cannot afford the treatment they know they need.

I do not want this Congress to have to tell another woman that yes, you have this disease, but no, there is nothing we can do to help you fight it.

This bill allows us to help these women by providing coverage for the treatment they need. It is common-sense legislation, and the overwhelming consensus with which it passed in the House and in the Senate is proof of that fact. Today, we have an opportunity to again show our overwhelming support for the Breast and Cervical Cancer Treatment Act.

I would like to take a moment to thank the Speaker of the House for his commitment to moving this bill through all the procedural hurdles it has faced. He promised women that the House would pass this bill before Mother's Day, and he did. He promised them we would take it up again before adjourning, and we are.

Mr. Speaker, I am hopeful that this bill will move swiftly from our halls to the President's desk and become law. The women who will be diagnosed through this program deserve nothing less than prompt action by the President. I urge my colleagues to vote yes on this critical bill.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 4386 and urge my colleagues to pass this important legislation.

I am grateful for the strong bipartisan support this legislation has received and I am proud to support this bill again so it can be forwarded to the President for signing and passage.

Mr. Speaker, passing this bill is critical for all Americans, but it is especially critical for families in my home State of New Jersey where breast cancer death rates are the highest in the nation. The program served women with incomes that are low but above the eligibility of Medicaid.

Ten years ago this Congress established a screening program to prevent and detect breast and cervical cancer to be administered under the auspices of the Centers for Disease Control (CDC).

In my home State of New Jersey, 20,000 women have been screened for breast cancer under the CDC program since 1996, and 16,000 have been screened for cervical cancer. Nationwide, over 200,000 women received mammograms under the CDC program in 1997 alone.

But until now, the program has not assured those women unfortunate enough to be diagnosed with either of these diseases that they would receive coverage and treatment, because, while they were uninsured, they had income above the limit set by State Medicaid programs. Too many of these women were left without hope. This was a great travesty.

Mr. Speaker, we must do more than just diagnose the problem. We must take the next step to ensure treatment for those without health insurance and pass this important legislation.

Thanks to this bill these women will now be eligible for Medicaid coverage should they be diagnosed with either of these diseases. This bill will save lives.

I know that many here in this Congress have been working hard to see this discrepancy addressed. I applaud their efforts and I am glad that we are finally having a chance to pass this much-needed legislation this year.

Ms. PELOSI. Mr. Speaker, I rise in strong support of the Breast and Cervical Cancer Prevention and Treatment Act. I first want to commend my colleague Representative ANNA ESHOO for her hard work on this important bill. She has been a great leader in this effort for many years. In addition, I also commend Representative SLAUGHTER and my colleagues in the women's caucus for their work to ensure that we have the opportunity to vote on a clean bill that will make it to the President's desk.

We all agree that Americans should be educated and informed about HPV, and all other sexually transmitted diseases. However, passage of this important legislation to help uninsured women beat back the ravages of breast and cervical cancer is vital, and it would have been a tragedy to jeopardize its success by including language unacceptable to the Senate.

Every year, Cervical cancer kills 4,400 women and breast cancer, the leading cause of death among women between 40 and 45, kills over 46,000 women. This bill builds on the CDC's National Breast and Cervical Cancer Early Detection Program which covers screening services, but does not cover treatment for women who are detected with cancer. The Breast and Cervical Cancer Protection and Treatment Act takes the vital next step to offer lifesaving treatment to cancer victims.

Early detection of breast and cervical cancer saves lives. According to the CDC, approximately 15 to 30 percent of all deaths from breast cancer among women over the age of 40 and virtually all deaths from cervical cancer could have been prevented with early screening and treatment.

Unfortunately, many of the women diagnosed through the CDC screening program do not receive the care they need because they lack adequate health insurance. Uninsured women with breast and cervical cancer face significant barriers to receiving lifesaving treatment. Women who are uninsured are 40 percent more likely to die from breast cancer than those with insurance. Not only are these women likely to be screened, but the scope of treatment they receive is often limited by their ability to pay.

The Breast and Cervical Cancer Treatment and Prevention Act would provide states with the option to provide the full Medicaid benefit package without delay to uninsured women diagnosed with breast or cervical cancer through the CDC screening program. As a result, thousands of low-income women would have access to consistent, reliable treatment.

I urge my colleagues to vote yes on this bill.

Mr. CROWLEY. Mr. Speaker, I am honored today to join my colleagues in support of H.R. 4386, The Breast and Cervical Cancer Treatment Act. I am pleased that the Republican leadership has withdrawn the Coburn Amendment, which will allow this bill to pass the house today.

This year, more than 200,000 American women will be diagnosed with breast and cervical cancer. These women are our mothers, our grandmothers, our sisters, our colleagues and our friends.

In 1990, Congress took the first step toward the fight against breast and cervical cancer by

passing the Breast and Cervical Cancer Mortality Prevention Act. This law authorized a breast and cervical cancer-screening program for low income, uninsured or underinsured women through the Center for Disease Control (CDC). Since its inception, the program has screened more than 500,000 women. Unfortunately, that is not enough. This program fails to provide any federal resources to pay for treatment once women are diagnosed with breast or cervical cancer.

H.R. 4386, The Breast and Cervical Treatment Act is a bipartisan piece of legislation which would provide Medicaid assistance to treat low-income, uninsured or underinsured women diagnosed breast or cervical cancer. Under this bill, the low income, uninsured or underinsured women diagnosed under the CDC Program will now receive the necessary treatment they need and deserve.

In the last decade we have made great strides in fighting against breast and cervical cancers. I am pleased to support this bill because the passage of this legislation today will give many women who were once hopeless a fighting chance to survive this terrible disease.

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

Mr. BILIRAKIS. Mr. Speaker, I urge a yes vote, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebreska). All time for debate has expired.

Pursuant to House Resolution 628, the previous question is ordered.

The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS).

The motion was agreed to.

A motion to reconsider was laid on the table.

## PROVIDING FOR CORRECTIONS IN ENROLLMENT OF H.R. 5164, TRANSPORTATION RECALL ENHANCEMENT, ACCOUNTABILITY, AND DOCUMENTATION (TREAD) ACT

Mr. UPTON. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 428), providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 428

*Resolved by the House of Representatives (the Senate concurring),* That in the enrollment of the bill, H.R. 5164, entitled ''An Act to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes'', the Clerk of the House of Representatives shall make the following corrections in section 6:

(1) insert before ''Section 30120(c)'' the following: ''(a) REMEDY PROGRAM.—''; and

(2) insert at the end of section 6 the following:

''(b) REIMBURSEMENT PRIOR TO RECALL.—Section 30120(d) of title 49, United States Code, is amended by inserting at the end thereof the following: ''A manufacturer's remedy program shall include a plan for reimbursing an owner or purchaser who incurred the cost of the remedy within a reasonable time in advance of the manufacturer's notification under subsection (b) or (c) of section 30118. The Secretary may prescribe regulations establishing what constitutes a reasonable time for purposes of the preceding sentence and other reasonable conditions for the reimbursement plan.''.

Mr. UPTON. Mr. Speaker, This concurrent resolution authorizes the Clerk of the House to correct the enrollment of the bill, H.R. 5164, the TREAD Act. This legislation passed both the House and Senate without opposition yesterday.

Due to an inadvertent drafting error, a paragraph of the amendment offered by Mr. LUTHER in committee was deleted from the bill reported to the House, and left out of the bill subsequently passed by both the House and Senate. This provision, which addressed the reimbursement for repairs made prior to a recall, enjoyed broad bipartisan support and was always assumed to be part of the package passed by the House.

This concurrent resolution simply corrects this error, and I urge my colleagues to support it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H. Con. Res. 428.

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

There was no objection.

## CONFERENCE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 626, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 626

*Resolved,* That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (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, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

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

Mr. Speaker, this rules provides for the consideration of the conference report on H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. The rule waives all points of order against the conference report and against its consideration.

Further, the rule provides that the conference report shall be considered as read. This is the standard approach for conference reports, and this is a noncontroversial rule.

I urge all of my colleagues to support it. In addition, I strongly encourage my colleagues to support the conference report itself. While we will discuss the substance of the conference report during the general debate, this bill is extremely critical in terms of making sure our intelligence agencies have the capabilities needed to protect the United States and the lives of American citizens at home and abroad.

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

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

Mr. Speaker, this rule allows for the consideration of the fiscal year 2001 intelligence conference report. This conference agreement is, in the main, not controversial. There is, however, concern about title VII of the conference agreement, which creates a new Public Interest Disclosure Act.

Mr. Speaker, as Members know, detailed information about the provisions contained in authorizations for the intelligence activities are for the most part classified. It is my understanding that there is little disagreement on the part of the House managers on the provisions of the conference agreement contained either in the statement of managers or in the classified annex. However, title VII, the new Public Interest Declassification Act, sets forth standards governing access to and protection of national security information and creates a new set of penalties relating to disclosure of classified information.

Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS), the ranking member of the Committee on the Judiciary, have expressed their grave reservations about these provisions and their implications on first amendment rights. Both the gentleman from Illinois (Chairman HYDE) and the gentleman from Michigan (Mr. CONYERS) have said that they should not

become law without full public hearings. However, since the Senate has already acted on this conference agreement, a motion to recommit the agreement to the conference has been precluded.

I would hope in the next Congress, the Committee on the Judiciary, in cooperation with the Select Committee on Intelligence will thoroughly examine these issues and, if necessary, make remedial changes to the provisions now found in title VII of the conference agreement.

Mr. Speaker, in the meantime, I urge Members to support this rule so that the House may proceed to the consideration of the conference report.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider is laid on the table.

□ 1545

Mr. GOSS. Mr. Speaker, pursuant to House Resolution 626, I call up the conference report on the bill (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, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 626, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 11, 2000 at page H9709.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

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

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

Mr. Speaker, I rise today to present the conference report on the Fiscal Year 2001 Intelligence Authorization bill. I believe that hard work and careful deliberation has produced a first-rate bill that funds the critically important work of our intelligence community, and we are all reminded today just how critical that work is.

As has been the long-standing custom of the Permanent Select Committee on Intelligence, this conference report is a bipartisan product which reflects credit on our committee's members and its very highly professional staff, and I want to thank all involved.

This conference report authorizes funds for fiscal year 2001 intelligence-related activities, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System. I just wanted to take a moment to highlight several provisions of the conference report for the consideration of Members.

First, this conference report, I am happy to announce, includes Senator MOYNIHAN's ''Public Interest Declassification Act of 2000.'' This legislation is an important first step in regaining control and putting some order to the government's declassification process, a subject of great interest to many Members. I want to commend Senator MOYNIHAN for his tireless work to encourage the appropriate and timely declassification of appropriate U.S. Government records.

Another initiative of note is language addressing the serious problem of leaks of classified information by U.S. Government officials. Mr. Speaker, leaking classified government information is not a right or a privilege of U.S. officials or employees who have access to that information. Too often over the past few years, we have significantly risked, and sometimes lost, fragile intelligence resources because those employed by the government and who have access to classified information have chosen to leak that information and, thus, have ignored their commitments to national security. Damage has been done.

The provision in this conference report simply states that, if one is a current or former government employee who had access to classified material that one has promised to protect, that one must live up to those obligations. If one does not, then one is going to be held accountable.

The provision is narrowly crafted to protect the rights that all Americans hold dear. It is not, as some will say, an affront to the first amendment. In fact, the Justice Department has reviewed the provision and finds no constitutional infirmity. They even support the provision. The committee has looked carefully at this provision. As George Tenet, the Director of Central Intelligence, has stated, ''the administration leaks like a sieve.'' This must stop.

Mr. Speaker, although I expect some discussion about the provision I just mentioned, I do not want Members to lose sight of a key and important fact. Today's activities in the Middle East speak volumes, sad volumes, I am afraid to say, to the type of world that we now live in. The apparent attack on the U.S.S. *Cole* and the violence in Israel and Palestine are terrible reminders of how fragile our national security can be.

The only way to be ready to face the threats to our security, and that is the security of all Americans at home and abroad, is by having a vibrant first line of defense that provides indications and warning, and that is our intelligence community. This conference report directly helps to rebuild resources that were cut after the Cold War and ensures the protection of our rights and liberties now and in the future. It is carefully crafted.

Before I close, I want to mention one other important point. With the conclusion of this Congress, the committee will lose the talents of several valued Members who have either served out their terms on the committee or who have chosen to seek other opportunities.

The gentleman from California (Mr. LEWIS), our esteemed vice chairman, who also serves this body as the Chairman of the Subcommittee on Defense of the Committee on appropriations will rotate off the committee.

The gentleman from California (Mr. LEWIS) has been a tireless supporter of the committee and of the intelligence community. His insights and his opinions have been invaluable to me and to the committee. He has also been instrumental in ensuring that his subcommittee and the Permanent Select Committee on Intelligence work very closely together, which has benefitted this House in many ways. I thank the gentleman from California (Mr. LEWIS), and all Americans thank him for the work he has done.

In addition, I would like to recognize two other Members who will not be with the committee next year: the gentleman from Florida (Mr. MCCOLLUM) and the gentlewoman from California (Ms. PELOSI). They have each contributed in an important way to the committee's work, and we on the committee shall certainly miss them.

Also, I would be remiss if I did not mention the excellent work by staff on both sides of the aisle, and I say that from my heart. Their efforts have allowed for us to be here today with a good bipartisan product on a critical subject.

Mr. Speaker, this is a good and important piece of legislation. I urge my colleagues to support its adoption.

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

Mr. DIXON. Mr. Speaker, I rise in support of this conference report, and because of a scheduling problem, I yield 4 minutes to the gentleman from Georgia (Mr. BISHOP), a very valuable Member of our committee.

Mr. BISHOP. Mr. Speaker, I thank the gentleman for yielding me this time. I want to thank the gentleman from Georgia (Mr. DIXON), the ranking member, and the gentleman from Florida (Mr. GOSS), the chairman, for the outstanding work that they have done and also the work of the staff which is so invaluable in helping us to come up with this work product.

Mr. Speaker, months ago, during the debate on the House Permanent Select Committee on Intelligence's reported authorization bill, I highlighted several very positive features of the bill and applauded the bipartisanship and the excellent cooperation in the work of the committee under the leadership of the chairman and the ranking member.

I am pleased to note that this conference report sustains the important initiatives and actions recommended in the House bill. This outcome, too, is

testament to the sound judgment and hard work of the committee leadership and, indeed, of all my colleagues on the committee.

During our meetings with the Senate, and our discussions with the administration, concern arose over a House proposal to require the National Reconnaissance Office to contract separately from the Air Force for the large rockets that carry our reconnaissance satellites into orbit.

The House Permanent Select Committee on Intelligence adopted this proposal after substantial investigations and hearings following the disturbing and costly string of launch failures and after several years of unjustified volatility in the NRO's launch budget.

The Subcommittee on Tactical and Technical Intelligence, on which I serve as ranking member, concluded that there would be greater accountability and sounder fiscal management if the NRO were assigned clearer responsibility for this aspect of its overall mission.

At the same time, I appreciate the concerns that this step could contribute to deterioration of the partnership between the Air Force and the NRO in managing U.S. national security space launch programs.

In this regard, I would cite the clear guidance in the statement of managers that we expect the NRO and the Air Force to continue working closely together, including negotiating contracts with industry together to ensure favorable prices.

I would add also that I expect the NRO's contract awards to provide appropriate support to DoD's policy of maintaining a competitive space launch industrial base. The NRO and the Air Force are of course subject to higher management authority, and the NRO director himself an Assistant Secretary of the Air Force. I would expect that DoD management could check any harmful centrifugal forces in the NRO-Air Force relationship.

Mr. Speaker, I will conclude by applauding the vigorous steps contained in the conference report to overcome serious management and resource problems at the National Security Agency and to improve the ability of the National Imagery and Mapping Agency to exploit and distribute imagery collected by satellites and aircraft. These agencies and their respective missions remain absolutely critical to diplomacy and military preparedness.

I think it is a great conference report. I think we are moving forward. I urge my colleagues and the House to adopt it. I think the committee has done a good job, and we have served our colleagues and the country well.

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

Let me begin by complimenting the gentleman from Florida (Mr. GOSS), our chairman, for his hard work and his dedication, as reflected in this conference report, to meeting the needs of the men and women who produce the intelligence on which policy makers and military commanders rely.

As adopted by the House, the intelligence authorization was one-tenth of one percent above the President's request. This conference report is below the House bill and two-tenths of one percent below the request. The primary reason for the reduction is that some of the items authorized in the House bill were funded several months ago in a supplemental appropriations measure.

The conference report, as did the supplemental appropriation bill, supports the transformation initiative that the Director of the National Security Agency, General Michael Hayden, has begun to implement. It is critical to the security of the United States that NSA be modernized.

General Hayden has developed a plan, which the committee generally supports. The modernization of NSA will not succeed, however, without the sustained, visible support of the most senior leaders of the Department of Defense and the intelligence community. To date, in terms of resource allocation, I have not seen evidence that the rebuilding of NSA is a top priority of the executive branch. I hope that this changes next year.

One of the shortcomings in the intelligence community, in my view, is that there is too much emphasis on collection and not enough on making sure that which is collected can be used. If it were possible to collect only important information, this imbalance would be inconsequential.

Our national technical means, however, collect volumes of information that must be analyzed to identify what is important, put in a usable form, and sent to those who need it.

Last year, Congress made clear its expectation that the new Future Imagery Architecture (FIA) would be an adequate balance between collection activities and TPED or tasking, processing, exploitation and dissemination activities. Congress was clear in the description of the consequences that would flow from an executive branch decision not to make TPED investments sufficient to utilize fully the collection capabilities of FIA. As the classified annex to this conference report makes clear, the resolve of Congress on this issue has not changed.

The conference agreement amends the Foreign Intelligence Surveillance Act (FISA) and the criminal code in ways that deserve some comment.

□ 1600

Among other things, the FISA amendments make clear that, in making a probable cause determination that a target was an agent of a foreign power, the court may consider past activities of the target. I am advised that the target's past activities have regularly been part of a probable cause determination. In this respect, the amendment represents a codification of current practice.

There have been suggestions that the amendment is needed to ensure that information once excluded from the probable cause determination merely because it was dated will now be considered. I believe that this is an incorrect interpretation of both the current practice and the effect of the amendment. Those facts which are relevant to determining the probability that a target is currently an agent of a foreign power should be considered. Those facts that are irrelevant, regardless of whether they are fresh or stale, should not be considered.

Section 304 makes the unauthorized disclosure of properly classified information acquired by a person who has, or had, authorized access to the information a felony, subject to 3 years imprisonment, when the disclosure is made willingly and knowingly to a person known not to have authorized access. I disapprove of the practice by which some individuals entrusted with access to classified information leak that information to unauthorized recipients, including members of the media. I share the frustration of those who open their daily newspapers only to see in print some of the most sensitive information in our government's possession. I have, however, grave concerns about the reach and the scope of section 304.

There are currently a variety of statutory and administrative prohibitions on the authorized disclosure of classified information. The fact that more leakers are not punished is not, and I stress is not, the result of too few prohibitions, it is the result of the great difficulty inherent in identifying the leakers. Section 304 adds another prohibition, unwisely in my judgment. It will not make it easier to identify the source of a leak.

Before our conference began, the gentleman from Florida (Mr. GOSS) and I received a letter from the chairman and ranking member of the Committee on the Judiciary urging the rejection of this provision. In their letter the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) noted that by making all leaks subject to criminal penalties the provision ''has profound First Amendment implications and goes to the very heart of the ability of the public to remain informed about matters of critical public interest which often relate to governmental misdeeds.''

In conference, I offered an amendment to narrow the definition of classified information under section 304 to make sure that only leaks of information of substantial sensitivity would be punished under this provision. Other leaks would continue to be punishable under other statutes or administrative procedures. Although my amendment was approved by the House conferees, the Senate rejected it. I hope that in the next Congress the Committee on the Judiciary, in whose jurisdiction the issues raised by section 304 properly reside, will carefully examine the provision.

Last year's intelligence authorization act established a commission to examine the judicial review questions raised by the Foreign Narcotics Kingpin Designation Act. The commission was given one year from the date of enactment to review the current judicial, regulatory, and administrative authorities under which the United States blocks assets of foreign persons, and to provide a detailed constitutional examination and evaluation of remedies available to United States persons affected by the blocking of assets of foreign persons.

I had hoped that the commission might have completed its work in less than a year because of the great importance I attach to the resolution of the due process concerns raised by the drug kingpin legislation. Although it now appears the commission will need all of the time allocated, I look forward to its report and hope that it is dispositive of these concerns.

In closing, Mr. Speaker, I want to advise the House that two of our very constructive and important Members have served their eight year terms on the House Permanent Select Committee on Intelligence. The gentlewoman from California (Ms. PELOSI) and the gentleman from California (Mr. LEWIS), conclude their terms of service this year. I want to thank them for their many contributions to the committee's work over the past eight years. Their enthusiasm, insight, and perspective will be sorely missed.

I urge the adoption of the conference report.

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

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of our Subcommittee on Technical and Tactical Intelligence.

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in strong support of the conference report for the Intelligence Authorization Act for fiscal year 2001.

Mr. Speaker, the gentleman from Florida (Mr. GOSS) and the ranking member, the gentleman from California (Mr. DIXON), are to be commended for the outstanding leadership they have provided to the intelligence community during these difficult times.

I would also like to recognize the efforts of our distinguished vice chairman, the gentleman from California (Mr. LEWIS), who will be rotating off our committee under our rules. His insights into the technical and distinctly military programs within the intelligence community have been very helpful for me in understanding our future needs. Likewise, as the chairman of the Subcommittee on Defense of the Committee on Appropriations, his explanations of the resource challenges facing the community are invaluable. I thank him for his service to our Nation's security.

As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence systems. Although the investment in our intelligence community's infrastructure had declined over the years, and the strains were clearly showing through, we have responded in the past 6 years by making some very difficult but sound choices to ensure there are adequate future technical resources. This year's conference report continues to address some very substantial problems, but this is still only a beginning. We understand that providing the country with the capabilities it deserves and needs will take years and will require continued support from Congress.

Mr. Speaker, this conference report also provides our senior policymakers with sufficient capabilities and tools to advance our foreign policy, to enable strong leadership and proactive diplomacy, and to improve our military's advantage over its adversaries, if and when needed.

I am also pleased that we have incorporated a provision into this year's conference report to address a concern related to the National Reconnaissance Office and its launch program. This was the outcome of a series of meetings, briefings, and hearings for which I personally devoted a great deal of time. This provision has many benefits. One, it will improve the NROs and our ability to have insight and perform oversight into contracting launch services; two, it will allow us to hold the NROs more accountable for their activities; and, three, it could lead to significant savings for the government and American people.

I want to address an issue that has been raised regarding this important provision, and I want to make something very clear. There is nothing in this provision that precludes the Air Force and the NRO from continuing to work in a very close partnership. This includes continuing cooperation on the wide range of launch service activities and facilities that they share, as well as continuing potential block purchases for launch vehicles if the NRO believes this is in the best interest of the government.

Now, however, with this provision, the NRO will have insight into and better control of launch contracts that have not been there before. We expect that this added responsibility will ultimately result in a stronger partnership between these two organizations. It will certainly provide better budgeting of scarce intelligence resources.

Mr. Speaker, the conference report for the Intelligence Authorization Act for fiscal year 2001 is a responsible, reasonable, and appropriate request to fund our Nation's national security needs. The President, our policymakers, our military, and the people of the United States deserve nothing less. I ask the Members of the House to give it their full support.

Mr. DIXON. Mr. Speaker, I yield 5½ minutes to the gentlewoman from California (Ms. PELOSI).

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

Mr. Speaker, I rise as a member of the committee whose 8-year term is coming to an end there. At this time I would like to commend our distinguished chairman, the gentleman from Florida (Mr. GOSS), for his leadership, his fairness, and his willingness to listen to another point of view on the committee over these years. I thank him.

And to our ranking member, the gentleman from California (Mr. DIXON), we are also very proud of his service. As a Californian, I am particularly proud of his service as ranking member on the committee, and I hope to see him serve as chair in a very short time on this very important committee.

I would also like to commend the staff, I would say on both sides, but I really view it as a unified staff of the committee, who have served the Members so well and, in doing so, the community that we have oversight over.

Mr. Speaker, I have been impressed with the dedication and hard work of the men and women who work in the Nation's intelligence agencies and the amazing feats they can accomplish. They often provide our policymakers a decisive advantage in accomplishing our Nation's policy goals and national defense goals.

While I have been a member of the committee, I have been especially concerned about the issue of proliferation and how well the United States tracks and then prevents weapons proliferation, particularly weapons of mass destruction. I have often been dismayed how clear our evidence on proliferation can be and how slow our diplomatic response has been. We need to maintain a robust intelligence effort on proliferation, and the issue needs continued attention and oversight in the future.

I have also been deeply concerned over how counterintelligence investigations have been handled. I reject the notion that one American citizen is more likely to engage in espionage than another because of his or her particular ethnic background. We are a proud Nation strengthened by our immigration, and the rights of all our citizens must be respected.

Mr. Speaker, secrecy is, of course, one necessary element in the conduct of intelligence. Information that is necessary for us to counter proliferation, terrorism, and espionage often must be obtained secretly; and thus our sensitive sources and methods must be protected. Let us stipulate to that. We all want to protect our sources and methods. Yet I am concerned that the public interest is too often thwarted by too much classification of information and by maintaining classification for too long.

Last year, there were over 8 million classification actions; 10 percent more than the year before. Clearly, the system is not perfect; but even so, we were all troubled by leaks and by the damage they can cause. Nevertheless, I am

strongly opposed to the section of this legislation that would for the first time in our history enact an official secrets law.

We have to remember that those who violate the rules on handling classified information should be and are punished administratively. It is already a felony to disclose national defense information to foreign nations or their agents in order to injure the United States. Other felony laws protect specifically defined, especially sensitive categories of information. The Intelligence Authorization Act, on the other hand, the bill before us today, would make it a felony for officers or employees of the government to knowingly disclose classified information broadly defined without the government even having to prove any damage to national security.

In our briefing, I was convinced by the presentation that this ''officers or employees of the government'' includes Members of Congress. By the actions taken in this bill, Members of Congress will be subject to criminal charges if this category of properly classified information is revealed by them. Make no mistake, this provision marks the first time that Congress has placed the full force of criminal law behind the executive branch's classification system. The current Executive Order on classification of information at least has the virtue of specifically prohibiting classification of information in order to conceal violations of law, inefficiency or administrative error, or to prevent embarrassment to the government.

□ 1615

But the next President of the United States could change this prohibition and this leaks law would still be on the books. The Congress is foolish in my view, and that is a word I have never used here on the floor, to give a blank check to the executive branch for prosecutions in this important area.

I understand that the authors of the provision intend for it not to be used to target the President, but I see nothing to prevent reporters from being hauled in before grand juries and being forced to reveal their sources.

Furthermore, we do not each know how this leaks law would interact with criminal laws on conspiracy aiding and abetting solicitation and the like.

The Committee on the Judiciary should examine issues such as these and the impact on the first amendment issues before the Congress adopts such important legislation. We should remember how difficult it has been in our Nation's history to challenge official versions of the facts when it comes to national security matters, even for Members of Congress.

We all know that those outside powers are running a greater risk of prosecution under this statute than those on the inside. I do not think that this provision in the bill is in our national interest, and that is why I was not able to sign the conference report on this important legislation.

Again, I commend the distinguished chairman of the committee, the distinguished ranking member, and the marvelous staff for their service to the committee.

Mr. GOSS. Mr. Speaker, it is my privilege to yield 2 minutes to the gentleman from New York (Mr. BOEHLERT), a senior member of the committee.

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

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

Mr. Speaker, the conference report builds on the substantial work done in last year's authorization bill to institutionalize the use of competitive alternative analytical techniques by the Central Intelligence Agency. This action is intended to further guard against intelligence surprises and analytic complacency or ''group think,'' while better preparing policy-making intelligence consumers to deal with the complexities of the post-Cold War international security environment.

Furthermore, the conference report provides the means to modernize the production mechanisms used by the CIA's Director of Intelligence to produce and disseminate its invaluable finished intelligence products in a more timely and secure manner. By promoting greater analytical interaction and timeliness, the conference report helps to ensure that intelligence consumers have the full range of tools necessary to make informed policy before the swiftest of events force them into a defensive crisis management posture, as too often has occurred in recent years.

I would like to mention that the committee has worked through this conference report, as we did in last year's report, to address the problem of the chronic shortage of trained expert linguists available to the intelligence community to exploit what is being clandestinely corrected.

Moreover, we have taken steps to promote greater interoperability between intelligence analysts of different agencies to further create synergies that will improve the quality of intelligence reporting.

Finally, I am pleased to note that this conference report will help the intelligence community to standardize and automate self-evaluative tools for promoting greater interaction between those who collect intelligence and those who determine its meaning and significance. In this way, collectors will be able to determine the value of what they are acquiring, and in instances where it is not so valuable, they can adjust their collection focus accordingly.

Mr. Speaker, I thank the gentleman from Florida (Chairman GOSS) and the gentleman from California (Mr. DIXON), the ranking member, for their leadership.

I urge adoption of this conference report.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentleman from Indiana (Mr. ROEMER), a distinguished member of our committee.

Mr. ROEMER. Mr. Speaker, I thank my good friend from the State of California (Mr. DIXON), the ranking member, for yielding me the time.

Mr. Speaker, I want to associate myself with the gentleman from Florida (Chairman GOSS) and again our ranking member for the hard work they put in on this bill all year long, not just on the conference report.

I also want to say that they really strive hard to create an atmosphere of bipartisanship on that committee, and I salute them for their hard work with that, and also for the excellent professionalism we have on our staff.

Mr. Speaker, I rise in support of the Fiscal Year 2001 Intelligence Authorization Act. Although this conference report represents a funding level slightly below the President's request, I believe that it nevertheless sets about the right level of overall funding for intelligence activities next year.

I am pleased that the conferees have adopted language that urges the administration to submit requests to Congress for reallocation of funds to important initiatives, including language training and counterterrorism efforts.

During my travels in various Permanent Select Committee on Intelligence hearings, administration officials have expressed concern about the state of language capabilities of intelligence community personnel. I have found that all too often there are not enough people speaking the language native to the country in which they serve and too many of those who are not sufficiently proficient in that language.

I firmly believe that language proficiency is critical to the core mission of the intelligence community. Collectors, processors, and analyzers must have sufficient linguistic skills to meet the challenges posed by global targets.

I have, therefore, advocated relentlessly for the sufficient funding of language related initiatives. I am pleased that our actions will allow those men and women on the intelligence front line to have the language training and related resources needed to effectively do their jobs. We must continue on this mission.

Finally, the conference report sends a message that defeating terrorism is important to this Congress. Earlier this year, I met with the deputy director of Central Intelligence and discussed the challenges posed by international terrorists. One thing was clear from that meeting, as well as from oversight and legislative hearings. The United States must have a robust counterterrorism program.

I am pleased that the conferees have chosen to fully fund the President's request for counterterrorism activities. We would welcome proposals for the reallocation of funds to efforts in this critical area.

I again thank the chairman and the ranking member.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. BASS), a man who keeps our budget check working carefully for the committee.

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

Mr. Speaker, I rise in support of the conference report for the Intelligence Authorization Act for Fiscal Year 2001.

There are many important aspects of this report, but I thought I would use my time to address a concern to all of us, especially today, the scourge of terrorism.

The bombings of our embassies in Kenya and Tanzania brought the Usama Bin Laden organization to the forefront of terrorist threats to U.S. interests, although numerous other terrorist groups continue to plague us and put American citizens at risk.

Now, just this morning, we learned of what appears to have been a very tragic attack on an American destroyer, the U.S.S. *Cole*, off Yemen that has resulted in the loss of American lives. The committee, together with its counterpart in the other body, understands the critical need to be able to fight back. The *Cole* incident yet again, Mr. Speaker, reminds us of the importance of good intelligence in preventing these kinds of crises and, as in the case of this one, bringing the perpetrators to justice.

The Intelligence Oversight committees are charged, among other things, with overseeing the budgets, programs, and activities of the various counterterrorism elements of the intelligence committee. And I submit, Mr. Speaker, that our ability to fight back and, more importantly, to prevent terrorist attacks from occurring at all is robust and growing. But these capabilities, especially those involving the prevention mission, need constant attention, as the *Cole* incident reminds us.

The millennium celebrations around the world, which are a time of great risk for us all, proved that our counterterrorism professionals were ready and able to protect and defend. I am proud to say, Mr. Speaker, that the intelligence community has time and time again saved lives and secured the interests of Americans and their allies. This arduous task consumes a significant amount of limited resources, but I would find it hard to believe that any responsible person could deny that this is money well spent.

We on the Permanent Select Committee on Intelligence are dedicated to ensuring that the intelligence community has adequate resources and is well prepared to phase down the Usama Bin Ladens of this world.

While we are satisfied that the Permanent Select Committee on Intelligence has generally performed well against the terrorist target, we have learned through the course of our normal oversight work that much more can and needs to be done, especially as terrorists attempt to acquire chemical and biological weapons to pursue their shameful war against society. This conference report will enhance our ability to defend ourselves against terrorists through a variety of means.

I just want to say that our chairman and ranking minority member have done a wonderful job leading this committee in a bipartisan fashion and I want to thank them for their efforts. I urge adoption of this conference committee report.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Nevada (Mr. GIBBONS), our connection to the Committee on Armed Services.

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

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this conference report.

I would first like to commend the gentleman from Florida (Chairman GOSS) for his stewardship through the process. I would also like to recognize the gentleman from California (Mr. DIXON), the ranking member, for his contributions to the committee's efforts as well.

Mr. Speaker, this conference report provides very important investments for the intelligence community, including enhancements in many areas that are of specific interest to the military. I wish we could do more, especially given the ever-increasing requirements that are being placed on intelligence to protect our troops who have been sent all over the world for every sort of mission.

One of the most important issues facing the intelligence community is the modernization of the National Security Agency. This agency, which supplies signal intelligence to all levels of government, from the most senior policymaker to the pilot in the cockpit, is in many ways the linchpin of our warning capability. But today, this agency is about to be overtaken by technology and by potential adversaries who are increasingly sophisticated.

The NSA, in response, is undergoing a unique transition, the success of which will affect the overall capabilities of the intelligence community for the next several decades. The Director of Central Intelligence has made the modernization of NSA his number one priority.

The good news is that the NSA director, Lieutenant General Mike Hayden, is committed to leading his agency to overcome the modernization challenge. Those challenges are great. They involve overhauling every aspect of the NSA, from technical collection capabilities, to acquisition programs and personnel structure.

General Hayden must be successful. But in order to make the needed changes, he needs certain tools. Perhaps the most critical tool is the ability to move the right people into key positions in the Agency to affect change. Because of the unique and serious situation at NSA, I am pleased that this conference report gives the NSA director that ability through the NSA Voluntary Separation Act. This provision permits the establishment of an early retirement and voluntary separation program for all NSA employees, including the most senior levels of management. With this authority, it is anticipated that the director will be able to accomplish the personnel changes and management changes necessary to see the process of NSA modernization through to completion. General Hayden has our support in these efforts.

I urge all my colleagues to support this conference report.

Mr. DIXON. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the House Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member of the committee (Mr. DIXON) for yielding me the time.

Mr. Speaker, I am delighted to be here to find out if anybody ever got the letter that me and the gentleman from Illinois (Mr. HYDE) sent to the gentleman from Florida (Chairman GOSS) about the fact that criminal matters fall under title 18 of the U.S. Code and is within the total jurisdiction of the Committee on the Judiciary. Did anybody ever find out about that letter?

Well, we were trying to get some jurisdiction for this part of the bill that deals with making it a felony for a Government employee to disclose any and all information that the Government says is classified.

The history of this provision, I say to members of the committee, is that it was dropped quietly into a Senate version and has never had hearings in the House or the Senate, no hearings on a provision that has the exclusive jurisdiction of the Committee on the Judiciary. And we did not even get a response from the letter that the chairman of the Committee on the Judiciary sent the gentleman from Florida (Chairman GOSS).

And so, why are we doing this?

□ 1630

There are a number of theories about this. Members may find out by examining what would have happened had this been the law for the last 30 years:

One, the scope of the government's activities in Vietnam through the Pentagon papers would have resulted in prosecutions.

Two, the CIA's complicity in the overthrow of Salvador Allende in Chile.

Three, the Nixon administration's support of Pakistan in its 1971 war with India.

Four, the revelations about spying at U.S. laboratories.

Five, China's alleged military involvement with Pakistan and North Korea.

Six, basic information regarding the size of the CIA's annual budget.

See, the reason that we are doing it this sneaky way is because it will scare the bejesus out of whistle blowers and they will be able to be criminally punished by not sending this through the Committee on the Judiciary. I am not saying that Judiciary might not have passed this out. We do our share of things that I do not agree with, either. But this super sneaky way of trying to do it does not reflect any credit on the Permanent Select Committee on Intelligence.

I resent this very much the way you have dismissed the Committee on the Judiciary. I think this is a travesty. And, by the way, The New York Times, The Washington Times, the Los Angeles Times, the San Francisco Chronicle, The Austin American Statesman and other papers have all exposed this for what it is. I am shocked that this radical departure of the way we legislate would be applauded on the floor, tremendous congratulations for a bipartisan effort. Well, everything bipartisan is not always right, and here is a perfect example of it.

Mr. GOSS. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois (Mr. LAHOOD).

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

Mr. LAHOOD. Mr. Speaker, notwithstanding what the gentleman from Michigan just said, I am standing on this side of the well so I can say to all the Members of the House, this is one of the most bipartisan committees I have ever served on, and I serve on the Committee on Agriculture which is a bipartisan committee. This is one of the best, thanks to the leadership of the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON). The staff people work together, and we work closely with the people from the CIA and the defense intelligence community and all the intelligence community because we care about the people who are out there around the world putting their lives on the line, in dark corners of the world.

This is a bipartisan effort. People should be supporting this bill, notwithstanding what the gentleman from Michigan said. And I have a great deal of respect for him. This is a bipartisan bill. Every Member should support it. I know we are going to hear opposition to it.

I want to dedicate just a couple of minutes to the human side, the human program of intelligence. It is often portrayed in books and movies. It is the spy versus spy story, the world's second oldest profession. I am glad to say that America has some excellent spies, and I am proud of what the conference report does to make them more productive and effective. And I am sorry, this is not a laughing matter, this is an important matter. After what has happened in the world today, I hope Members will think twice about supporting this bill. This is not a humorous matter. We are talking about people around the world who are offering up their lives in public service for all of us so that we can have a safe world.

Anyone who reads the newspapers and watches the television, if anybody flips over to CNN right now will see reports on there about what happened. Five Americans were killed today and some people believe it was a terrorist attack. So this is important legislation. Criminal organizations use ever more sophistication to infiltrate our financial institutions and expand markets for illegal narcotics. The proliferation of nuclear, chemical and biological weapons remains a top-priority concern of all civilized countries. The cyberthreat becomes more and more real and ominous to Americans as our economy and our well-being become ever more dependent on computers and communication networks.

What these threats have in common is the human factor. What this conference report does for our spies, the anonymous defenders of the United States, for one it will provide more funding for their overseas operations. And it does so in two ways. It provides continued but overdue increases in the budget for human operations; and, number two, it ensures that the funds that we allocate for these operations arrive in tact to those operating overseas.

I encourage and advise all Members to vote for this bill today to send a strong message to the intelligence community all over the world and to public servants who offer up their lives on behalf of all of us that we stand behind them and with them on their important work.

Mr. DIXON. Mr. Speaker, I yield 3½ minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to commend the conferees, especially the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON), for working together to include in this conference report the Nazi War Crimes and Japanese Imperial Government Disclosure Act which I authored along with the gentleman from California (Mr. HORN) and Senator DEWINE. This provision will extend the original Nazi War Crimes Disclosure Act for 3 additional years while also adding responsibilities to the Interagency Working Group's work as it pertains to war crimes committed by the Japanese Imperial Government during World War II.

In 1998, President Clinton signed into law the original Nazi War Crimes Disclosure Act that established a process for the declassification of documents maintained by government agencies about Nazi war criminals and its allies. To date, the Interagency Working Group has reviewed more than 6 million pages of material and has released over 1.5 million pages of previously classified documents to the public regarding World War II. Already, significant new information about World War II war crimes has been revealed in the more than 400,000 Office of Strategic Services records released this past June by the Interagency Working Group at the National Archives. However, even with the diligent work the Interagency Working Group has accomplished, there is an overwhelming amount of material that still needs to be reviewed and declassified.

This success has also been achieved even though the Congress has not appropriated funds for the support of the Interagency Working Group or for the activities carried out by the various agencies that hold the records. Without the resources to review the materials being released, it will be years before we truly understand the significance of what is contained in the declassified materials.

This conference report is a step forward in providing the Interagency Working Group the authority and support it needs to complete the tremendous tasks before them. I still have some concerns regarding the language concerning the cooperation of U.S. Government agencies with the Interagency Working Group and the ability of the Interagency Working Group to review the more than 18 million pages of Japanese Imperial Government information that the U.S. returned to Japan after World War II. However, I support this conference report before us and hope that the chairman and ranking member will work with me next year to clarify this language and intent of this legislation so as to further the success of the Interagency Working Group.

Mr. Speaker, I would like to clarify one point concerning title 8 of this bill. Is it the gentleman's understanding that this section in no way affects the authority of the Interagency Working Group established under Public Law 105–246, the Nazi War Crimes Disclosure Act of 1998, with regard to the ability of the Interagency Working Group to retrieve documents from U.S. Government agencies?

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

Mrs. MALONEY of New York. I yield to the gentleman from Florida.

Mr. GOSS. Yes, it is.

Mrs. MALONEY of New York. Further, is it the gentleman's understanding that the exceptions enumerated in that act are in no way affected by the bill before us today?

Mr. GOSS. That is correct.

Mrs. MALONEY of New York. I thank the gentleman.

Mr. GOSS. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from New Mexico (Mrs. WILSON), a very valued member of our committee, given all the events in that part of the world.

Mrs. WILSON. Mr. Speaker, I want to thank the chairman and the ranking

member for their work on this bill. I am the junior member of the Permanent Select Committee on Intelligence, and I have found it to be a pleasure to work there because of the workmanlike and bipartisan and professional approach to oversight in the intelligence community. We have a wonderful staff and a focus on what this country needs in a quiet way.

Intelligence is the eyes and ears of our national security. Events like those we have seen today bring that home more closely than we usually see in the day-to-day events of intelligence. It is an important part of keeping our Nation strong and free. And it is more and more difficult because of the diversity of threats that we face as a Nation. We have more data from which to derive information and that creates a tremendous challenge for our intelligence agencies.

I wanted to particularly thank the chairman and the ranking member for what this bill does for counterintelligence. It strengthens counterintelligence in a number of ways, particularly giving more tools to the agencies that need them in order to counter threats from other intelligence agencies.

I also want to commend them on their oversight of our counterintelligence program in this country. The committee played a quiet role in the creation of the NNSA which John Gordon is now the capable head of. And this committee, I think, brought some common sense and some balance to what we needed to do to protect our Nation's secrets while not damaging that which we were trying to protect. I appreciate the committee's point of view, its common sense approach, its balance and its competence in this area.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. BARR)

Mr. BARR of Georgia. Mr. Speaker, I thank the chairman and the ranking member and all members of the committee for their service.

It pains me greatly as a former member of the CIA, as a former United States attorney, as a Member of this body, though, to rise today in opposition to this bill. It pains me greatly not only on the substance of what is contained in this bill, which is by and large very good, solid legislation, properly reflecting the tremendous work that our intelligence officials in this country and all over the world perform, giving them additional tools with which to perform those duties, but it also pains me because of the process whereby I feel compelled to come before this body and oppose this important piece of legislation.

This legislation contains a provision that will create, make no mistake about it, with not one day of hearings, without one moment of public debate, without one witness, an official secrets act. For those who do not know what an official secrets act is, it is something that we have never had in this country. It has been broached many times, particularly in the Cold War era. But our regard for constitutional civil liberties, our regard for the first amendment, and our belief that before the government can put somebody in jail for following their conscience and disclosing information showing government wrongdoing, the government must shoulder a heavy burden, has in every case in which an effort has been made to enact an official secrets act beaten back those efforts.

Yet today we stand here with such a provision amending title 18, the criminal code, that would create an official secrets act. That would mean that any individual who discloses information that is classified by the executive branch can be thrown in jail for up to 3 years for every disclosure.

Currently, if an individual discloses certain categories of important national security information, he can and should be prosecuted. It is not as if these people who harm our Nation's security are not going unprosecuted. They are.

□ 1645

This provision, though, would silence whistleblowers in a way that has never before come before this body and which has never before been enacted. This is about to be done without the Committee on the Judiciary even having been given the courtesy to look at this legislation, to assess its first amendment problems; without one hearing, without one witness, without one moment of debate.

This is very similar, Mr. Speaker, to what happened 2 years ago on this same bill. The government was granted extensive expansion of wiretapping authority without one witness, without one debate, without one day of hearing. It was slipped into this bill 2 years ago.

I urge my colleagues to vote against this bill so that it can go back to the drawing board and these particular provisions that have no business being in this bill without having gone through the Committee on the Judiciary can be properly assessed and their full constitutional ramifications properly studied.

One can only pick up the paper almost every day and see examples, whether it is Bill Gertz or Gary Aldrich or others, of people who have let the public know important information who would be thrown in jail under a provision that is about to pass without one day of hearing, without one witness, without even the Committee on the Judiciary having been given the courtesy to assess it.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM), a member of the Committee on Armed Services.

Mr. CUNNINGHAM. Mr. Speaker, I serve on the Subcommittee on Defense of the Committee on Appropriations, and it is one of the most bipartisan committees that I serve on. I appreciate the bipartisanship of the gentleman from California (Mr. DIXON) and the gentleman from Florida (Mr. GOSS) as well. I think the Members on both sides of the aisle will agree that I think we have a long way to go and a lot of work to do. I think this is a good bill. I think hard work has been done on it, but I think there is also agreement in areas that make up intelligence and the agencies, a strong military.

While we may have the strongest military in the world, our national readiness rates are very, very low in many cases. That hurts our intelligence capability. Where our military is strung out for nation-building quite often, according to George Tenet, those assets were spread so very thin that it made it almost impossible to track Osama bin Laden because we were engaged in those events. Our State Department, both under Republicans and Democrats, I think all that needs to be done is take a look at what happened to Enrique Camarena in the drug wars and the lack of support for our agents under the State Department, to Rambouillet, to hitting the Chinese Embassy. I also think it is wrong that we had technology that we were developing to defeat a Soviet missile. I cannot say what that missile is; but when we gained access to that particular missile, we found out our defensive system would not work.

We spent nearly a billion dollars to build that defensive system that would not work. And the reengineering of that, we now have a system at very low cost that will defeat that Soviet system, and that is why I think many of us got so concerned when Loral with Bernie Schwartz gave up second and tertiary missile boots to China, they gave up MRVing capability which we, Intelligence, knew that the W–88 warhead had already been stolen by the Chinese, and then the targeting device. The CIA briefed many of us that North Korea was many years away from striking the United States with a nuclear weapon. They can now hit the United States with a Taepo Dong-2 missile. That should concern all of us, and I think we have a long way to go to secure the national security and intelligence forces of our country.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas (Mr. HUTCHINSON).

Mr. HUTCHINSON. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Speaker, I rise in support of the conference report, and I wanted to respond to my good friend, the gentleman from Georgia (Mr. BARR), and the gentleman from Michigan (Mr. CONYERS) as well, on a couple of issues.

First of all, this provision simply says that we are going to take some action to prohibit the unauthorized disclosure of classified information by government officials. Now, a complaint has been made that, well, it should

have gone through the Committee on the Judiciary. I am a member of the Committee on the Judiciary, and I guard our jurisdiction very carefully; but, in fact, this was attached by the Senate, who held hearings on this, who heard witnesses and who debated this, and this is a normal process. Whenever they attach a provision, we in the House have to consider it. We have to look at this, and from the standpoint of the Committee on the Judiciary, I believe that this is carefully crafted.

Now, the argument is made that this is going to silence whistle-blowers. Well, I do not think that is true at all. First of all, whistle-blowers are protected under the current law. Secondly, whistle-blowers who have a concern about whether information is properly classified or there is a concern about the agency that they are working for, can come to Congress. That is our job. The oversight committee would hold hearings on it, would deal with that issue, would protect the whistle-blower. They are protected under law and under the interests of Congress, and so I do not think that should be a concern.

The gentleman from Georgia (Mr. BARR) raised the question that we are going to criminalize conduct that historically has not been criminalized and, in fact, what we are doing is to say that if an employee of the United States, this does not pertain to the news media, but if an employee of the United States has possession of classified material and then discloses it to someone who is not authorized to receive that material, then they can be prosecuted.

But there is something more in there that was left out of the presentation of the gentleman from Georgia (Mr. BARR), and that is they must have done it knowingly and willfully, and that is the intent portion of the burden of proof that will be on the government. So it does not prosecute mistakes, someone who accidentally or inadvertently discloses information. They have to intentionally have done that, knowingly have done that.

So I think it is well drafted, and I urge my colleagues to support this well-drafted protection of classified information.

Mr. DIXON. Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I am glad that the bill contains my amendment to investigate the effects of espionage on American business and industry and jobs. I am also glad at least we got some report language on China. It should have been in the bill.

There is not enough anatomy in either of these bodies. Mr. Speaker, we have had independent counsels on Henry Cisneros and Monica Lewinsky. Now, look, Monica may be a threat to fidelity. She is not a threat to liberty.

We had a Chinese Red Army general who funneled cash to the Democrat National Committee, and we will not even include the Traficant language as binding that says what is the extent on the national security. A Chinese missile, as we laugh, will not have exemption for one party or the other. A Chinese missile will hit all America. God Almighty. Last month's 1-month trade deficit was $31 billion. At 1,000 jobs per billion, we lost 31,000 high-paying manufacturing jobs. If that were just put into highways, we would have created over a million jobs for 2 years.

What is wrong with us? Are we afraid of the politics of China? The American people are watching. The greatest threat to our national security is China, and they bought and spied and posed that great threat.

I am disappointed. The intelligence committee is our number one charge to secure America, secure that American peace. We are not doing that. I think we are gutless, and I yield back the fact that that should not have been in the report language as a wish; that should have been a commitment and a mandate by Congress to investigate this Chinese business.

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

Mr. Speaker, on balance this is a good conference report that has been brought together in a bipartisan way. I understand the ranking member of the Committee on the Judiciary. I raised in the conference his letter. I attempted to modify the language to make it more narrow. The fact is that the Senate would not yield on this issue. I disagree with that part of the bill because, one, it is the identification of leakers before they can ever be penalized. Increasing the penalty, to me, does not work. I certainly think that the House Committee on the Judiciary should look at this, and I will pledge my support to support legislation that in some way may either modify or mitigate the damage, if any, that has been done.

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

Mr. Speaker, I want to again publicly thank the gentleman from California (Mr. DIXON) for being an extraordinary ranking member, reaching across so many times on complicated and sensitive matters and carrying a huge proportion of the load of the committee. I have a plan that would like to keep him there as ranking member. I realize that may not go entirely across the aisle.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the vice chairman and critical link to the Committee on Appropriations.

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

Mr. LEWIS of California. Mr. Speaker, I very much appreciate my colleague, the gentleman from Florida (Mr. GOSS), for yielding me this time.

Mr. Speaker, I have a magnificent speech that has been prepared carefully for this discussion today. I am not going to refer to the speech, but rather submit it.

In the meantime, Mr. Speaker, I want to express my deep appreciation to my colleague, the gentleman from California (Mr. DIXON), with whom it has been my privilege to work for many, many years in the State legislature as well as here. He has done a fantastic job, in my view, providing the kind of balance that we need that makes the work of this committee such a nonpartisan piece of work.

In turn, before coming to the committee, it had not been my privilege to know well the gentleman from Florida (Mr. GOSS). The gentleman from Florida (Mr. GOSS) is a person of fabulous background, but very unique experience in this subject area. He comes to our committee at a most important time in our history. The leadership he has provided for us is very important to the security interests of this country, at home and abroad, but especially of significance to those who care about freedom in the world.

The men and women who make up the personnel base of our intelligence community overall are fabulous people. They do wonderful work on our behalf. Most of it gets very, very little attention. From time to time, we have a problem where someone crosses the line, usually stupidly, sometimes overtly, and the work of the agency does come to public view. It ofttimes is of great disservice to this country. It is important, very important, that we secure those personnel who want to make sure that the work of the agencies take place as reflected in the direction of the law passed by the Congress.

I very much wanted to focus upon the comments of my colleague, the gentleman from Georgia (Mr. BARR). Let me say that whistle-blowers are protected within this bill and within the law. So long as they come forward with matters that are security matters about which they are concerned and they disclose them to people who are cleared to receive such information, they can carry forward their conscience and their responsibility as they would see fit.

□ 1700

There is no restriction there, and the law is very careful about that. I understand that lawyers, about presuming that only lawyers have these answers, but the committee has worked very carefully with the work done by the Senate, and I am comfortable with that work, as of that moment.

The work of this bill is very, very critical work. Because of some of these questions that are being raised, the votes today may be very important. I urge the Members of the body to realize how significant the work of this committee is and how important it is that they give it their full support, as well as their attention.

Mr. Speaker, I rise today to testify that this is a very fine piece of work

done by both bodies, carried forward in a most positive way by the leadership of both the ranking member and the chairman.

Mr. Speaker, this is my last year on the committee, and I want to express to our Chairman and to Mr. DIXON my sincerest thanks for their dedication in ensuring this nation has the intelligence capabilities critical to protecting our freedoms. It's not often thought of in these terms, but intelligence truly is our first line of defense, and the close, personal, working relationship Chairman GOSS and Mr. DIXON have, has made our jobs all the easier. I want to thank you both, and I believe this entire body owes you a great deal of gratitude.

Mr. Speaker, every year those of us who serve on the Intelligence Committee stand before this body to discuss the Intelligence Authorization bill. Because of very real national security issues, we cannot discuss the sensitive details of the bill. We simply have to ask our colleagues to ''trust us'' as we vote on the classified aspects of our intelligence agencies and activities. Mr. Speaker, let me assure you, and, most importantly, the American people, that each member of the committee takes that responsibility very seriously. The issues and debates we take up in committee about our intelligence programs are based solely on national security interests.

Partisian politics is not a function in the conduct of committee business. This has earned the Intelligence Committee the trust that is required. Mr. Speaker, while the Members deserve much for their efforts to oversee our Nation's intelligence organizations, I would be remiss in not making mention of the superb committee staff. The staff deals with some of the most difficult issues facing our country. They do tough work, in a tough environment, and we ask much of them. I thank each member of the Intelligence Committee staff for the support they provide, and more importantly, for what they do for America.

Mr. Speaker, a quick word about our magnificent intelligence community. It is a community of professionals who work in the background and who don't get much credit, if any, for successfully accomplishing the difficult tasks they are asked to carry out. The men and women of the intelligence community often bear the full brunt of public criticism for the rare, but inevitable intelligence shortfall—after all ''perfect knowledge'' is a noble, but usually unobtainable, goal. So it is important that we, who know the details of the good work of this community, take every opportunity to thank them for their heroism publically.

We can't, for example, publically acknowledge the Central Intelligence Agency for an operation that might stop a planned terrorist attack, or the National Security Agency for providing the piece of information that might allow military commanders to locate critical targets, the National Imagery and Mapping Agency for providing the proof that a foreign nation is developing weapons of mass destruction, or the FBI for locating and removing a Russian listening device in the State Department conference room. These and the other intelligence organizations and the analysts who make sense of the myriad information stand watch for all Americans day in and day out. I thank them for the jobs they do, for the professionals that they are, and for the sacrifices they make every single day.

Finally, Mr. Speaker, I urge support for this conference report. Indeed it provides the intelligence community with the resources it needs to carry out its mission, and it ensures that the American military forces deployed around the world have the best information resources we can provide them.

That is not to say that I think we have done enough. The world is not a safe place. There are truly bad actors in the world and, in fact, we may be living in a more dangerous and unstable world today than we faced during the cold war: This past week's events in the former Yugoslavia are example; the increase in terrorism—as, tragically, we saw again this morning in the Persian Gulf; the proliferation of inexpensive weapons of mass destruction that puts unbelievable destructive power in the hands of small nations and non-nation groups; the number of countries with nuclear weapons and the means to deliver them is increasing. These threats present tough information challenges for our intelligence community; challenges that must be met. We have to make sure our intelligence organizations are given the proper resources to successful operate in this dangerous world.

This conference report provides adequate resources that should be seen as a down payment on keeping our intelligence community capable and viable in this dangerous world. But to protect our national security, we must resolve to invest more in our ''intelligence first line of defense.'' I urge my colleagues to vote with me in support of this conference report.

Mr. GILMAN. Mr. Speaker, I am pleased to say I support subtitle B of this conference report regarding the Diplomatic Telecommunications Service. Along with the ranking democratic member of the International Relations Committee I wanted to clarify that section 322(a)(6)(C) does not include personnel requirements. It is our understanding that this provision does not require State Department personnel detailed or assigned to the DTS or DTSPO to be polygraphed.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). All time has expired.

Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the conference report.

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

Mr. BARR of Georgia. Mr. Speaker, I demand a recorded vote.

The SPEAKER pro tempore. The Chair will count. An insufficient number of Members have risen, a recorded vote is not ordered.

A recorded vote was refused.

So, the conference report was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. GOSS. 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. 4392, and the conference report just considered and passed.

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

There was no objection.

## APPOINTMENT OF MEMBERS TO COMMITTEE TO ATTEND FUNERAL OF THE LATE HON. BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Bruce F. Vento:

Mr. OBERSTAR, Minnesota.
Mr. HASTERT, Illinois.
Mr. GEPHARDT, Missouri.
Mr. BONIOR, Michigan.
Mr. SABO, Minnesota.
Mr. PETERSON, Minnesota.
Mr. RAMSTAD, Minnesota.
Mr. MINGE, Minnesota.
Mr. GUTKNECHT, Minnesota.
Mr. LUTHER, Minnesota.
Mr. OBEY, Wisconsin.
Mr. LAFALCE, New York.
Mr. MARKEY, Massachusetts.
Mr. KILDEE, Michigan.
Mr. RAHALL, West Virginia.
Mr. FROST, Texas.
Mr. COYNE, Pennsylvania.
Mr. HOYER, Maryland.
Mr. KLECZKA, Wisconsin.
Mr. KANJORSKI, Pennsylvania.
Mr. LEWIS, Georgia.
Mr. SAWYER, Ohio.
Mr. MCDERMOTT, Washington.
Mr. BARRETT, Wisconsin.
Mr. HINCHEY, New York.
Ms. EDDIE BERNICE JOHNSON, Texas.
Mr. POMEROY, North Dakota.
Mr. WATT, North Carolina.
Ms. WOOLSEY, California.
Mr. FARR, California.
Mr. UNDERWOOD, Guam.
Mr. BENTSEN, Texas.
Ms. JACKSON-LEE, Texas.
Mr. CUMMINGS, Maryland.
Mr. KIND, Wisconsin.
Ms. LEE, California.
Mr. GONZALEZ, Texas.
Mr. GARY MILLER, California.
Mr. THOMPSON, California.
Mr. UDALL, Colorado.
Mr. UDALL, New Mexico.

## LEGISLATIVE PROGRAM.

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

Mr. FROST. Mr. Speaker, I ask for this time to inquire about next week's schedule, and I yield to the gentleman from Florida (Mr. GOSS).

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

I am very pleased to announce that the House has completed its legislative business for the week. The House will not be in session tomorrow.

The House will meet next week for legislative business on Tuesday, October 17, at 10:30 a.m. for morning hour, and at 12 noon for legislative business.

The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Wednesday, October 18, and the balance of the week the House will consider the following measures: H.R. 4635, the Department of Veterans Affairs and Housing and Urban Development Appropriations Act conference report; H.R. 4577, the Departments of Labor, Health and Human Services, and Education appropriations conference report; and H.R. 4942, the District of Columbia appropriations conference report.

Mr. Speaker, the House will also consider any other conference reports that may become available throughout the week.

Mr. FROST. Mr. Speaker, I have several questions, if I may, to the gentleman from Florida.

The first question is, does the gentleman expect any other business on Tuesday besides suspension bills?

Mr. GOSS. If the gentleman will continue to yield, Mr. Speaker, on Tuesday there is possibly a motion to go to conference on the VA–HUD bill. That is a possibility.

Mr. FROST. Another question. The gentleman has said on Wednesday and the balance of the week, and the gentleman listed several bills. Could the gentleman be more specific as to what day the gentleman expects the Labor-HHS appropriations to be on the floor?

Mr. GOSS. It is clear that we can say the conferees are working hard. We hope to know sooner rather than later exactly which bills are going to come up on which days, but I do not think I can give any specific certainty on that. I would not want to preclude the hard work that is going on.

Mr. FROST. The final question, which is, of course, the $64,000 question, on which day does the gentleman expect us to adjourn for the year?

Mr. GOSS. If the gentleman will continue to yield, I think the gentleman undervalues the question.

Mr. FROST. A little inflation.

Mr. GOSS. I am sorry to say that I do not have the answer to that question.

Mr. FROST. I thank the gentleman very much.

## ADJOURNMENT TO MONDAY, OCTOBER 16, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

## HOUR OF MEETING ON TUESDAY, OCTOBER 17, 2000

Mr. GOSS. Mr. Speaker, I ask unanimous consent when the House adjourns on Monday, October 16, 2000, it adjourn to meet at 10:30 a.m. on Tuesday, October 17, for morning hour debates.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## ARNOLD C. D'AMICO STATION

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 4853) to redesignate the facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, as the ''Arnold C. D'Amico Station,'' and ask for its immediate consideration by the House.

The Clerk read the title of the bill.

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

Mr. BLUMENAUER. Reserving the right to object, Mr. Speaker, I will not object, and I rise in support of H.R. 4853.

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

Mr. BLUMENAUER. I yield to the gentleman from New York.

Mr. MCHUGH. Mr. Speaker, I appreciate the gentleman yielding to me.

Mr. Speaker, I will try to be very brief for an explanation to the House.

The bill before us was introduced by our colleague, the gentlewoman from Ohio (Mrs. JONES) on July 13 of this year, and was amended by the Committee on Government Reform on October 5.

The amendment very simply changes the word ''Glen'' to ''Green'', as determined after review by the United States Postal Service. As the Clerk has read, it does redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, now known as the South Euclid Station, to afterwards be designated as the Arnold C. D'Amico station.

As is the practice of the Committee on Government Reform, the entire delegation in this House from the State of Ohio has cosponsored this legislation.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentlewoman from Ohio.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleague for yielding to me and giving me the opportunity to speak.

I briefly thank my colleagues for their support to designate a post office in the city of South Euclid on behalf of the mayor, Arnold C. D'Amico.

Mr. Speaker, Arnold D'Amico was born in Warren, Ohio on September 3, 1923 and received his early education from Notre Dame Sisters at Saint Mary's Catholic School. After graduating from Warren Harding School he enrolled at Kent State University. However, World War II interrupted his college education and Mr. D'Amico served with distinction for three years in the United States Army, and was assigned to the Aleutian Islands and the China-Burma-India theaters. Following his distinguished military service he returned to Kent State University, earning a Bachelor of Science degree in business Administration.

After graduation, Mr. D'Amico was very active politically in the Greater Cleveland business community with a career spanning over 20 years. During this time he was elected councilman for Ward 2 in South Euclid, Ohio. While on City Council, Mr. D'Amico served on the Planning Commission, and he was the chairman of the Council of Government of the Tri-City Consortium on Aging Commission. Subsequently, he was elected Mayor of South Euclid, Ohio.

In 1976, Arnold D'Amico became South Euclid's first full time Mayor. He was not only committed to the city of South Euclid, but he was also instrumental in moving the city forward. Under his leadership South Euclid prospered and established itself as a model city of efficiency.

Mayor D'Amico was a wonderful man and I am happy to support this designation.

Mr. MCHUGH. Mr. Speaker, if the gentleman from Oregon will continue to yield, I want to thank the gentlewoman from Ohio for bringing this designation to our attention.

We have had the opportunity on this House floor to name facilities on behalf of many distinguished Americans, and clearly, this particular individual meets that high standard.

I think it is important to note that Mr. D'Amico spent a lifetime in service to his community, a lifetime in service to his country, beginning in his service in World War II in the United States Army, moving on as a diligent worker in the Office of Price Stabilization, and later as an auditor for the Air Force.

But clearly through all of his years, he most distinguished himself during his distinguished service in the South Euclid City Council, and as I am told, later became not just the mayor of South Euclid in 1972, but indeed, the first full full-time mayor in 1976.

Reading the materials presented by the gentlewoman on his behalf, I can say without fear of qualification that he accomplished much during his tenure there. He established an office on the aging, a paramedic program, established the 911 emergency program, and pushed for a community center. He later served as president of the county Mayors' Association, chairman and treasurer of the regional income tax authority, and so much more.

Clearly, Mr. Speaker, we have in this individual someone who understood the sense and the value of community, and did not just recognize it in his own heart but went out and gave of himself to contribute back.

It is with a great deal of pleasure that I, as the chairman of the subcommittee, give my full endorsement to this. I am pleased that we are able to take it up this afternoon in this fashion.

I commend the gentlewoman for her actions.

Mrs. JONES of Ohio. If the gentleman from Oregon will yield further, briefly, Mr. Speaker, I thank the gentleman for his support of this designation.

The reason I was so brief in my commentary, I did not think I had a chance to lay upon the record all the things that the gentleman said about Mayor D'Amico of South Euclid.

He was truly a genuine supporter of mine in every office that I have run for previously, and a leader and a light in the community of Cuyahoga County.

I would just like to associate myself with the comments of the chairman and thank him for his support, and thank the gentleman from Oregon (Mr. BLUMENAUER) for his support.

Mr. BLUMENAUER. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4853

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

**SECTION 1. ARNOLD C. D'AMICO STATION.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Glen Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the ''Arnold C. D'Amico Station''.

(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 ''Arnold C. D'Amico Station''.

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

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

The Clerk read as follows:

Amendment in the Nature of a Substitute offered by Mr. MCHUGH:

Strike all after the enacting clause and insert the following:

**SECTION 1. ARNOLD C. D'AMICO STATION.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, and known as the South Euclid Station, shall be known and designated as the ''Arnold C. D'Amico Station''.

(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 Arnold C. D'Amico Station.

Mr. MCHUGH (during the reading). Mr. Speaker, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from New York (Mr. MCHUGH).

The amendment in the nature of a substitute was agreed to.

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

The title was amended so as to read: ''A bill to redesignate the facility of the United States Postal Service located at 1568 South Green Road in South Euclid, Ohio, as the 'Arnold C. D'Amico Station'.''.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MCHUGH. 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. 4853.

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

There was no objection.

## FAMINE PREVENTION AND FREEDOM FROM HUNGER ACT OF 2000

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (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 a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Famine Prevention and Freedom From Hunger Improvement Act of 2000''.*

***SEC. 2. GENERAL PROVISIONS.***

*(a) DECLARATIONS OF POLICY.—(1) The first sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended to read as follows: ''The Congress declares that, in order to achieve the mutual goals among nations of ensuring food security, human health, agricultural growth, trade expansion, and the wise and sustainable use of natural resources, the United States should mobilize the capacities of the United States land-grant universities, other eligible universities, and public and private partners of universities in the United States and other countries, consistent with sections 103 and 103A of this Act, for: (1) global research on problems affecting food, agriculture, forestry, and fisheries; (2) improved human capacity and institutional resource development for the global application of agricultural and related environmental sciences; (3) agricultural development and trade research and extension services in the United States and other countries to support the entry of rural industries into world markets; and (4) providing for the application of agricultural sciences to solving food, health, nutrition, rural income, and environmental problems, especially such problems in low-income, food deficit countries.''.*

*(2) The second sentence of section 296(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(a)) is amended—*

*(A) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively;*

*(B) in subparagraph (A) (as redesignated), by striking ''in this country'' and inserting ''with and through the private sector in this country and to understanding processes of economic development'';*

*(C) in subparagraph (B) (as redesignated), to read as follows:*

*''(B) that land-grant and other universities in the United States have demonstrated over many years their ability to cooperate with international agencies, educational and research institutions in other countries, the private sector, and nongovernmental organizations worldwide, in expanding global agricultural production, processing, business and trade, to the benefit of aid recipient countries and of the United States;'';*

*(D) in subparagraph (C) (as redesignated), to read as follows:*

*''(C) that, in a world of growing populations with rising expectations, increased food production and improved distribution, storage, and marketing in the developing countries is necessary not only to prevent hunger and ensure human health and child survival, but to build the basis for economic growth and trade, and the social security in which democracy and a market economy can thrive, and moreover, that the greatest potential for increasing world food supplies and incomes to purchase food is in the developing countries where the gap between food need and food supply is the greatest and current incomes are lowest;'';*

*(E) by striking subparagraphs (E) and (G) (as redesignated);*

*(F) by striking ''and'' at the end of subparagraph (F) (as redesignated);*

*(G) by redesignating subparagraph (F) as subparagraph (G); and*

*(H) by inserting after subparagraph (D) the following:*

*''(E) that, with expanding global markets and increasing imports into many countries, including the United States, food safety and quality, as well as secure supply, have emerged as mutual concerns of all countries;*

*''(F) that research, teaching, and extension activities, and appropriate institutional and policy development therefore are prime factors in improving agricultural production, food distribution, processing, storage, and marketing abroad (as well as in the United States);'';*

*(I) in subparagraph (G) (as redesignated), by striking ''in the United States'' and inserting ''and the broader economy of the United States''; and*

*(J) by adding at the end the following:*

*''(H) that there is a need to responsibly manage the world's agricultural and natural resources for sustained productivity, health and resilience to climate variability; and*

*''(I) that universities and public and private partners of universities need a dependable source of funding in order to increase the impact of their own investments and those of their State governments and constituencies, in order to continue and expand their efforts to advance agricultural development in cooperating countries, to translate development into economic growth and trade for the United States and cooperating countries, and to prepare future teachers, researchers, extension specialists, entrepreneurs, managers, and decisionmakers for the world economy.''.*

*(b) ADDITIONAL DECLARATIONS OF POLICY.—Section 296(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(b)) is amended to read as follows:*

*''(b) Accordingly, the Congress declares that, in order to prevent famine and establish freedom from hunger, the following components must be brought together in a coordinated program to*

*increase world food and fiber production, agricultural trade, and responsible management of natural resources, including—*

*''(1) continued efforts by the international agricultural research centers and other international research entities to provide a global network, including United States universities, for international scientific collaboration on crops, livestock, forests, fisheries, farming resources, and food systems of worldwide importance;*

*''(2) contract research and the implementation of collaborative research support programs and other research collaboration led by United States universities, and involving research systems in other countries focused on crops, livestock, forests, fisheries, farming resources, and food systems, with benefits to the United States and partner countries;*

*''(3) broadly disseminating the benefits of global agricultural research and development including increased benefits for United States agriculturally related industries through establishment of development and trade information and service centers, for rural as well as urban communities, through extension, cooperatively with, and supportive of, existing public and private trade and development related organizations;*

*''(4) facilitation of participation by universities and public and private partners of universities in programs of multilateral banks and agencies which receive United States funds;*

*''(5) expanding learning opportunities about global agriculture for students, teachers, community leaders, entrepreneurs, and the general public through international internships and exchanges, graduate assistantships, faculty positions, and other means of education and extension through long-term recurring Federal funds matched by State funds; and*

*''(6) competitive grants through universities to United States agriculturalists and public and private partners of universities from other countries for research, institution and policy development, extension, training, and other programs for global agricultural development, trade, and responsible management of natural resources.''.*

*(c) SENSE OF THE CONGRESS.—Section 296(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(c)) is amended—*

*(1) in paragraph (1), by striking ''each component'' and inserting ''each of the program components described in paragraphs (1) through (6) of subsection (b)'';*

*(2) in paragraph (2)—*

*(A) by inserting ''and public and private partners of universities'' after ''for the universities''; and*

*(B) by striking ''and'' at the end;*

*(3) in paragraph (3)—*

*(A) by inserting ''and public and private partners of universities'' after ''such universities'';*

*(B) in subparagraph (A), by striking '', and'' and inserting a semicolon;*

*(C) in subparagraph (B), by striking the comma at the end and inserting a semicolon;*

*(D) by striking the matter following subparagraph (B); and*

*(E) by adding at the end the following:*

*''(C) multilateral banks and agencies receiving United States funds;*

*''(D) development agencies of other countries; and*

*''(E) United States Government foreign assistance and economic cooperation programs;''; and*

*(4) by adding at the end the following:*

*''(4) generally engage the United States university community more extensively in the agricultural research, trade, and development initiatives undertaken outside the United States, with the objectives of strengthening its capacity to carry out research, teaching, and extension activities for solving problems in food production, processing, marketing, and consumption in agriculturally developing nations, and for transforming progress in global agricultural research and development into economic growth, trade, and trade benefits for aid recipient countries and United States communities and industries, and for the wise use of natural resources; and*

*''(5) ensure that all federally funded support to universities and public and private partners of universities relating to the goals of this title is periodically reviewed for its performance.''.*

*(d) DEFINITION OF UNIVERSITIES.—Section 296(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(d)) is amended—*

*(1) by inserting after ''sea-grant colleges;'' the following: ''Native American land-grant colleges as authorized under the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note);''; and*

*(2) in paragraph (1), by striking ''extension'' and inserting ''extension (including outreach)''.*

*(e) DEFINITION OF ADMINISTRATOR.—Section 296(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a(e)) is amended by inserting ''United States'' before ''Agency''.*

*(f) DEFINITION OF PUBLIC AND PRIVATE PARTNERS OF UNIVERSITIES.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:*

*''(f) As used in this title, the term 'public and private partners of universities' includes entities that have cooperative or contractual agreements with universities, which may include formal or informal associations of universities, other education institutions, United States Government and State agencies, private voluntary organizations, nongovernmental organizations, firms operated for profit, nonprofit organizations, multinational banks, and, as designated by the Administrator, any organization, institution, or agency incorporated in other countries.''.*

*(g) DEFINITION OF AGRICULTURE.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:*

*''(g) As used in this title, the term 'agriculture' includes the science and practice of activity related to food, feed, and fiber production, processing, marketing, distribution, utilization, and trade, and also includes family and consumer sciences, nutrition, food science and engineering, agricultural economics and other social sciences, forestry, wildlife, fisheries, aquaculture, floraculture, veterinary medicine, and other environmental and natural resources sciences.''.*

*(h) DEFINITION OF AGRICULTURISTS.—Section 296 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220a) is amended by adding at the end the following:*

*''(h) As used in this title, the term 'agriculturists' includes farmers, herders, and livestock producers, individuals who fish and others employed in cultivating and harvesting food resources from salt and fresh waters, individuals who cultivate trees and shrubs and harvest nontimber forest products, as well as the processors, managers, teachers, extension specialists, researchers, policymakers, and others who are engaged in the food, feed, and fiber system and its relationships to natural resources.''.*

***SEC. 3. GENERAL AUTHORITY.***

*(a) AUTHORIZATION OF ASSISTANCE.—Section 297(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(a)) is amended—*

*(1) in paragraph (1), to read as follows:*

*''(1) to implement program components through United States universities as authorized by paragraphs (2) through (5) of this subsection;'';*

*(2) in paragraph (3), to read as follows:*

*''(3) to provide long-term program support for United States university global agricultural and related environmental collaborative research and learning opportunities for students, teachers, extension specialists, researchers, and the general public;''; and*

*(3) in paragraph (4)—*

*(A) by inserting ''United States'' before ''universities'';*

*(B) by inserting ''agricultural'' before ''research centers''; and*

*(C) by striking ''and the institutions of agriculturally developing nations'' and inserting ''multilateral banks, the institutions of agriculturally developing nations, and United States and foreign nongovernmental organizations supporting extension and other productivity-enhancing programs''.*

*(b) REQUIREMENTS.—Section 297(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(b)) is amended—*

*(1) in paragraph (1)—*

*(A) in the matter preceding subparagraph (A), by striking ''universities'' and inserting ''United States universities with public and private partners of universities''; and*

*(B) in subparagraph (C)—*

*(i) by inserting '', environment,'' before ''and related''; and*

*(ii) by striking ''farmers and farm families'' and inserting ''agriculturalists'';*

*(2) in paragraph (2), by inserting '', including resources of the private sector,'' after ''Federal or State resources''; and*

*(3) in paragraph (3), by striking ''and the United States Department of Agriculture'' and all that follows and inserting '', the Department of Agriculture, State agricultural agencies, the Department of Commerce, the Department of the Interior, the Environmental Protection Agency, the Office of the United States Trade Representative, the Food and Drug Administration, other appropriate Federal agencies, and appropriate nongovernmental and business organizations.''.*

*(c) FURTHER REQUIREMENTS.—Section 297(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b(c)) is amended—*

*(1) in paragraph (2), to read as follows:*

*''(2) focus primarily on the needs of agricultural producers, rural families, processors, traders, consumers, and natural resources managers;''; and*

*(2) in paragraph (4), to read as follows:*

*''(4) be carried out within the developing countries and transition countries comprising newly emerging democracies and newly liberalized economies; and''.*

*(d) SPECIAL PROGRAMS.—Section 297 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220b) is amended by adding at the end the following new subsection:*

*''(e) The Administrator shall establish and carry out special programs under this title as part of ongoing programs for child survival, democratization, development of free enterprise, environmental and natural resource management, and other related programs.''.*

***SEC. 4. BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT.***

*(a) ESTABLISHMENT.—Section 298(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(a)) is amended in the third sentence, by inserting at the end before the period the following: ''on a case-by-case basis''.*

*(b) GENERAL AREAS OF RESPONSIBILITY OF THE BOARD.—Section 298(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(b)) is amended to read as follows:*

*''(b) The Board's general areas of responsibility shall include participating in the planning, development, and implementation of, initiating recommendations for, and monitoring, the activities described in section 297 of this title.''.*

*(c) DUTIES OF THE BOARD.—Section 298(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(c)) is amended—*

*(1) in paragraph (2)—*

*(A) in subparagraph (A), by striking ''increase food production'' and all that follows and inserting the following: ''improve agricultural production, trade, and natural resource management in developing countries, and with private organizations seeking to increase agricultural production and trade, natural resources management, and household food security in developing and transition countries;''; and*

*(B) in subparagraph (B), by inserting before ''sciences'' the following: '', environmental, and related social'';*

*(2) in paragraph (4), after ''Administrator and universities'' insert ''and their partners'';*

*(3) in paragraph (5), after ''universities'' insert ''and public and private partners of universities'';*

*(4) in paragraph (6), by striking ''and'' at the end;*

*(5) in paragraph (7), by striking ''in the developing nations.'' and inserting ''and natural resource issues in the developing nations, assuring efficiency in use of Federal resources, including in accordance with the Governmental Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285), and the amendments made by that Act;''; and*

*(6) by adding at the end the following:*

*''(8) developing information exchanges and consulting regularly with nongovernmental organizations, consumer groups, producers, agribusinesses and associations, agricultural cooperatives and commodity groups, State departments of agriculture, State agricultural research and extension agencies, and academic institutions;*

*''(9) investigating and resolving issues concerning implementation of this title as requested by universities; and*

*''(10) advising the Administrator on any and all issues as requested.''.*

*(d) SUBORDINATE UNITS.—Section 298(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2220c(d)) is amended—*

*(1) in paragraph (1)—*

*(A) by striking ''Research'' and insert ''Policy'';*

*(B) by striking ''administration'' and inserting ''design''; and*

*(C) by striking ''section 297(a)(3) of this title'' and inserting ''section 297''; and*

*(2) in paragraph (2)—*

*(A) by striking ''Joint Committee on Country Programs'' and inserting ''Joint Operations Committee''; and*

*(B) by striking ''which shall assist'' and all that follows and inserting ''which shall assist in and advise on the mechanisms and processes for implementation of activities described in section 297.''.*

***SEC. 5. ANNUAL REPORT.***

*Section 300 of the Foreign Assistance Act of 1961 (22 U.S.C. 2220e) is amended by striking ''April 1'' and inserting ''September 1''.*

Mr. BRADY of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BEREUTER. Mr. Speaker, as an original cosponsor of H.R. 4002, the Famine Prevention and Freedom From Hunger Act of 2000, this Member certainly wants to commend the distinguished gentleman from Texas [Mr. BRADY] for taking the lead on this important issue and introducing this bill which updates the context of agricultural development in Title 12 of the Foreign Assistance Act and expands the role of America's land-grant universities in these efforts. Indeed, it was a pleasure to work with him on this effort.

H.R. 4002 was first passed by the House under suspension of the rules on July 24, 2000. On October 4, 2000, the other body passed a slightly amended version of H.R. 4002 by unanimous consent. This Member supports the expeditious final passage of H.R. 4002 in the House so that it can be enrolled and sent to the President to be signed into law.

Since the Foreign Assistance Act was enacted in 1961, the scope of U.S. food aid and agricultural assistance has expanded to include: forestry, fisheries, family and consumer sciences, horticulture, agribusiness, agricultural processing, marketing, distribution, trade, food safety, nutrition, agricultural policy, environmental protection, food science and engineering, veterinary medicine, agricultural economics and other social sciences, and other science and practice related to food, feed and fiber. Indeed, H.R. 4002 updates current law and U.S. foreign assistance policy to reflect these changes.

This bill also ensures the transformation of development abroad into benefits to the U.S. University research and extension services, especially those associated with America's land-grant colleges, along with their public and private partners are supported to help transform agricultural progress abroad into benefits to U.S. communities and businesses through trade. The pending legislation expands the definition of eligible universities to include those institutions engaged in agricultural teaching, research and ''outreach'' as well as ''extension.'' This certainly is an effective and responsible approach which utilizes America's land-grant university expertise to help famine prevention and freedom from hunger abroad.

Mr. Speaker, the Famine Prevention and Freedom from Hunger Prevention Act of 2000 would, for the first time, create a direct link between development abroad and the interests of U.S. rural communities. Clearly, it deserves our strong support and this Member urges its adoption. Again, this Member commends Mr. BRADY for his leadership on this issue.

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

There was no objection.

A motion to reconsider was laid on the table.

□ 1715

## GENERAL LEAVE

Mr. BRADY of Texas. 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. 4002.

The SPEAKER pro tempore (Mr. HANSEN). Is there objection to the request of the gentleman from Texas?

There was no objection.

## CORRECTING ENROLLMENT OF H.R. 3244, VICTIMS OF TRAFFICKING AND VIOLENCE PROTECTION ACT OF 2000

Mr. BRADY of TEXAS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 149) to correct the enrollment of H.R. 3244, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 149

*Resolved by the Senate (the House of Representatives concurring),* That the Clerk of the House of Representatives, in the enrollment of the bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking, shall make the following correction:

In section 2002(a)(2)(A)(ii), strike ''June 7, 1999,'' and insert ''December 13, 1999,''.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## APPOINTMENT OF MEMBER TO ATTEND THE FUNERAL OF THE LATE HONORABLE BRUCE F. VENTO

The SPEAKER pro tempore. Pursuant to House Resolution 618, the Chair announces the Speaker's appointment of the following Member of the House to the Committee to attend the funeral of the late Bruce F. Vento:

Ms. PELOSI, California.

## 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.

## SPECIAL RECOGNITION OF SAMOAN HEAVYWEIGHT BOXER DAVID TUA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, what is it that Olympian gold-medalist volleyballer Eric Fonoimoana, Junior Seau of the San Diego Chargers, Joe Salave'a of the Tennessee Titans, Edwin Mulitalo of the Baltimore Ravens, Naomi Mulitauaopele of the Utah Starzz, Marcus Tuiasosopo of the Washington Huskies, All-American UCLA discus thrower Seilala Su'a, Yokozuma Sumo Grand Champion Musashimaru, Ozeki Sumo Champion Konishiki, WWF Wrestling Champion Tuifeai, ''The Rock,'' and heavyweight boxer David Tua all have in common?

Mr. Speaker, they are Samoan Polynesians who share the same cultural heritage like the Maoris of New Zealand, the Hawaiians or Kanaka Maoli, Tongans, and Tahitians.

After the elections, Mr. Speaker, I suggest to my colleagues and to the millions of boxing fans throughout America, to kick back and turn their TV sets on to HBO and witness one of the most historic events that will transpire the evening of November 11 in Las Vegas, the world heavyweight boxing championship fight between Lennox Lewis and Samoan heavyweight boxer David Tua.

Mr. Speaker, it is against Samoan tradition to be boastful and arrogant, but as a totally neutral observer, and with all due respect, Lennox Lewis is going to painfully wake up the next morning and count how many ribs he has left, and then he will wonder if he was hit by either a dump truck or a D–9 caterpillar tractor, after fighting against David Tua.

You see, Mr. Speaker, this guy, David Tua, he has the heart and soul of a pure Polynesian warrior. He has got a nasty left hook and a deadly right hand knockout punch. He only weighs about 250 pounds. He has no neck, and his legs and calves are like tree trunks, which is typical of Samoan men who wear what we call here in America skirts, but they are actually lavalavas.

I want to express my personal thanks and appreciation to the good people of New Zealand, all the pakehas and our Polynesian cousins, the Tangata Maohi, for looking after David Tua and his family, and for their acceptance of David Tua, and I say to my Maori cousins (the gentleman spoke Samoan).

Mr. Speaker, I do not know if David Tua is listening to this presentation; but, Mr. Speaker, I do know that David Tua is a humble man, never speaks ill of his opponents, and I believe the American people and boxing fans around the world are going to remember him well for his talents and, above all, his sportsmanship-like conduct.

Mr. Speaker, I call upon the Prime Minister of the Independent and Sovereign State of Samoa and the Governor of the U.S. territory of American Samoa to declare November 11 as National David Tua Day. It will be a day that will be remembered by the Samoans throughout the world, the Samoan David going up against the Goliath Lennox Lewis; and, of course, we all know the results of that famous encounter.

Mr. Speaker, in describing David Tua's physical presence, I am reminded of a poem that a Hawaiian comedian, Frank Delima, once wrote about Samoans. By the way, Mr. Speaker, David Tua's favorite pasttime is writing poetry.

Anyway, the poem, in part, is entitled ''Abdullah Fata'ai,'' and it goes like this:

I am 9 feet tall and 6 feet wide.
I got a neck made of elephant hide.
I scrape da haoles off the soles of my feet.
I drove my Volkswagon from the back seat.
I eat green bananas, tree and all.
My favorite game is tackle football.
I wear a skirt, but you better not laugh, cause it won't be funny when I break you in half.
I'm as gentle and sweet as a grizzly bear.
Only difference is he got more hair.
I got the nicest smile in all the Pacific.
I got an island home that's superterrific.
But I don't like fight and you don't like die.
So when I say (the gentleman spoke in Samoan), you better say ''Hi.''

Mr. Speaker, as we say in the Samoan language (the gentleman spoke in Samoan) David Tua, which means, Mr. Speaker, may your body be as invisible as the air and may your eyes be as bright as the sun. May you be victorious in battle. All our hopes and aspirations are with you, David Tua.

## EXCHANGE OF SPECIAL ORDER TIME

Mr. PAUL. Mr. Speaker, I ask unanimous consent to claim the special order time of the gentleman from Indiana (Mr. BURTON).

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

There was no objection.

## WARNING ABOUT FOREIGN POLICY AND MONETARY POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, over the last 3 years to 4 years, I have come to the floor on numerous occasions trying to sound a warning about both our foreign policy and our monetary policy. Today our monetary policy and our foreign policy have clashed. We see now that we face serious problems, not only in the Middle East, but on our financial markets.

Yesterday, I talked a bit about what I see as a financial bubble that has developed over the past decade and made the point that a financial bubble can be financed through borrowing money, as well as inflation. A financial bubble is essentially a consequence of inflation. A lot of people talk about inflation being the mere rising of some prices, but that is not the case.

Most good economists recognize that inflation is a consequence of monetary policy; as one increases the supply of money, it inflates the currency. This distorts interest rates, and it distorts the markets. Sometimes this goes into goods and services, and other times these excessive funds will go into marketplaces and distort the value of stocks and bonds.

I believe this is what has happened for the past 10 years. Mr. Speaker, so in spite of the grand prosperity that we have had for this past decade, I believe it is an illusion in many ways, because we have not paid for it. In a true capitalist society, true wealth comes from hard work and savings.

Today, the American people have a negative savings rate, which means that we get our so-called capital from a printing press, because there are no savings and no funds to invest. The Federal Reserve creates these funds to be invested. On a short-term, this seems to benefit everyone.

The poor like it because they seem to get welfare benefits from it; and certainly the rich like it, because it motivates and stimulates their businesses; and politicians like it, because it takes care of deficits and it stimulates the economy.

The only problem with this is it always ends, and it always ends badly. And this is the reason that we have to meet up with a policy that seems ridiculous. The economy seems to be doing quite well, but the Federal Reserve comes along and says there is a problem with economic growth. Economic growth might cause prices to go up; so, therefore, what we have to do is cut off the economic growth. If you have slower growth, the prices will not go up any longer.

They are talking about a symptom and not the cause. The cause is the Federal Reserve. The problem is that the Federal Reserve has been granted authority that is unconstitutional to go and counterfeit money, and until we recognize that and deal with that, we will continue to have financial problems.

We have heard that the 1990s was a different decade, it was a new era, economy, exactly what we heard throughout the decade prior to the collapse of the markets in Japan. The markets have now been down more than 50 percent in Japan for more than 10 years, and there is no sign of significant recovery there.

Also there were other times in our history when they talked about a new era economy.

Let me read a quote: ''With growing optimism, they gave birth to a foolish idea called the New Economic Era. That notion spread over the whole country. We were assured that we were in a new period where the old laws of economics no longer applied.'' Herbert Hoover in his memoirs.

It is an illusion to believe that the new paradigm exists. Actually, the computer industry involves 5 percent of the economy; 95 percent is what they called the old economy. I ascribe to old economic laws, because the truth is, we cannot change economic laws. And if inflating a currency distorts the market and the boom leads to the bust, that cannot be repelled.

If we are looking towards bad times, it is not because of current policy, it is because of previous policy, the previous policy of the 10 years, the time when we live beyond our means. We say how did we live beyond our means? Where did the money come from? Are we not spending less than Washington? No, we are not spending less in Washington. Are not the deficits a lot less? They are less, but they are not gone.

Where did we borrow from? We borrowed from overseas. We have a current account deficit that requires over a billion dollars a day that we borrow from foreigners just to finance our current account deficit. We are now the greatest debtor in the world, and that is a problem. This is why the markets are shaky, and this is why the markets have been going down for 6 months, and this is why in a foreign policy crisis such as we are facing in the Middle East, we will accentuate these problems. Therefore, the foreign policy of military interventionism overseas is

something that we should seriously question.

## TERRORISM AND VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, the news in the Middle East today is unfortunately not very good news. The attack on the U.S.S. *Cole* reminds us as Americans once again how terrorism can rear its ugly head at any time at any place. The events during the past several days in the Middle East and in Israel and the West Bank show us again that terrorism and violence is just right around the corner.

Only a few months ago, Mr. Speaker, the Israeli government demonstrated the willingness to make sweeping concessions at Camp David. Unfortunately, Mr. Arafat rejected it. When we talk about the peace process and we talk about partners for peace, we have to understand that it takes two to tango. We cannot have peace if only one side is making concessions and the other side continues to hang on to its strident demands.

In fact, during the entire process at Camp David, which lasted many, many days, Mr. Barak, the prime minister of Israel, made concessions that no one would have dreamed that any Israeli government or prime minister could have made even a year ago, 6 months ago. He made those concessions; but Mr. Arafat, particularly with Jerusalem but other things as well, stuck to his hard demands.

□ 1730

The Palestinian leadership rejected compromise. They showed that they are only interested in peace on their terms. Again, a peace can only be achieved if both parties are willing to negotiate and both parties are willing to compromise.

The violent Palestinian riots we are witnessing today and for the past several days, in my opinion, result directly from the fact that Yasir Arafat did not prepare his people for peace. In fact, Arafat tries to skillfully use the pale of terrorism as a negotiating tool, playing the classic good guy-bad guy routine.

As Mr. Barak was restraining the expectations of his people, preparing the Israeli people for compromise, Arafat was pumping up the Palestinian demands and preparing them for conflict. If one does not prepare one's people by telling them that they will have to compromise to get a peace, then expectations are raised and a compromise is not able to be gotten. So today, unfortunately, we must say that Yasir Arafat has not been and is not a partner for peace.

Mr. Speaker, I just watched Prime Minister Barak speak live on CNN. Once again, he declared his willingness to make peace, but he rightfully said that his nation, Israel, will do everything in its power to protect its people. Israel needs a partner for peace, a partner that does not engage and incite into violence; one that does not look the other way when there are people that are destroying ancient religious shrines in Nablus; one that does not allow their people to beat innocent Israelis to death, as happened this morning in Ramallah; and one that does everything in its power to set the conditions for peace.

The underlying basis for negotiations was the recognition of the PLO by Israel in exchange for the renunciation of violence by the PLO and Chairman Arafat.

In his September 9, 1993 letter for the late Prime Minister Rabin, Chairman Arafat ''renounced the use of terrorism and other acts of violence'' and pledged to ''prevent violence and discipline violators.'' Unfortunately, 7 years later, this has not happened.

Unless the Palestinian leader calls on his people to halt their fanatical, hostile public violence and directs the security services to maintain order, as he promised, the Palestinians will be in violation of, not only the text of the peace agreements, but the basic understanding which underlay the process.

Furthermore, as the Palestinian rock and molotov cocktail throwers and gunmen continue to rage, Israel will be within its rights as a sovereign nation to take whatever actions it needs to protect its people and frontiers.

Now, there is a moral imperative to stand our ground. Israel is not only our closest friend and ally in the Middle East, they are in the right. Israel has demonstrated its willingness to make peace and is now under attack by thousands of violent rioters. It is time for Congress to express its solidarity with the people of Israel and stand with them at this crucial time.

We must condemn the Palestinian leadership for its cowardly encouragement of mass riots and for doing so little to halt the hysterical rampagers.

We must demand that Arafat and his lieutenants use their security services to restrain unnecessary acts of violence, show respect for our holy sites, and settle grievances only through negotiations.

In the days to come, I expect new challenges to our U.S. policy; and I suspect we will arise to the occasion.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4516) ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes.''

The SPEAKER pro tempore (Mr. HANSEN). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will apper hereafter in the Extensions of Remarks.)

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 California (Mr. HORN) is recognized for 5 minutes.

(Mr. HORN 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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. PETERSON) is recognized for 5 minutes.

(Mr. PETERSON of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## H.R. 4541, THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BLILEY) is recognized for 5 minutes.

Mr. BLILEY. Mr. Speaker, the estimate of private sector mandates prepared by the Congressional Budget Office for H.R. 4541, the Commodity Futures Modernization Act of 2000, was not available when the Committee on Commerce filed its report on the bill. Pursuant to section 423(f)(1) of the Congressional Budget Act of 1974, as amended, I am submitting that statement for publication in the CONGRESSIONAL RECORD.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, October 11, 2000.*

Hon. TOM BLILEY,
*Chairman, Committee on Commerce, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed estimate of private-sector effects of H.R. 4541, the Commodity Futures Modernization Act of 2000. CBO completed a federal cost estimate and an assessment of the bill's effects on state, local, and tribal governments on September 6.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Judy Ruud and Tim VandenBerg.

Sincerely,

BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF PRIVATE-SECTOR MANDATES

*H.R. 4541—Commodity Futures Modernization Act of 2000*

*Summary*

H.R. 4541 would impose several new private-sector mandates as defined by the Unfunded Mandates Reform Act (UMRA) on persons or entities subject to the jurisdiction of the Commodity Futures Trading Commission (CFTC), registered futures associations, and electronic trading facilities. CBO cannot determine whether the direct cost of those mandates would exceed the threshold set by URMA for private-sector mandates ($109 million in 2000, adjusted annually for inflation).

*Private-sector mandates contained in the bill*

H.R. 4541 would impose three sets of private-sector mandates. First, it would impose Title V of the Gramm-Leach-Bliley Act, the privacy provisions of that act, on all persons or entities subject to the jurisdiction of the CFTC. Second, under certain circumstances it would require registered futures associations to also become registered national securities associations, and hence subject them to the Securities and Exchange Commission as well as the CFTC. Third, it would authorize the CFTC to require certain electronic trading facilities to disseminate trading data.

Privacy Provisions

H.R. 4541 would extend the privacy protection provisions contained in Title V of the Gramm-Leach-Bliley Act to persons or entities whose financial activities are subject to the jurisdiction of the Commodity Futures Trading Commission. CBO cannot estimate the costs of complying with the privacy provisions primarily because of uncertainties about how consumer privacy protections would apply to the broad categories of entities subject to the jurisdiction of the CFTC and because of the unavailability of information about the privacy protection procedures that those entities now have in place.

In accordance with CFTC implementing regulations, the bill would require affected entities to:

Develop administrative, technical, and physical safeguards of the nonpublic information they possess concerning their customers;

Disclose their policies and practices regarding the disclosure of customers' nonpublic personal information to nonaffiliated third parties when customer relationships are initiated and annually thereafter, and give the consumer the option to stop such disclosure to nonaffiliated third parties.

*Safeguards.* Providing adequate safeguards for customer information could impose several costs on affected entities. The largest of these, perhaps, is ensuring the technical security of customer information. Establishing such safeguards could be quite costly for some entities, particularly the measures needed to protect computer databases. However, the cost may be minimal to entities that already have adequate safeguards in place and would face few additional costs to comply with the requirements. Due to lack of information regarding the existing level of consumer information safeguards, the safeguards that might be required under the legislation and the costs involved in upgrading these safeguards, CBO cannot estimate the cost of those requirements.

*Privacy Policy and Disclosure.* Developing and disseminating privacy policies, establishing procedures to notify customers of possible information disclosures, and allowing customers to disallow such disclosure would involve a variety of costs. Developing privacy policies may require entities to incur legal costs. After the privacy policy has been adopted, relevant personnel may need training on new procedures. Notifying existing and new customers of the firm's privacy policy would entail printing and mailing costs. And the requirement to notify customers of information disclosures and allow them to opt out might require the development of new databases to track customers' opt-out elections. Furthermore, to the extent that the affected entities have been profiting from the disclosure of consumers' nonpublic personal information, entities may lose revenue if many of their customers opt out of such disclosure.

The total cost of complying with the bill's privacy policy and disclosure requirements is uncertain. Several factors could mitigate the costs of complying with the privacy policy and disclosure requirements. For example, some of the affected entities may only have institutional customers. Entities with no consumer accounts may not incur the costs associated with developing a privacy policy, notifying customers of the privacy policy, and tracking customers' responses allowing or disallowing disclosure of their information. The cost of complying with the privacy requirements would also be reduced to the extent that the affected entities do not disclose personal information to nonaffiliated third parties—in that case, the privacy policy would be relatively simple, and they would not need to track customers' responses to the policy. Moreover, if the CFTC or industry associations furnish model privacy policies, the cost of developing privacy policies might also be reduced. CBO was unable to obtain data on the extent to which the affected entities disclose customer information to nonaffiliated third parties, or obtain data concerning the possible cost of implementing systems to track delivery of privacy notices and customer opt-out elections.

Dual Registration of Registered Futures Associations

H.R. 4541 would require futures associations registered with the CFTC to register with the Securities and Exchange Commission (SEC) as a national securities associated, if any of its members effect trades in the newly authorized security future products. This provision would mandate that the National Futures Association, a self-regulatory organization for the U.S. futures industry, be registered with, and fall under the regulatory scrutiny of the SEC. The National Futures Association and the SEC do not expect this requirement to impose many additional costs since this new regulatory oversight would largely parallel existing supervision by the CFTC.

Dissemination of Trading Data by Certain Electronic Trading Facilities

H.R. 4541 would authorize the CFTC to prescribe rules and regulations to ensure timely dissemination of price, trading volume, and other trading data by electronic trading facilities dealing with transactions in exempt commodities or swaps, should the CFTC determine that the electronic trading facility performs a significant price discovery function for transactions in the cash market for the commodity underlying the contracts being traded on the electronic trading facility. Based on information provided by the CFTC, it is quite possible that the CFTC would not use this authority. If, after a period of time, the CFTC did require such an electronic trading facility to disseminate trading data, the cost to the electronic trading facility would depend upon the specific information to be released, and the type of dissemination that the CFTC required. The costs of disseminating trading data may be small if simply daily dissemination to a public source were required, but would be higher if continuous, real-time dissemination were required.

Estimate prepared by: Judy Ruud and Tim VandenBerg (226–2940).

Estimate approved by: Roger Hitchner, Assistant Director for Microeconomics and Financial Studies Division.

## URGING ENVIRONMENTAL DEBATE BETWEEN PRESIDENTIAL CANDIDATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 60 minutes as the designee of the minority leader.

Mr. BLUMENAUER. Mr. Speaker, I want to spend this time this evening dealing with an issue that I hope will get the attention that it deserves yet in this election. We just had the second Presidential debate last night. I still hold out hope for an environmental debate between the candidates for President as well as leaders in both parties up and down the ticket.

The significance of the environment to the American public is not just a matter of public opinion polls, although I note with interest recently a publication of the Clean Air Trust where they had conducted a survey of voters that indicated that 4 in 10 suggested that they would shun a Presidential candidate who opposed tougher new clean air standards, according to their national poll by the nonprofit Clean Air Trust. They were conducting this survey to determine the impact of just this one key environmental issue, clean air.

At the same time, nearly 6 in 10 voters say they would reward a Presidential candidate who fought to support clean air standards. These are entirely consistent with results of a separate Clean Air Trust survey of likely voters in the battleground State of Michigan. But we do not have to just look at public opinion polls.

I note with interest that, when we open up the newspapers in our communities from coast to coast, border to border, they are filled with issues of environmental concern to our citizens. A lot of the work that I do in Congress focuses on livable communities and what the Federal Government can do to be a better partner in promoting an environment where our families are safe, healthy, and economically secure.

I am pleased that the Vice President has been a champion of the Federal partnership in promoting livable communities. His activity on behalf of the President's Council for Sustainable Development, indeed, he has been pushing and probing across the board in the Federal Government for each and every agency to have their program of sustainable development, of livable communities, of ways to promote environmental enhancement.

The contrast with Governor Bush I think could not be more stark. There is no comprehensive State program in the State of Texas dealing with environmental quality and livability. Indeed,

there is no indication that Governor Bush has chosen this as an area that he wants to promote Federal involvement and partnership.

When we look at the response to local communities in the State of Texas to try and deal with those problems, it appears that he does not really look with favor at initiatives at the local level.

I would quote from a recent column by Neal Peirce, one of the national journalistic experts in this arena who has been following livability environment and what happens in our metropolitan areas for several decades. He had indicated that the question about Governor Bush is why he seems oh so indifferent to America's growth quandaries. He constantly stresses local control.

But The Austin American-Statesman reports that, when the growth-deluged city of Austin, the capital, moved to regulate development and water quality, Governor Bush approved State legislation to negate all its efforts.

So it appears that he does not have a comprehensive program in the State of Texas. He does not support a comprehensive approach on the part of the Federal Government. He is willing to cut active local governments like the capital city of Austin off at the knees.

This, I think, speaks volumes to the American public about the most important challenge that we are going to be facing in terms of enhancing and maintaining our quality of life.

I think a further elaboration of the difference between the record of the Vice President and the Governor of Texas is enlightening.

The State of Texas ranks near the bottom in spending on the environment, 44th out of the 50 States in per capita spending on environmental programs, according to The Los Angeles Times last April. Texas is the third worst in the country for toxic water pollution last year. It was ranked third worst in terms of dumping chemicals into the water supply. It also ranked second worst for omitting known and suspected carcinogens to water in the country.

In 1998, Texas also had the record with the third most pollution in the country and ranked third in omitting reproductive toxins into the waterways, and second worst in dumping nitrate compounds into that State's waterways.

Governor Bush selected as his Vice Presidential nominee Dick Cheney, a gentleman, a former colleague of many in this Chamber where he served for some dozen years in the 1980s and 1990s. Secretary Cheney, as a Member of this body, voted seven times against authorizing clean water programs, often as one of a small minority of Members who voted against the authorization.

In 1986, Secretary Cheney was one of only 21 Members to vote against the appropriations to carry out the Safe Drinking Water Act. In 1987, he was one of only 26 Members who voted against overriding President Reagan's veto of the reauthorization of the Clean Water Act.

The contrast here with Vice President GORE is stark. As a Senator, GORE fought for cleaner water. He was an original cosponsor of the Water Quality Act of 1987. He has been part of an administration that has set aside more lands for Federal protection than any administration since the man who got the ball rolling, Republican President Teddy Roosevelt almost a century ago.

He has been an active promoter of critical partnerships to protect habitat. As my colleagues know, 70 percent of the continental United States is in private hands, and any successful effort to maintain and restore the Nation's wildlife must include these private landowners.

One of the most valuable tools that has evolved is the habitat conservation plan, which is a long-term agreement between government and land owners that helps ensure the survival of threatened wildlife, while still allowing productive use of the land.

Prior to 1993, only 14 such plans existed. This administration, with the Vice President as the point person on the environment, has since forged another 250 plans, protecting more than 20 million acres and 200 threatened species, voluntary programs with private landowners to protect wildlife.

I think it is also clear that the Vice President would continue to protect and perhaps even expand national parks and monuments. This has been an item of some modest concern on the floor of this House, and we have had an opportunity to discuss it. I think the Vice President is clear that he would be supportive of those efforts, and he would seek full funding of the land legacy initiative that the administration, Mr. GORE, proposed.

They have supported full and permanent funding for the Land and Water Conservation Fund. As part of the 2001 budget proposal, the President and Vice President requested $1.4 billion for the Land Legacy Initiative. I have every confidence that, as President, AL GORE would continue to insist that the Land and Water Conservation Fund be fully funded.

□ 1745

The Vice President is also on record to support reform of the antiquated mining law to help pay for conservation. Currently, the Mining Act of 1872 remains on the books exactly as it was signed by President Ulysses S. Grant more than a century and a quarter ago. It grants, effective today, allowing patents for hard rock minerals on public lands to be mined for $2.50 or $5 per acre.

Since taking office in 1993, just in the course of the last two administrations, the 1872 Mining Law has required the Department of the Interior to sign 40 mining patents that deeded away publicly owned resources valued in the billions of dollars, one estimate is more than $15 billion, to individuals and private mining companies. No guarantee that those private mining companies are even American companies. In return, the taxpayers have received a little more than $24,000.

The Vice President supports modernization of this law to take advantage of changed circumstances. We are no longer needing to bribe people to exploit the wilderness and settle the West. We can use the money from any mining royalties that we ought to grant to help pay for incentives to protect open space and help communities support local parks.

Again, as I look back and reflect on the difference that there would have between the Vice President and Governor Bush, I think this record is stark. If one reviews the record of Governor Bush, who cites his stewardship, now in his second term as governor of our country's second largest State, and look at what he has done for parks or public land in the State of Texas, I think any objective review of that record would find that it is indeed sparse.

Texas ranks number 49 out of all the States in the amount of money it spends on State parks. That is number 49, I might add, from the top to the bottom. It is next to the last. A 1998 State audit found that Texas had a funding backlog of $186 million just for maintenance of its existing parks. In 1999, the Texas Parks Commission tried to remove a cap on the sporting goods tax to increase its revenues so it could do something to help this desperate situation in the State of Texas. The governor, sadly, did not support the proposal and the measure died.

There was at least some lip service that was given by the administration of Governor Bush when he appointed a task force to find solutions to these problems. He created a task force on conservation which he ''charged with finding ways to ensure that Texas leaves a legacy for our children and grandchildren, a legacy of unwavering commitment to protect and preserve our treasured lands.'' Sounded good. But when he had an opportunity to translate this into action, the governor ignored the request for additional funding from the Texas Parks Commission.

One of the most exciting proposals that has developed in this Congress, and something that has excited the attention of Americans across the country, has been fully funding the Land and Water Conservation Act, the CARA legislation, which passed this Chamber with an overwhelming bipartisan vote under the leadership of the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER). That was really an artful piece of legislation that would have the opportunity of really transforming the use of our public land. It had resources for urban parks, for nature areas, for habitat restoration, conservation, purchase and

maintenance, and historic activities. There was something here that excited, I think, the attention of environmentalists, conservationists, and citizens all across the country.

According to the San Antonio Express News last year, when asked if he would support the legislation, the governor did not know. I quote: ''I do not know how to answer your question.'' And to the best of my knowledge, I have not seen him adding his voice to try and pry this legislation out of the death grip that it has with the Senate leadership where it has not been permitted to move.

It is clear that Governor Bush would increase logging on public lands, but it is less clear what that environmental impact would be. He would reverse the roadless area protections that are encountered in the administration's roadless areas initiative, and this came out of his visit to Seattle, as quoted in the Seattle Post-Intelligencer on June 26 of this year.

The vice presidential nominee of the Republican Party has been clear that a Bush-Cheney administration would be very interested in reopening the issue of the lands that have been protected from development by this administration.

Another issue of great concern to those of us in the Pacific Northwest, where we are struggling with how to balance the variety of interests dealing with the problems of the Columbia River System, with the issue of endangered species, with salmon, treaty rights to Native Americans, where there are conflicts in terms of barge traffic on the rivers, recreational users, and power, this is not an easy issue; and one of the things that has been clear is that this administration is willing to explore all options, and even some that are going to be very difficult. Vice President GORE has reiterated the fact that he feels that until we have a plan in place, that we need to keep all these options on the table.

Unfortunately, Governor Bush has stepped into a difficult situation, one that does not have an obvious solution, and is willing publicly, I think sadly for political purposes, to rule out some options without having anything in the alternative. For him, evidently, not complying with the Endangered Species Act, not dealing with our commitments under treaty obligations to Native Americans, the extinction of salmon runs is, in fact, an option.

The area of clean air is another one that is of great concern, I think, to all Americans; but I want to pause at this point because I have been joined by the gentleman from New York (Mr. HINCHEY). I am going to begin a somewhat lengthy piece, but the gentleman from New York, who is a member of the Committee on Appropriations and a tireless champion for environmental interests in his district, in his State of New York, and throughout the country, I know has been deeply involved in a number of these issues. He is a member of the Subcommittee on Interior of the Committee on Appropriations as well, and I would yield to him if he has some observations or thoughts at this point as we have been discussing these issues as it relates to the Vice President, Governor Bush and the choices before us.

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding to me, and I particularly thank the gentleman for taking this time to discuss an important issue, which has not gotten the attention that I think it deserves in the context of this particular Congress.

In fact, as a member of this Congress, I have often felt that we are fighting a defensive action here, where we are taking actions that are designed to prevent harm from being done rather than moving forward in a positive direction on a number of environmental issues that really need to be addressed. The Endangered Species Act is one, and I know that the gentleman just referenced it, that deserves a great deal of attention.

The issue of CARA, a piece of legislation which is designed to protect public lands and open space, and provide also recreational opportunities both in rural and urban settings, is a critically important piece of legislation. A good portion of that was advanced in the context of the interior bill, which we passed here just recently and which was signed by the President just the other day.

Now, the reason that that provision advanced in the interior bill was in large measure a result of the leadership provided by the administration, both the President and Vice President GORE. That interior bill contained a landmark preservation, if I am not mistaken the amount was $12 billion, over a period of time for open space protection, preservation, and also for recreational activities, again in rural but also in urban settings in association with urban parks and things of that nature.

One of the issues that I think that we really need to address, and which has not gotten enough attention, is the issue of water resources, particularly fresh water resources. It is true, and many people have observed fairly recently, that fresh water resources around the world, including those fresh water resources here in the United States, are being depleted, particularly those resources that lie in aquifers underground. We know that, for example, in the great Midwestern section of our country there is a huge underground reservoir known as the Ogallala, which runs from northern Texas up to the Dakotas, and covers a huge vast area, or at least underlies a huge vast area of the central plains.

That water resource contained in that Ogallala underground reservoir is being depleted at a rather alarming rate. This is fossil water. In other words, it is water that has lain underground for centuries and there is no visible source of rejuvenation for this aquifer. The fact that we are depleting it at such a rapid rate is something that ought to be of increasing concern.

Now, the depletion is primarily for agricultural purposes, for applications of an agricultural nature throughout that area, and, of course, good purpose. But the idea that we can continue to drain a resource in the belief that that resource is always going to be there and will not be depleted is a false notion. It is a basic fallacy, and it is one with which we have to come to grips.

So I think that this issue of fresh water resources is an issue that is going to require a great deal of attention from this Congress in the future and from the next administration. And that, of course, raises the question of what kind of administration do we want to have in place here to succeed the Clinton administration which will husband these resources in a reasonable way; in a logical and rational and intelligent way. I think the answer to that question becomes quite apparent when we look at the choices that we have before us.

We have on the one hand Governor Bush, who has a record of depletion and deterioration of resources in the State in which he is the executive; and, on the other hand, we have Vice President GORE, who has a very deep and long record of environmental protection and husbanding of resources going back to the time when he served in this House, and then later in the Senate, and all of which he brought to his position as Vice President of the United States.

So I think as people make decisions with regard to this upcoming election, and I think it is easy to lose track of time around here, but I think it is somewhere in the neighborhood of 3 weeks now until November 7, as people begin to think more closely about the decision they are going to make with regard to who is going to be the leader of our country for the next 4 years, I think one of the issues that they ought to factor into their decision-making is the issue of the environment and who among those who are holding themselves out for this office for President of the United States is best equipped and has the knowledge and the sensitivity and the ability to care about this issue. Who is best equipped, then, in that regard, to assume the responsibility of President of the United States.

□ 1800

So this is one of the issues that is of concern to me as I think about the upcoming election and I think about the kind of leadership that we are going to need to carry us forward into the 21st century at a time when environmental resources are going to be increasingly under adverse pressure and forced into adverse circumstances.

So that is a question which I hope people will be thinking closely about as they make their decision about the President and Members of the Congress and Members of the Senate as they cast their vote on November 7.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I would like if I could, with the indulgence of the gentleman from New York (Mr. HINCHEY), yield to our colleague, the gentleman from the State of Maryland (Mr. CARDIN), who has a long and distinguished record as a State legislator, as a private citizen, and as a Member of this Congress for focusing in on many of these concerns that I know my colleague shares.

Mr. CARDIN. Mr. Speaker, let me thank my friend for yielding to me and thank him for bringing this issue before this body.

As he pointed out, in last night's debate, we had a little bit of a discussion about the environment, not enough of a discussion on the environment. There is a clear difference between the Vice President and the Governor on the environmental issues.

The Vice President, as the gentleman from New York (Mr. HINCHEY) has pointed out, throughout his entire career has been one of the real leaders on sensible environmental policies, policies that not only help preserve our environment but also deal with economic expansion but not at the cost of destroying our woods or our airs. He understands the importance of smart growth. He understands the issues of being sensitive to our environment.

I particularly appreciate the gentleman from Oregon (Mr. BLUMENAUER) taking this time. Because when we contrast that to the record of Governor Bush and the State of Texas, which has one of the worst environmental records of any State in this Nation, and the Vice President mentioned some statistics yesterday as related to health care, it is very clear that the State of Texas has been at the bottom of our Nation in providing health benefits for its citizens, but it is also at the bottom of our Nation on its record on environment.

They have literally destroyed much of their environment at the cost of trying to do certain types of growth when it was not necessary to do that. It is certainly not the model of leadership that we need in this nation.

This issue is particularly important to the people of Maryland, important to all the States. But the quality of life in Maryland is very much dependent upon the quality of our environment. We pride ourselves on the Chesapeake Bay, the most important natural resource in our State.

I must tell my colleagues, when I was speaker of our State legislature, we took on the challenge to try to reclaim the Chesapeake Bay. Because it was becoming unsafe in many areas for people to swim or for people to use for recreational purposes. If they fell into our harbor, they did not have to worry about drowning, they would worry about whether they could survive the pollution that was coming in from all sectors, from the industrial use, from the farming use, from just not paying attention to our environment.

We made a commitment 25 years ago to do something about it. And we have. We have done a pretty good job in helping to clean up the Chesapeake Bay. But I must tell my colleagues, we need a clean air policy because that affects the quality of the Bay and acid rain. We need a smart growth policy because that affects the quality of the waters leading into the Chesapeake Bay. We need a national policy on environment. We need leadership in the executive branch that will be sensitive to these environmental issues.

Mr. Speaker, there is such a contrast between the two candidates for President on this issue. And I hope that in the remaining 3-plus weeks, less than 4 weeks, before the election that we will focus as a Nation on the environmental issues.

Look at the record of the Vice President and the Governor on the issues that we have been talking about this evening. They are very much related to the quality of life in our community, very much related to our commitment to try to improve the quality of life in each of the districts that we represent.

So I hope that we will take the time to compare the candidates who want to be President of this great Nation as to where do they stand on smart growth, that is placing people near where they work and where they live so that we can put less stress on the commute times in this country, less time on our energy dependency.

We are too dependent upon imported oil. We all know that. Part of the solution, as the Vice President has said, is less use of fossil fuels in our community, more smart growth in our community. That will help the quality of life for people who live in my district and every district in the Nation, and it will also help preserve the Chesapeake Bay and the other great bodies of water in our Nation and our air that we breathe.

I have been disappointed by what we have done in this session not because of the administration but because we have been spending more time trying to beat down some bad action by our colleagues, particularly on the other side of the aisle, when we should be looking at building a record that we can look back at with pride.

I very much hope that as we get into the last weeks of this campaign that we will challenge the leadership of our candidates running for President as to how they stand on these issues. I think there is no comparison here between the Vice President, who in his entire career in Government has shown leadership and sensitivity to the interrelationship between all the environmental issues, and the Governor, who has a record that none of us want to emulate from the State of Texas.

Mr. BLUMENAUER. Mr. Speaker, reclaiming my time, I thank the gentleman for his comments.

Two observations. One, I appreciate his reference to growing smarter in terms of wiser use of our resources and avoiding unplanned growth and sprawl.

The State of Maryland has recently been cited as another national model for experimenting with this. And I think it is important that, unlike what some of the people who are attempting to be critical of this, there is no effort with smart growth to deny choices to the American public. The notion here is to give them more opportunities in terms of where they live, how they move.

If the only way somebody can get their children to a soccer game or to school is to drive them, if they cannot walk, if they cannot cycle, if they cannot get there on their own, if they have no access to transit, it narrows their choices. If there are neighborhoods that are disposable, hollowed out, it narrows the choices.

One of the things that I am, I guess, most appreciative of for the Vice President is taking the risk that some people will try and turn these concepts on their head and suggest that somehow this is a war on the suburbs or it is trying to deny choices, when nothing could be further from the truth than trying to promote more opportunity.

I am prepared to talk a little further on clean air, but I notice we have been joined by my colleague the gentleman from Southern California (Mr. SHERMAN).

Mr. Speaker, I yield to the gentleman.

Mr. SHERMAN. Mr. Speaker, I just want to associate myself with the comments of my colleagues. I could speak a minute on this issue, but I think I would simply repeat what the rest of them have said. I have some comments about some of the fiscal issues and if the gentleman has time at the end and wants to yield time to me to discuss that point, I will. Otherwise, I thank the gentleman on the other side for agreeing to allow me to have 5 minutes at the end of his remarks.

Mr. BLUMENAUER. Mr. Speaker, I continue to yield to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, let me make an observation, if I may, in connection with the comments that were made just a moment ago by the gentleman from Maryland (Mr. CARDIN).

I think that occasionally, if we look at these issues superficially, we fail to recognize the co-relationship between issues that sometimes are taken separately and distinctly and not joined together.

The gentleman mentioned the relationship, for example, between the environment and energy. And there is a clear nexus there, obviously, that needs to be dealt with. And in that regard, it gives another opportunity to talk a little bit about the initiatives of Vice President GORE and his leadership on both environmental and energy issues in a way that addresses the complexities of both.

For example, we know that we are increasingly dependent upon foreign oil. I think we are importing now something in the neighborhood of 56 percent of the

oil that we consume here in the United States from outside of our borders. This becomes, at that level, an issue even of national security. We are far too dependent upon outside sources for the fossil fuel that we depend upon for transportation, for heating, and for a variety of other uses.

Now, that is something that we have to deal with. We have to gain energy independence to a greater degree. We have to reduce our reliance on foreign oil. How do we do that? One of the ways in which we do it is to develop alternative sources of energy. And this is an issue on which Vice President GORE has taken a leadership position that in fact was far ahead of its time. He was talking about these things when it was not apparent to most people that it would be necessary to take any action in this area.

For example, he was talking about the need to develop photovoltaic cells, for example, and direct solar energy for the creation of less electricity and, by the way, in so doing, creating a vast new industry for America which will enable us to address other issues, such as our balance of trade, balance of trade deficit.

If we are developing new sources of energy for a world that is going to be crying out for new sources of energy, that enables us to deal with our own energy situation more intelligently, reduce our dependence upon fossil fuel, create energy alternatively, and at the same time produce a product that will be desired by virtually every other country in the world.

We have an opportunity, in other words, to take a leadership position here in a new industrial venture that will enable us to accomplish a variety of objectives in a very concise and particular way. And for that I think Vice President GORE deserves a great deal of credit for stepping out in front on this issue and directing the way toward its solutions.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I say to the gentleman from New York (Mr. HINCHEY) that I could not agree with him more.

It is rather tragic at a time now when we see the great peril that the Middle East is again embroiled in as the peace negotiations falter and the acts of violence are currently playing themselves out, and we think that if at the end of the Iraqi war if we had made a commitment that we would not ever again put ourselves in a position where we had to send American soldiers in the pursuit of oil or to protect the Kuwaiti fields or to protect the Saudi Arabia fields, or what have you, that we would have pursued this vast array of alternatives that the Vice President has been talking about almost his entire public life, that we could have, in fact, pursued alternatives in energy consumption, in conservation, in technologies that would have, in fact, really made us independent and insulated us in these kinds of situations.

But, in fact, we chose to go another route. And that was massive increases in consumption, the failure to go for the efficiencies, the failure to recognize what was readily available on the market and use that here domestically or to sell it overseas. And yet, even now we continue to see the other side of the aisle and Governor Bush suggesting, if we just had one more drilling of oil.

The fact is we have increased the production of oil in America over the last 10 years rather dramatically. The hottest oil play in the world is the Gulf of Mexico. Oil companies have spent tens of billions of dollars to be able to go in and to drill there, and it has obviously been worth their while. It is a fantastic find because of new technologies in that field. But it has not made us any more independent. It has not made us any more independent. It has continued the addiction that we have had to foreign oil.

And so, rather than get our house in shape here and get our country in shape as the gentleman has suggested and as the Vice President has suggested over the last decade, we have done just the opposite, we have made ourselves more dependent. And like any other addiction, it is very difficult to break. But we ought to stop it at this point and recognize the peril it places us in internationally, the peril it places our economy in, and the unneeded expenditures by Americans for energy that is not necessarily simply because of the waste that is involved.

□ 1815

That was clearly one of the choices that was presented in the debate last night about whether or not we embrace this in terms of the future and in terms of the knowledge that we now have about energy efficiencies, conservations and technologies or whether we just say, ''Let's go back to what we were doing in Pennsylvania at the turn of the century and just put another hole in the ground.'' It is wonderful to get the oil, but it does not relieve the dependence and there is no indication that it ever will relieve the dependence unless, in fact, we go to these new technologies. I just want to thank the gentleman for making that point.

Mr. BLUMENAUER. Reclaiming my time briefly, I could not agree more with my distinguished colleague from California. He points out that we are, in fact, extracting more energy from more sources. But if we as a Nation that represents 5 or 6 percent of the world's population continue to use 25, 30 percent of the energy supply and if our primary bets are on fossil fuels that are, in fact, finite no matter what some would hope, we are on a downward path that can only lead to disaster.

Mr. GEORGE MILLER of California. When 70 percent of the import is for transportation, we deny the fact that readily available today at these market prices, with no compromise in safety, speed or technology, a car is available, you can get 35 miles to the gallon. Not a big push from where we are today, but a dramatic change in our consumption pattern and our independence, if you will. That could just be done today with essentially no sacrifice being made. Not a dramatic runup in the price of an automobile, not a dramatic compromise in the safety for you or your families and your comfort or anything else. It is available today.

Mr. BLUMENAUER. Could those vehicles, energy-efficient vehicles be made here in the United States by American workers?

Mr. GEORGE MILLER of California. Those vehicles could be made here with no change. The difference is that all the advances that we have made on engine efficiency, the dramatic increases that we have made in efficiencies of the internal combustion engine have been loaded up with weight so that you can drive a bigger and a heavier car rather than returning the benefit to the economy, to the consumer and to the environment. We just decided we would take all the improvement and we would negate it by putting 9,000 pounds on top of it. So here we get what the industry said they could do, what many of us in the Congress wanted them to do, what the environment needs them to do, and then we just larded it up. So rather than driving an ordinary car, we took all those benefits and just put them in, if you will, to style. That is costing the American consumer a huge amount of money, a huge amount of money for no real benefit at all.

Mr. BLUMENAUER. Is it possible that if we had at least studied the CAFE standards, that if we would have applied the CAFE standards across all of today's fleet, not having massive exemptions, that we could have actually had the best of both worlds?

Mr. GEORGE MILLER of California. It is all there. It is there. But obviously when we suggest to them that they can do this voluntarily, just like when George Bush suggested to all those old polluters in Texas to just do it voluntarily, they chose to do it another way. They chose to do it to maximize profit and forget the public interest, forget the needs to clean up the environment, forget the air quality, forget the economy of people who are reaching into their pocket to pay $2 for gasoline in a car that is getting them 20 miles to the gallon when, in fact, they could be getting 35 with none of these trade-offs.

It could be done here, it could be done with American labor. They are the best autoworkers in the world. That is not even a contest. But it is not being done because huge, huge cars now are cash cows for the automobile companies and that is more important

to them than the public safety, the environment, household incomes, expenses or our dependency on foreign oil.

Mr. BLUMENAUER. Reclaiming my time, I was struck by your comment about the voluntary emission reduction plan in Texas. This is one of the innovations that has been cited by Governor Bush under his leadership. There was legislation that was introduced, he supported, Texas Senate bill 766 that took effect more than a year ago. It has been touted as an approach to voluntarily clean up these 760 old plants that were grandfathered in. I find it fascinating that as a result of this effort, there have been 73 so-called pioneer companies out of the 760 that have taken part, that the majority of these plants, even of the 73 that took part, there are only 28 that even applied for permits, only 19 received them and only five of these volunteers with permits that actually required reductions. So there are actually only five out of 760 plants that are actually producing any result and it is something like 0.3 percent.

Mr. GEORGE MILLER of California. That is the exact point. When you say to these companies, there is going to be voluntary compliance, if you can do it, do it, we would all appreciate it. You are also sending the same signal that says, ''And if by the way you continue to pollute, that's okay, too. If you choose to clean up, that would be nice, but if you choose not to clean up, it's the same.''

Before we had the Clean Air Act and I know the gentleman is very interested in the Clean Water Act, before we had the Clean Air and the Clean Water Act, I do not remember companies walking in and saying, ''I'm going to voluntarily clean up the arsenic in the water,'' or ''I'm going to voluntarily clean up the benzene in the air, the lead in the air or the pollution in the Hudson River.'' I do not remember that happening. It was only because of the Clean Air Act, the Clean Water Act that these companies stepped forward. They did it because it was the law of the land. What we have seen for 6 years in this Congress under a Republican majority and what we have seen in the State of Texas is continued efforts by corporate entities to lean on the political system so it is not the law of the land. And if it is not the law of the land, you will not clean up the Hudson River, you will not clean up the Sacramento River, you will not clean up the Mississippi River, you will not clean up these areas that America holds as treasures.

And so as the gentleman points out, when Governor Bush got all done with his volunteer stepping forward, this is like a bad film of the Army: I need these volunteers, now everybody take one step forward and everybody steps back and one guy is left there as the volunteer. This is like a bad movie. If we work at this rate on cleaning up pollution in America that they are in Texas, we will all be choking to death. It is not happening. The figures point it out. The Governor could sit there last night and say, ''We have a plan and it's working.'' Well, if this is his definition of ''working,'' there is a horror story in store for the American public, because that does not address the needs of the cities and others who have air pollution problems and toxic problems. That is just unacceptable.

We have struggled in this Congress to try to get entities to step forward and be responsible for Superfund sites, for water pollution and air pollution. I think the gentleman makes a very important point about the so-called voluntary program in Texas. You voluntarily get not to obey the law is what you do. That is what you get to volunteer to do.

Mr. HINCHEY. The gentleman from California, I think, makes very important points about it as well. It is even true that after you require it in the law, if you do not have proper enforcement of the law, even then you will find some of these corporations that were responsible for the pollution in the first instance resisting taking the appropriate and responsible action to clean up the mess that they made.

The gentleman mentioned the Hudson River. That is one clear example where you have had PCB contamination now for decades and the responsible parties have not done anything to address that pollution. In fact, what they have done is they have come here to the Congress, they have gotten Members of the Congress to introduce amendments to pieces of legislation which will, in fact, delay any act of responsibility on their part. So not only do voluntary actions not work but in addition to the law we have found in our experience that you also have to have effective enforcement. No, absolutely not, they are not going to do any of these things voluntarily because it costs them money, and it should cost them money because they made enormous profits in creating that pollution in the first place in most instances. But in addition to having good, decent, powerful laws, you also have to have consistent and effective and honest enforcement.

Mr. BLUMENAUER. Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY) who has been a leader on a whole host of environmental and energy issues.

Mr. MARKEY. I thank the gentleman very much, and I thank him for holding this very important special order.

Mr. Speaker, on September 29 of this year, Governor Bush of Texas, attempting to reassure the public that there was no choice to make between oil production and preserving wilderness waxed eloquent on the subject of the Arctic Refuge.

''We should open up a small fraction of the Arctic National Wildlife Refuge for responsible oil and gas exploration. The Vice President says he would rather protect this refuge than gain the energy. But this is a false choice. We can do both,'' said Mr. Bush, ''taking out the energy and leaving only footprints.'' Leaving only footprints. A wonderful image, is it not, leaving only footprints in the Arctic Refuge? Like Robert Frost and his little cat's feet or Robinson Crusoe discovering he was not alone when he spied the telltale footprints of Friday on the shore of sand before the high tide washed them away.

An image of footprints in the Arctic Refuge that the petroleum industry would leave and would love to have linger in our minds, these footprints of Friday or cat's paws in the sand, children walking along the beach. Footprints.

It is against the law, of course, as we know, to drill for oil in the Arctic Refuge and the only way that will ever change is if the industry manages to get Congress to change the law. They are very resourceful, this industry. They have put together a dream ticket in the person of an oilman for President and an oilman for Vice President. And now they are engaging in industrial strength poetry as they try to win a license to destroy the wilderness of one of the last places on God-created Earth that man has yet to try to improve.

So Governor Bush says his plans would only impact about 8 percent of the refuge. Well, it turns out that what they want to drill is in the biological heart of the refuge, where polar bears den and caribou give birth. Imagine your doctor telling you, ''This won't hurt. We're only going to drill in a small fraction of your body, only about 8 percent, only around the region of your heart, only that 8 percent of your body. That is the only place we're going to operate. Don't worry, we won't touch the rest of you. Only that 8 percent. The heart.'' The heart of this refuge.

Now, let us take a look at the industrial footprints that have already been left on the North Slope by environmentally sensitive oil companies which want to drill in the heart of the refuge. These pictures are from Dead Horse and from Prudhoe Bay. They are part of a vast industrial complex that generates on average one toxic spill a day of oil or chemicals or industrial waste of some kind. It seeps into the tundra and becomes part of a new and improved North Slope as it is viewed by the oil industry. This energy sacrifice zone already spews more nitrogen oxide pollution into the Arctic each year than the city of Washington, D.C.

□ 1830

That is all of the pollution created in Washington, D.C. is not as great as the pollution created by these sites already in this Arctic North Slope area. As we can see, the drilling for oil takes a huge amount of equipment for roads, for pipes, for wells, for pumping. All the trappings of a massive industrial undertaking have been hauled or flown

or barged to the North Slope around Deadhorse and Prudhoe Bay. The companies have been able to afford to bring everything in to such a remote location because today they are making money. But guess what? Tomorrow it will still be there, and tomorrow and tomorrow and tomorrow. All this stuff never leaves. The roads, the pipes, the dry holes, the bulldozers, the spent wells, the gravel pits, it all stays. And together, it makes up a footprint that can only be described as a world-class mess, and it is going to stay that way because once the industry starts making money up there, the last thing they are going to do is to go into debt in order to clean it up.

The industrial footprint extends for miles. When it is overlayed on the refuge, we can see that it would end any notion of this treasured corner of God Almighty's earth remaining wild, untrammeled, and untouched.

Let me finish by noting that this is Federal land that has been set aside for all of the people of the United States. It does not belong to the oil companies. It does not belong to just one State. It is a public wilderness treasure. We are all the trustees. As far as I am concerned, we are going to have to work as hard as we can in order to make sure that this incomparable wilderness is not touched. There are plenty of other places that can be explored in Alaska; and as Joe LIEBERMAN said in his debate, if we just increase fuel efficiency of an automobile three miles a gallon, it would produce more oil than all of this Arctic wilderness.

Let me conclude and compliment the gentleman from Oregon (Mr. BLUMENAUER) for holding this important special order. I think all of these issues have to be discussed.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman from Colorado (Mr. UDALL) joining us, and I yield 2 minutes to the gentleman from Colorado (Mr. UDALL), who has been active in these issues since long before he came to this Chamber.

Mr. UDALL of Colorado. Mr. Speaker, I thank the gentleman from Oregon (Mr. BLUMENAUER) for yielding.

Mr. Speaker, I wanted to associate myself with the comments of my colleagues and in particular acknowledge the articulate and eloquent comments from the gentleman from Massachusetts (Mr. MARKEY) about the Arctic National Wildlife Refuge. As I think he pointed out, the geologists tell us we have probably something along the order of 6 months' supply in this area, and to me it would be a big mistake for that short-term supply of oil to trample an area that was described in such fashion. It is a trade-off that is not really acceptable, I think.

What is acceptable? Well, if we look at what Vice President Gore has been talking about, what is acceptable is to throw ourselves into all of these opportunities that we have to develop different types of energy production methods that are really exciting technologies out there. One hundred years ago, when petroleum was discovered, there were only two or three obvious uses for it. What did we do as a country? What did we do as a society? We said let us invest in research and development.

The Federal Government stepped in, and now we have almost countless uses for petroleum. In fact, some historians, I think, will tell us that we wasted it in our automobiles in the latter half of the 20th century.

We have very promising technologies in solar, as demonstrated by phototechnologies. We have wind technologies where the price of kilowatts is coming down dramatically. Biogas. We ought to be throwing all of those kinds of technologies into the mix at this time. I think we are going to see some enormously exciting things happen.

It is a false choice: it is going to hurt our economy, or it is going to hurt our environment. It is truly a false choice and the Vice President is saying, look, we have incredible opportunities in the developing world to take these technologies to places like China and Indonesia and India, and in the process do right by our economy, do right by the economic development opportunities. So the Vice President looking ahead, oil is going to be a thing of the past; the geologists tell us that those supplies are limited, that in the next 100 years oil as we know it will not be available to us. Let us look ahead, follow the leadership and the vision of the Vice President.

The SPEAKER pro tempore (Mr. HANSEN). The time of the gentleman has expired.

Mr. BLUMENAUER. I am sorry, Mr. Speaker?

The SPEAKER pro tempore. All time has expired.

Mr. BLUMENAUER. Mr. Speaker, I had yielded the gentleman 2 of 3 of my minutes.

The SPEAKER pro tempore. Apparently he used more than the 2 minutes. I am sorry if there is a misunderstanding, but the hour is up.

Mr. BLUMENAUER. Mr. Speaker, I would ask unanimous consent for 30 seconds.

The SPEAKER pro tempore. I would advise the gentleman that a unanimous consent is not acceptable under a special order for additional time.

## TAXATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I yield to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman from California (Mr. SHERMAN). I am sorry, but I thought the Chair would notify me when the time had expired. I apologize.

Mr. Speaker, the Vice President has sometimes been accused of being sort of robotic and wooden. In fact, he has joked about it himself. But there is one thing that that man is passionate about. It is the environment. When I look at the dismal record in the State of Texas with the air quality deteriorating, I look for the passion and the commitment from the governor of that State, but I do not see it. I think there is a huge difference between the two, and I hope that the American public will have the opportunity in the remaining 3½ weeks to focus on this.

Mr. SHERMAN. Mr. Speaker, I would like to address yesterday's debate and focus on taxation. Why such a dry topic as taxation? After all, one of the candidates seems like a much nicer, more likeable guy. Why do we not just make him President by acclamation? Well, it seems that running the Federal Government is a little bit more complicated than just being a nice and congenial individual.

First, let us talk about the cause for our prosperity. We have the longest expansion in this country's history. It has lasted so long some people take it for granted, but we should not because it arises from the combination of two very important causes; one of which is the ingenuity, the hard work and the inventiveness of the American people working in the private sector. But let us remember, Americans worked hard in the early 1980s, the late 1980s, and the early 1990s; but not until the mid-1990s did our prosperity begin to bear fruit.

Why is that? Because only then was it combined with the other essential element: Federal fiscal responsibility. Responsibility at the Federal level is something this administration achieved when most of us thought it was impossible, and in doing so they have given us lower interest rates, available capital for the private sector, and a lower inflation rate.

The governor of Texas would have us put this all at risk for $1.5 trillion of tax cuts, nearly half of which goes to the richest 1 percent of Americans; plus another $1 trillion in unstated costs as the cost of shifting from our present Social Security system to this new Social Security system he promises with individual accounts funded by a trillion dollars that no one mentions.

Let us talk about taxes. There are basically three taxes that support the Federal Government: the estate tax, which falls chiefly on the richest 1.5 percent of Americans; the income tax which is paid by everyone except the poor; and the FICA tax, the payroll tax that is borne by the poor and the middle class and has only a tiny effect on the rich.

The governor said last night, I believe everyone who pays taxes ought to get relief; but what he did not mention was that there are over 15 million Americans who pay that FICA tax, that payroll tax, and do not pay an income tax and do not get a penny of relief under his program. There are, in fact, 30 million Americans who pay a

FICA tax with no net income tax liability, and over half of them, 15 million Americans, pay a net FICA tax even adjusted for the earned income tax credit which they receive; 15 million Americans that the governor from Texas cannot see apparently because they are poor. They are the janitors; they are the men and women who pick up at restaurants; they are people working hard every day to support families on incomes of $10,000 or $15,000 and they do not get a penny. But 43 percent of George Bush's tax benefits go to the top 1 percent of Americans; and that is more than he spends on health, Medicare, education and the military.

Last night, Governor Bush told us that only $223 billion goes to the richest 1 percent. He is right, if we only look at the income tax. But if we look at the estate tax, we see another $500 billion going to the wealthiest 1 to 1½ percent of Americans. So we look at the estate tax and the income tax combined and we see roughly $700 billion going to the wealthiest Americans.

But Mr. Bush cannot see half a trillion dollars in tax reduction, cannot notice it and denies that it exists because, after all, it is estate tax relief for the very wealthiest Americans. He cannot see 15 million poor Americans. He cannot see half a trillion dollars going to the wealthy. I think we could only describe this as fuzzy fiscal facts; and we need instead, as our President, someone who will provide tax relief to working Americans and preserve our fiscal responsibility.

## TRIBUTE TO CONGRESSMAN TOM BLILEY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Missouri (Mr. BLUNT) is recognized for 60 minutes as the designee of the majority leader.

Mr. BLUNT. Mr. Speaker, before I get on with the business at hand, I would like to make some comments about the hour or so that we have just heard of facts that just simply do not bear up under the reality of what has happened in Texas in the last few years.

Since 1995, Texas has led the country in reducing the release of disposal of toxic pollution and has led it by 43 million pounds of reduction.

Since 1994, industrial air emissions in Texas have fallen by 11 percent. The EPA says that that is the fact. Under legislation signed by Governor Bush, Texas became the third State in the Nation to require pollution reductions and permits from grandfathered utilities, utilities that would not have had to meet these new standards. Governor Bush said they would have to meet these new standards. Under that plan, they will reduce nitrogen oxide pollution by 50 percent and sulfur dioxide emissions by 25 percent by 2003. Governor Bush has been praised for his leadership in requiring air pollution reductions from these utilities, and the record is clear on that.

The Wall Street Journal in September of this year said that no one in the Clinton administration has been willing to face this issue separately.

I think what we see happening on the floor is a willingness to distort the facts. We see a willingness to talk about an America that Americans would not want to see happen in our country in terms of the kinds of solutions that have been proposed, but even those solutions, the gentleman from California talking to the gentleman from Oregon a minute ago, talking about electric cars, said that all this could be done today. Well, if it could have been done today, why has it not been done for the last 8 years? That was maybe the greatest condemnation of the point they were trying to make that was made on the floor today, but that is not the purpose of our order here tonight.

The purpose of the order tonight is to talk about the 5 decades of service of the chairman of the Committee on Commerce, the oldest committee in the House, a committee that has such jurisdiction that approximately half of all the legislation that comes to the House comes through the Committee on Commerce, a committee for the last 6 years that has been chaired by the gentleman from Virginia (TOM BLILEY).

□ 1845

The gentleman from Virginia (Mr. BLILEY) began his political career, as others will talk about in a few minutes, when he was elected to the city council in Richmond, Virginia. He served as vice mayor, he served as mayor, and then in 1980, 20 years ago, he was elected to the Congress. He was elected in 1980.

He had steered Richmond through some of its greatest challenges as the schools were desegregated, despite the unpopularity of the measures that were taken at the time. The gentleman from Virginia (Mr. BLILEY) as the mayor said that ''This job will be done,'' and stepped forward and carried the load of seeing that that happened in his city.

As chairman of the Committee on Commerce, the gentleman from Virginia (Mr. BLILEY) led the drive to enact mammography quality standards, assuring the safety, accuracy, and overall quality of mammogram services for women.

As chairman, he led the passage of the 1996 Telecommunications Act, which has unleashed many of the innovative forces and gains in efficiency that are driving our economy forward today. He spearheaded enactment of securities litigation reform, and a host of other reforms that my colleagues will talk about.

They will also talk about their pride in being able to serve with him, a person who served 3 years in the Navy and left the Navy as a lieutenant; a person who the National Journal in a front page feature called ''Mr. Smooth'' because of the way he gets his job done.

We will talk about his family: his wonderful wife, Mary Virginia, his two children, his grandchildren; about his commitment in his whole political career to always be sure that Sunday was reserved for family, a commitment that my wife has pointed out to me is something that I should emulate, and the absolute dedication of the gentleman from Virginia (Mr. BLILEY) to preserving that time for church and family.

He has done a great job. He has made many friends. His leadership will be missed on our committee. I do not know how his teammate on the tennis court will deal with that, or whether they have made plans about their continued competition. But I am glad to yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

Before I talk about the gentleman from Virginia (Mr. BLILEY), I want to commend the gentleman from Missouri (Mr. BLUNT) for his comments regarding the previous hour. Much of that rhetoric was reckless, and it was obviously designed to trash George Bush of Texas, and I thank the gentleman for responding to that.

Mr. Speaker, I met the gentleman from Virginia (Mr. BLILEY) primarily through tennis. Mr. Speaker, as we know, many Members of Congress or most Members of Congress who are involved in recreation do so in golf. Hunting and fishing would come next. My friend, the gentleman from Massachusetts (Mr. MARKEY), is a good basketball player in his own right.

I see my friends, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. UPTON), and we enjoy tennis. I met the gentleman from Virginia (Mr. BLILEY) on the tennis court. What struck me initially was his James River-Virginia dialect. My staffers will say to me when I leave work in the evening, ''Take Cah,'' meaning to take care. That is the way the gentleman from Virginia says it. They emulate him almost precisely accurately.

As Members may know, before he came to the Congress, the gentleman from Virginia (Mr. BLILEY) was an embalmer, a funeral home operator. When I first came to the Congress, my mayor back home is an embalmer, a funeral home operator, and the gentleman from Virginia knew him as mayor.

He came to me one day and in his James River dialect, he says, ''How do you get along with your mayuh?'' I said, ''I get along fine with my mayor.'' He said, ''Well, if you have any trouble with him, I will talk to him mayor to mayor, gravedigger to gravedigger.''

I did not have to call him in because my mayor and I did get along very well.

I would be remiss if I did not mention the turf battles that go on up here between the prestigious Committee on Commerce members here who have flanked me on either end here and the Committee on the Judiciary here on which I served. We have had turf battles when the gentleman from Michigan (Mr. DINGELL) was chairman, and when the Republicans became the majority party in 1994, I said, ''Finally we will get rid of these turf battles.''

Mr. Speaker, it must be the water they drink over there in the Committee on Commerce, because the turf battles would continue. Someone said to me, how I would respond to the turf battles. I said, ''Have the Committee on Commerce people keep their grubby paws off the Committee on the Judiciary issues and it will be resolved.'' But we will hear more about that later.

Mr. Speaker, finally, in closing, I want to say that the gentleman from Virginia (Mr. BLILEY), and the gentleman from Missouri has already said it very accurately, the gentleman from Virginia (Mr. BLILEY), a former Democrat converted to Republican; the gentleman from Virginia, mayor; the gentleman from Virginia, Congressman; the gentleman from Virginia, Mr. Chairman, and has served very well, following the gentleman from Michigan (Mr. DINGELL), who also served as a very able chairman; the gentleman from Virginia (Mr. BLILEY), tennis player; the gentleman from Virginia (Mr. BLILEY), a sailor, and in fact, maybe sailor par excellence. I am told his sailing skills have been refined to almost a sophisticated element now.

My staffers refer to him as the distinguished Virginia gentleman. I say to him tonight, to the distinguished Virginia gentleman, we will miss him here. Best wishes to him and Mary Virginia, the two children, and the grandchildren.

I want to commend my friend, the gentleman from Missouri (Mr. BLUNT) for having taken out this special order in honor of his chairman and our friend, the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I am certainly grateful to be joined by the gentleman from North Carolina (Mr. COBLE).

In spite of his totally erroneous perception of what happens in our conflict between the two committees, we all know who is truly at fault. The gentleman is outnumbered here today in a significant way, Mr. Chairman. He is a great friend of our chairman and he appreciates us.

Mr. COBURN. Mr. Speaker, if the gentleman will continue to yield, I see the gentleman from Louisiana (Mr. TAUZIN) has already gotten into the gentleman's head, when the gentleman from Missouri calls my charges erroneous.

Mr. BLUNT. Mr. Speaker, in spite of the great accent that the gentleman from North Carolina (Mr. COBLE) after all those years on the tennis court has managed to be able to emulate from our great chairman, the gentleman from Virginia, I saw a video the other night. I do not know that I ever saw a more accurate performance of the chairman than that of the great member of our committee, the gentleman from Massachusetts (Mr. MARKEY). It was an odd combination of a Bostonian reserve and southern charm when he had that bow tie on and was talking about our chairman.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MARKEY).

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

Mr. Speaker, I over the last 20 years have come to know the gentleman from Virginia (Mr. BLILEY) very well. Yes, we do share several things in common. He is Irish Catholic, as am I. Mary Virginia, his wife, is Irish Catholic. What are the odds of two Irish Catholics being in Richmond? I think it is pretty slight.

So his good fortune on this planet has obviously been marked by that greatest of all achievements in his life, his marriage to Mary Virginia, and the family which they created.

I know that he in his public life is animated by the values that his mother and father instilled in him. I know that he tries every day in our committee to ensure that those principles are in fact fulfilled. I know that those values are animated by the Jesuit education which he was able to obtain at Georgetown University, the same Jesuit education which I have.

As we know, the Jesuits can educate in a way in which liberal Democrats and conservative Republicans can both be proud. That is the greatness of the Jesuit tradition. I appreciate that.

If there were two incidents that come to mind when I think of the gentleman from Virginia (Mr. BLILEY), they are these.

When Richmond was under a desegregation order in the 1970s, it would be almost impossible to find a more difficult situation in a more difficult State to effectuate the desegregation of a school system.

If I was going to pick one person who could preside over the delicate job of implementing a desegregation order in a southern city, I would pick the gentleman from Virginia (Mr. BLILEY), because I am sure that then, as we all know now, he is the one person who, with fairness and honesty, can deal with all sides in a deliberation. We know that the Richmond story turned out to be a success, a model.

In my own career, I think that while less sensitive, from the perspective of the 1990s in this Congress, when history looks back, they will say that the most important piece of legislation which passed was the 1996 Telecommunications Act. It was not just one piece of legislation, it was 20 pieces of legislation in one. It dealt with every aspect of telecommunications, computer, Internet, satellite, cable, in our country. It rewrote all the laws.

The gentleman from Virginia (Mr. BLILEY) presided over that in the Committee on Commerce on this House floor and in the conference committee with the Senate. The bill is not perfect, we all know that. Nothing is. But a lot of times when people are doing comparisons, they let the perfect be the enemy of the very good. This is a very good bill.

By the year 2000, we have something which stands in testament to the success of that bill. We call it today the NASDAQ. The NASDAQ is nothing more now than the compilation of all the companies that have been the product of that 1996 Telecommunications Act, and the gentleman from Virginia (Mr. BLILEY) stand at the front of the line of those who deserve the credit for that becoming a new blueprint for our country.

The rest of the world has not caught up. It is difficult to change laws in a way that creates a competitive climate that allows for any entrepreneur or any company to believe that if they can raise the money and they have a good idea, that they can successfully compete in a modern telecommunications environment.

That is why we right now are number one looking over our shoulder at number two, three, and four in the world in all of these areas. It is not that we are number one necessarily in every area, but in totality we clearly are the world leader.

The gentleman from Virginia (Mr. BLILEY) was the principal author of that piece of legislation. I stand in admiration for his great contribution to the only on that issue. I mention it because it stands first among all, but it does not mean that there were not dozens of others that we could go down the litany and talk about here this evening.

It is only to serve as an example of the type of historic leadership which he has given in his hometown and here in Washington throughout his lifetime, and again, as I say, always animated by the values of his parents, his wife, Mary Virginia, and the Jesuits.

As he leaves, this place, having been enriched by his presence, will be able to I think congratulate him on a successful career of historic proportions, and know that we will not see his like again.

I thank the gentleman for holding this special order.

Mr. BLUNT. Mr. Speaker, I thank the gentleman for taking the time to come tonight. I also mention that we have a number of members of our committee and Members of Congress, Members from Virginia, who have left for the RECORD the comments they want to insert in the RECORD tonight from both sides of the aisle, and certainly I am grateful for the gentleman from Massachusetts (Mr. MARKEY) taking his time to be here.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Oversight

and Investigations of the Committee on Commerce.

Mr. UPTON. Mr. Speaker, I thank the gentleman from Missouri for reserving this special order.

I rise to pay special tribute to my friend and colleague and leader of our committee, the gentleman from Virginia (Mr. BLILEY), our chairman.

There is not a finer committee in the Congress than the Committee on Commerce. I wish my colleague, the gentleman from North Carolina (Mr. COBLE), was still here for me to rib him, because he knows in fact that it is the best committee in the Congress for a lot of reasons: the jurisdiction, whether it be health care, trade, commerce, telecommunications, you name it, it comes under the authority of our committee.

If we look at the legislation that passes through here in the House on a weekly basis, really about one-third to 40 percent of the major bills that pass through this Congress originate in the Committee on Commerce.

It is a terrific committee to serve on. We have wonderful Members. We have terrific staff, hard-working. We have had a wonderful leader in the gentleman from Virginia (Mr. BLILEY) the last 6 years.

□ 1900

Mr. Speaker, I was fortunate when I was first placed on the Committee on Commerce to serve under then ranking member of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. BLILEY). He was always fair, and he has always been fair, certainly in his 6 years as he led this committee in so many ways that will impact all of America for many years to come.

The gentleman from Virginia (Mr. BLILEY) is a straight shooter. Yes, we knew when we were in his doghouse, but there was always a way to get out. He wanted an answer, he usually had the votes, and if you were straight up with him, your reputation stayed honest and strong, and he was able and willing to help you on a whole host of issues as legislation moved through the Congress.

I am only sorry tonight that the hour is late. We are all trying to get home, back to our districts. Congress will not be in session tomorrow. I have had the wonderful opportunity of serving with him also on the tennis court, opponent, as well as partner. He plays on the court just as hard as he plays in committee. This Congress would be far better off to have more gentlemen like the gentleman from Virginia (Mr. BLILEY).

There is not a day that he has not been able to go home or he has not been able to have his head high in the issues that he helped lead knowing he has done the right thing. His impact will be felt not only on this body, but across the country for generations to come.

Mr. Speaker, I thank the gentleman from Missouri (Mr. BLUNT) for reserving this special hour for a really very special guy, a real gentleman in every respect of the word. I thank the gentleman from Virginia (Mr. BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for all he has done for us taking the time and also for the great leadership he has shown on the Subcommittee on Oversight and Investigations and congratulate him on the legislation that was passed this week to deal with a significant problem of public safety that we have seen develop over the issues of tires and automobile safety in the last few months. I appreciate the gentleman's great leadership on this, bringing this bill to the floor and having it overwhelmingly adopted here on the floor.

Mr. Speaker, I yield now to the gentleman from Louisiana (Mr. TAUZIN), my good friend, the chairman of the Subcommittee on Telecommunications, Trade and Consumer Protection, a person who is knowledgeable in the intricacies of the many things we deal with in the Committee on Commerce.

Mr. TAUZIN. Mr. Speaker, I thank my friend, the gentleman from Missouri (Mr. BLUNT), for yielding to me. Let me thank the gentleman for leading us in this special order.

Before I begin my contribution to it, I wanted to thank the gentleman also for taking a few minutes to respond to the hour that preceded it, because America was treated with some incredible, I think, manipulations of the truth. The truth of the matter is that in the States of Texas and Louisiana, men and women are working every day, not only to produce the energy that America needs, but to process it in the plants that are required to refine it, make fuel oil for the homes of the Northeast, for Massachusetts and for Michigan and for other States across the colder regions of our country, to make the gasoline that powers our cars and the diesel that powers the trucks that deliver the products across this country even in this dot-com age, and to make the jet fuel that powers the jets, not only across our country but around the world.

It is States like Texas and Louisiana that are making the contributions. I am not sure Americans are aware of it, but the last refinery in America was built in my home district in Louisiana 20 years ago. We have not had a refinery built since then. In fact, 36 refineries closed during that period, and America is dependent not only on oil and gas more and more from places that are very unstable like the Middle East, but more and more on refined products produced in other countries.

When the price goes up in the Northeast and the Members who appeared on this floor complain about Texas and Governor Bush and our policy on promoting independence in production and supplies for this country, I hope they remember that the prices are not set in Texas any more. They are being set somewhere in the Middle East and somewhere in councils that we do not control.

Then when short supplies arrive in the wintertime, it could well be that we have had an anti-energy policy in this country for the last years of this administration that has not, in fact, licensed a new refinery for America, and that has shut down areas to production and development.

It ought to be opened up, if we are going to be an independent and free and stable economy and if our people are going to be warm in the winter and if our cars are going to be powered and our jet planes are going to continue to fly. There is another story. I hope one day we get to tell it all about why this administration has put this country into such jeopardy now as we face another energy crisis; 58 percent dependent on foreigners to supply us with the fuel we need.

And when the Strategic Petroleum Reserve was started in 1975, we were a mere 36 percent dependent. Think how much more vulnerable we are today with fewer refineries and more foreign oil dependence. That has been the story of this administration and why I hope the next administration under George Bush will change it.

But I came tonight to honor the gentleman from Virginia (Mr. BLILEY). I came tonight to join my colleagues on the Committee on Commerce, and the gentleman from North Carolina (Mr. COBLE), my friend from the Committee on the Judiciary, to remind this House what a contribution the gentleman from Virginia (Mr. BLILEY) has made to this institution and what an incredible personal contribution he has made to this body in the person, the man that he is.

The gentleman from Virginia (Chairman BLILEY), as my colleagues know, has chaired what I consider to be the most important committee in this Congress, the Committee on Commerce, formerly the Committee on Energy and Commerce, and hopefully Committee on Energy and Commerce again next year is the oldest committee of this House. As my colleagues know commerce and interstate commerce was one of the first assignments given to the national government when this country was started, and the Committee on Commerce represents jurisdiction over the commerce of the country, and that includes an incredible array of items, including telecommunications, indeed, and transportation and environmental issues and health care issues, and issues dealing with such complex combinations as to how to make sure our health care system stays solvent and how to make sure Medicaid is available to the poor and needy of our society, how to make sure that prescription drugs hopefully will be available to our seniors.

It is an incredible mix of jurisdictions as we debate matters as complicated as this awful tire recall. And I want to commend the gentleman from

Missouri (Mr. UPTON), my friend who just appeared, for his incredible work in finding out what went wrong over these years with that horrible mess in auto safety and how expeditiously our committee produced a bill for this floor to consider and for the Senate to consider, and it is now on the way to the President for his signature.

Mr. Speaker, I think that effort alone tells a story about the gentleman from Virginia (Mr. BLILEY). The gentleman from Virginia (Mr. BLILEY) chairs this incredible important committee, and he literally is the leader under whom we have worked for these past years to develop, not only hearings like we produced on the Firestone tire recall, but the legislation that followed it.

I do not know if my colleagues remember, but there was another recall in 1978 with Firestone 500 tires. Following that, there were hearings; but there was no legislation. This year, in 3 short weeks, the Congress and under the leadership of the gentleman from Virginia (Mr. BLILEY) and the Committee on Commerce produced the most significant reform of tire and auto safety in 30 years.

And that has been the history of his leadership: telecommunications reform, the first rewrite of the Telecommunications Act since 1934; financial securities modernization, the first real modernization of our Securities Act in years and decades; the Food and Drug Modernization Act, to make sure that Americans have safe and quality drugs and pharmaceuticals in our country.

The work he has done in safe drinking water to make sure that Americans have good safe water to drink. The last hearing he chaired today was on safe water, not only here in America, but the global concerns of safe water and the pollution of global water supplies that are critical as nations and ethnic groups are fighting now around the world over water supplies, and people are dying because of the lack of good potable water and clean and healthy sanitary conditions.

The gentleman from Virginia (Mr. BLILEY) has led those efforts for the last 6 years, and he has produced remarkable legislation from our committee that has literally broken up the monopolies in this country in telecommunications and transportation. He has been a huge, literally a ''trustbuster'' in this Nation. He has done more to back off unnecessary Federal regulations in many areas of our economy and to open it up to consumer choice and competition. That has been the history of his tenure as chairman of our Committee on Commerce.

I want to tell my colleagues something about him personally that my colleagues may not know. He spent his 20 years here in Congress also dedicated to women and children's issues. The gentleman from Virginia (Mr. BLILEY) has been a leader in adoptive services and making sure that adoption was a real and viable option for children in America, and to make sure not only here in this country but around the world that adoption was available to kids and to parents who wanted to love them.

He has been a stalwart defender of adoptive services all of these years and a promoter of that as a means of protecting and preserving young life in America and around the world. And he has been a real champion for mammography services to make sure, in fact, that mammograms were available to poor people, and that women could, in fact, get the benefits of health care and early warnings of breast cancer and other diseases. He has been a champion of women health issues. I am not sure if Members really know of his extraordinary service in this area.

Lest we forget, for 20 years he has served on NATO's parliamentary assembly, the assembly of NATO countries, the parliamentarians who try to keep the strength and the unity and the bonds that have held NATO together and been important not only in winning but preserving world peace. The gentleman from Virginia (Mr. BLILEY) now serves as president of that body and will serve through the month of November until his retirement from the Congress. But he leaves us as we end this session to go back to Richmond, Virginia, a place where his career started, where he began serving the people of America on the city council and later on as mayor.

The gentleman from Massachusetts (Mr. MARKEY) talked about his incredible service to our Nation and to Richmond during those awful days when our Nation was coming to grips with the horror and the history of segregation and bigotry in our country. He came to grips with it and dealt with it in a humane and positive and effective way that was a model for other country communities across America. I hope we remember him and his service for that great effort.

Finally, I want to talk about the gentleman from Virginia (Mr. BLILEY) the man, the father, the grandfather, the husband, the man who has always been the gentle man from Virginia.

We get into some awful fights around here. We get into some bitter arguments sometime, and we forget to remind ourselves that all of us come here representing people back home, and all of us come here with a mandate to speak for those people back home. We sometimes forget our own humanity. We forget to remember to treat each other as human beings and as gentlemen and ladies in this body; and incivility sometimes reigns, but it never reigns under the leadership of the gentleman from Virginia (Mr. BLILEY) on the Committee on Commerce.

The gentleman reminded us all to be gentlemen and ladies. He reminded us all to differ and to argue and disagree but to do so agreeably, and to remember we all have indeed a special honor to be in this body representing this great Nation, and that honor means that we ought to respect one another as much as we respect this institution.

The gentleman from Virginia (Mr. BLILEY) was truly a man of the House, a man this Nation can be proud of, a man our Committee on Commerce is certainly proud of and a leader and a chairman we are going to miss a great deal. The gentleman from Virginia (Mr. BLILEY), on behalf of all the Members of the Committee on Commerce we miss you, bon voyage, happy sailing, great tennis games. And remember the gentleman from North Carolina (Mr. COBLE) still can be beat. There is a way to do it. Come around and we will have some great games together and some great times.

To the gentleman and your family, we want to wish the gentleman the best in retirement and the best that our Nation has to offer, a true servant of the American people, the gentleman from Virginia (Chairman BLILEY).

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for joining this special order and all he does to make our committee work, the way it works under the leadership of the gentleman from Virginia (Mr. BLILEY). Mr. Speaker, three Virginians decided to leave the Congress this year, the gentleman from Virginia (Mr. BLILEY), his good friend, the gentleman from Virginia (Mr. Bateman), who last month we stood here on the floor in memorial remarks about the gentleman, we remembered his life and his great service, and the gentleman from Virginia (Mr. PICKETT), who left a statement today, planned to be here today, but because of what appears to be the cowardly attack on our ship, the U.S.S. *Cole*, went back to his district, where that ship is based, to be with the families of the sailors who were on that destroyer as it was attacked in a terrorist manner today.

And my colleagues know, the gentleman from Virginia (Mr. BLILEY), the gentleman from Virginia (Mr. Bateman), and the gentleman from Virginia (Mr. PICKETT) all have served with the NATO parliament. And as the gentleman from Louisiana (Mr. TAUZIN) just mentioned, a group that the gentleman from Virginia (Mr. BLILEY) was chosen to be the president of this year, the president of the parliament organization of all of the NATO countries, maybe that in and of itself should suggest the esteem that the gentleman from Virginia (Mr. BLILEY) has held not only here on the floor of the Congress, not only here in the halls of the Congress, not only here in the Nation's capital, but in the capitals of our allies, in Europe, as he is now leading that organization, and will continue to lead it until the November meeting of parliamentarians from the NATO countries, and has brought honor to the United States in the way that he has led that group of parliamentarians.

Here are just a few of the accomplishments during the watch of the gentleman from Virginia (Mr. BLILEY) while on the Committee on Commerce,

if I can mention them: the telecommunications reform, financial services modernization, FDA reform, modernizing securities law, securities litigation reform, the Safe Drinking Water Act, Internet tax freedom, Satellite Home Viewer Improvement Act, the Child On-line Protection Act, Digital Millennium Copyright Act, Improving the Food Quality Act, the Open Market Reorganization for the Betterment of International Telecommunications Act, also known as ORBIT, the Balanced Budget Act, Medicare part B and Medicaid and Kids Care were refined and improved through the work of the Committee on Commerce, the necessary improvements on our efforts to balance the budget and the effects that it had on Medicare.

□ 1915

Legislation that, maybe, made a difference for availability of mammography. Biomaterials Access Assurance Act, the Health Insurance Act, the Health Insurance Portability Act, the Assistive Suicide Restriction Act, the Nursing Home Resident Protection Amendments, the Year 2000 Readiness and Responsibility Act, the list goes on, the Wireless Communication and Public Safety Act, the Wireless Privacy Enhancement Act, the Chemical Safety Information Act, the Clean Air Act and its amendments, the Animal Drug Availability Act, the Electronic Signature Act.

The breadth of what the Committee on Commerce deals with as well as the accomplishments in these many areas I think create a sense of just how big a job the job of the chairman of the Committee on Commerce is, and the accomplishments suggest how well that job has been done.

Another area I want to mention as we draw to conclusion here is the chairman's efforts on behalf of adoption. The Blileys' children, Tom and Mary Virginia's children were adopted. He is a leader on adoption issues in the House of Representatives. He testifies before other committees. He testified just this year before the Committee on Ways and Means and in favor of adoption legislation.

The gentleman from Virginia (Mr. BLILEY) said ''I have been blessed'', and when he gave his testimony, ''I have been blessed by my experiences with adoption. So now I am doing what I can to help thousands of innocent children find a mom and a dad.'' He added that mom and dad are the greatest titles in the world.

He led efforts to increase adoption counseling and to make the adoption tax credit permanent, and increased the cap for that tax credit from $5,000 to $10,000.

The gentleman from Virginia (Mr. BLILEY) is a man who has cared about the issues we deal with. He has cared about the jurisdiction of his committee, the efforts that that committee needed to make to see that the United States was at the forefront in commerce, the efforts that we need to see that Medicare works properly, the efforts that we need to make to see that we have safety in transportation and in commerce, that we have security over the Internet and in the changes in telecommunications.

The gentleman from Virginia (Chairman BLILEY) has done a tremendous job, a job that people in this Congress will remember and talk about for a long time. While people all over America may not talk about the legislation that has been passed for a long time, they will benefit from the legislation that has been passed and the leadership that has been shown for years to come, for decades to come, as we enter this new century, a century with limitless opportunity and a century that really defies the old definition of what was possible.

The Committee on Commerce under the gentleman from Virginia (Mr. BLILEY) has been at the forefront of making it possible for us to be the incredibly competitive society that we are in America today.

Mr. Speaker, it would be easy to overlook many of the accomplishments in this life and career. I am glad we had a chance to share some of those tonight. Others will be shared in the official RECORD of the proceedings today. But I am glad that we were able to be here, Members of the Committee on Commerce, the gentleman from North Carolina (Chairman COBLE), and others who have submitted their remarks from many committees and from both parties, both parties here on the floor tonight, remembering the great work, the great leadership of the gentleman from Virginia (Mr. BLILEY).

## U.S. REPRESENTATIVE TOM BLILEY

Mr. BLUNT. Mr. Speaker, It would be easy to overlook many of the accomplishments of his life and career—I'd like to share some of the highlights of a lifetime of accomplishment. TOM BLILEY represents the Seventh Congressional District of the Commonwealth of Virginia in the United States House of Representatives. The Seventh District includes the western part of the City of Richmond as well as sections of Albemarle, Chesterfield, and Henrico Counties; it includes all of Culpeper, Goochland, Greene, Hanover, Louisa, Madison, Orange, and Powhatan Counties.

TOM BLILEY began his political career in 1968 when he was first elected to the City Council of Richmond, Virginia. He served as Vice-Mayor from 1968 to 1970, and then as Mayor from 1970 to 1977. He was first elected to Congress in 1980 and has been elected to each succeeding Congress. As a former President of Joseph W. Bliley Funeral Homes, he gained important business experience that has shaped his attitude towards problems facing small business owners.

In Washington, Mr. BLILEY is serving his third term as Chairman of the House Committee on Commerce, the oldest committee in the House. As Chairman, he is an ex officio member of the five Commerce Committee subcommittees: Telecommunications, Trade, and Consumer Protection; Finance and Hazardous Materials; Health and Environment; Energy and Power; and Oversight and Investigation.

As Mr. BLILEY plans the committee agenda and schedule hearings and legislation for the 106th Congress, he follows the same, time-tested principles that have made his committee one of the most constructive and successful in Congress: Promoting free and fair markets, standing up for consumer choice and common sense safeguards for our health and the environment, keeping an eye on the federal bureaucracy.

In the 105th Congress, Mr. BLILEY was instrumental in the enactment of the Food and Drug Administration and Modernization Act. New treatments will be available sooner for the seriously ill while expanding access to safe and effective drugs, devices, and food because of Mr. BLILEY's efforts. Electronic commerce is the newest, fastest growing form of interstate and foreign commerce. Mr. BLILEY was a leader in the enactment of a new law setting a three-year moratorium on certain taxes for Internet access or consumer purchases made via the Internet.

Mr. BLILEY also led the drive to enact the Mammography Quality Standards Act of 1998. This legislation will assure the safety, accuracy, and overall quality of mammography services for women. This bill will help save lives by ensuring for the first time that all patients are directly notified of their mammogram results in terms they can understand.

In the 104th Congress, Mr. BLILEY broke up bigger monopolies than President Theodore Roosevelt. He tore up more federal regulations over American businesses than President Reagan. Mr. BLILEY led passage of the Telecommunications Act and opened a trillion-dollar a year industry to fair, free, and open trade. He gave Americans peace-of-mind about the chemicals in the foods we eat, and about the purity of the water we drink when he successfully led bipartisan efforts to enact Food Safety and Safe Drinking Water legislation into law.

Mr. BLILEY also spearheaded enactment of Securities Litigation Reform, part of the ''Contract with America.'' When President Clinton vetoed that measure, Mr. BLILEY led the House in the first—and only—successful veto override of the Clinton Presidency. Under Mr. BLILEY's leadership, the most comprehensive overhaul of the nation's securities laws in more than 60 years was achieved upon enactment of the Capital Markets legislation.

Since his first election to Congress, Mr. BLILEY has been recognized by many organizations for his work. He has served in various roles with the NATO Parliamentary Assembly—from November 1994–October 1998, he was Chairman of the Economic Committee, in November 1998, he became one of the four Vice Presidents; and, with the resignation of its President in May 2000, Mr. BLILEY became the Acting President and will serve in this capacity until November 2000. His commitment to balancing the federal budget has earned him the National Watchdog of the Treasury's ''Golden Bulldog Award'' every year since 1981. He has been named a ''Guardian of Small Business'' by the National Federation of Independent Business. The Louisville Courier Journal called him ''the most powerful Virginian since Harry Byrd'' and the National Journal, in a front page feature, called him ''Mr. Smooth.''

Mr. BLILEY has served on a number of boards and commissions including: National League of Cities; Children's Hospital; and, Metropolitan Richmond Chamber of Commerce. Mr. BLILEY is a member of the Richmond Rotary Club and he currently serves on the Virginia Biotechnology Research Park Authority. In 1996, Mr. BLILEY was named to the Board of Governors of the Virginia Home for Boys.

Born in Chesterfield County, Virginia, Mr. BLILEY is a lifelong resident of the Richmond area. He earned his B.A. in History from Georgetown University and immediately following served three years in the United States Navy rising to the rank of Lieutenant. He has recently received honorary doctorate degrees from Georgetown University, Virginia Commonwealth University, Christopher Newport College, Belmont Abbey College and University of Richmond. Mr. BLILEY received the Beta Gamma Sigma Leadership Award from the University of Richmond's Robins School of Business.

Mr. BLILEY is married to the former Mary Virginia Kelley and is the father of two, Thomas J. Bliley III and Mary Vaughan (Bliley) Davies. The Blileys have two granddaughters, Jenny and Kathy Davies and two grandsons, Thomas J. Bliley IV and Shawn Bliley.

Mr. PICKETT. Mr. Speaker, we come together today to honor my distinguished colleague and friend, Chairman TOM BLILEY. I have had the pleasure of working with TOM during my entire career in the U.S. House of Representatives. As dean of the Virginia delegation, I have come to know him as a gentleman and a tireless servant to the people of the seventh district of Virginia and the nation as a whole.

As Chairman of the House Committee on Commerce, TOM oversaw the passage of the landmark Telecommunications Act, which opened up the industry to free and open competition. During his tenure, he has striven to support common sense safety standards, to reduce the regulatory burden on our nation's small businesses, and to overhaul the nation's securities laws.

I have traveled with TOM many times over the years to attend NATO Parliamentary Assembly sessions. TOM has served a number of roles in the Assembly since 1994; currently, he is serving as the Acting President. His dedication to maintaining a strong trans-Atlantic relationship and strong support for the NATO alliance will leave its mark for years to come.

With his retirement, the Commonwealth of Virginia and the nation will lose one of its most dedicated and conscientious servants. As a fellow ''rag boater,'' I want to wish TOM and his wife, Mary Virginia, the best for the years to come.

Mr. SISISKY. Mr. Speaker, what can I say about TOM BLILEY that has not already been said?

He has been an effective Member of Congress, looking out for our national interests as chairman of the House Commerce Committee.

He has effectively represented his constituents in Virginia's seventh district—as well as the rest of the commonwealth.

But he's been around longer than that—serving as mayor, vice-mayor, and as a member of the city council of Richmond.

Prior to that, TOM's business background and experience gave him special insight about the problems and challenges faced by small business.

Obviously, that background and experience is similar to mine.

But that is not the only thing that endears TOM BLILEY to me.

I can truly say, ''I knew him when.''

He has been a friend for so many years that I'm not sure I even like to think about how long it's been.

As I look back on all the things he's done, I realized I first knew him when he was mayor of Richmond.

That was 30 years ago. Then he was elected to Congress in 1980.

I was elected just a couple of years later.

And I can assure you: One of the most rewarding parts of this job has been serving and working with TOM.

We've worked on issues ranging from those that impacted Virginia to those that impacted NATO.

For a couple of young men from Richmond, I'd say we've come a long way.

But TOM's greatest strength, and I hope one I share, is he never forgot where he came from.

Serving the people at home was his strong point, equaled only by being such a great Virginia gentleman.

I am honored that he is my friend.

## INVESTIGATION AND TREATMENT OF WEN HO LEE

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 60 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I take this time to express my deep concerns about the overall unfortunate circumstances that have revolved around Wen Ho Lee.

On March 6 of 1999, the New York Times reported that government investigators believed that China had accelerated its nuclear weapons program with the aid of stolen American secrets. This report, along with other reports that came subsequently, led to a frenzy of activity. In fact, 2 days after the March 6, 1999 New York Times report, Wen Ho Lee, who was identified, was then fired from the laboratory; and soon after that, he was charged with the various offenses.

In September of this year, September 26, 2000, the New York Times took the very exceptional opportunity to explain the backup of their reporting, going back to March 6, 1999. Although they really made no overt apologies for the conclusions that they drew in their March 6, 1999 article, it is interesting to note that they made various observations.

First, they said looking back, and I quote from this article of New York Times Tuesday September 26: ''But looking back, we also found some things that we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the FBI case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the FBI and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach.''

The Times neither imagined the security breach, as they go on to say, nor did they initiate the case against Dr. Wen Ho Lee. But, however, it was the March 6 article that set the tone for the coverage against this individual in the ensuing months.

The New York Times editorial of September 26, 2000 goes on to say, ''The article, however, had flaws that are more apparent now that the weaknesses of the FBI case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player,'' and perhaps maybe even uninvolved.

''The Times should have moved more quickly'', it said in this article, ''to open a second line of reporting, particularly among scientists inside and outside the government.''

This article is a very unique and interesting attempt on the part of the New York Times to respond to severe criticism that other journalists had leveled against the New York Times for its March 6, 1999 article.

But in any event, the ensuing events that evolved around Dr. Wen Ho Lee is what prompts me to come to the floor tonight to speak about this incident. It is very strange that, if there was such an egregious breach of national security presumably organized and conducted by Dr. Wen Ho Lee, that it took 9 months to obtain an indictment against him, during which time he was completely free.

At that time, 9 months later, they charged him with 59 separate felony offenses. Thirty-nine counts alleged that Dr. Lee violated the Atomic Energy Act because he mishandled material containing restricted data with the intent to injure the United States and with the intent to secure an advantage to a foreign Nation. Ten counts alleged that Dr. Lee unlawfully obtained defense information in violation of the law, ten counts of willfully retaining national defense information in violation of the law.

What safeguards did the government take to make sure that Dr. Wen Ho Lee did not flee or transfer the tapes to some individual during those 9 months? Nothing that I am aware of. He was certainly a security risk from the time that he was fired from the Los Alamos laboratory until he was finally charged on December 10, 1999.

Now suddenly we read in the newspapers in September of the year 2000 that 58 charges leveled against Dr. Wen Ho Lee were dropped under a plea bargain involving the plea of guilty on one count only and a pledge to cooperate with the government to disclose why he did it and how he disposed of the

tapes that he has pled guilty to having taken. It is very strange.

The reason I take this floor to raise this issue is not to discuss the innocence or guilt of this man. He has already pleaded guilty. But the one thing that has concerned the Asian American community tremendously is the way that he was treated after he was finally charged with these various 59 crimes and incarcerated.

Suddenly, after he was picked up, he became a huge national security risk. Yet, for 9 months, he was allowed to come and go as a free citizen. Only upon his indictment in December of 1999 did he become a security risk.

In his plea for bail, release on bail and other things that came up at that hearing, it was pointed out by the prosecutors that he constituted a real risk and that he might transfer the tapes to unauthorized individuals. The whole matter lay in a situation in which, as one reporter said, that, short of the charges of espionage and naming him a spy, that he was incarcerated under arraignment under very, very serious conditions.

It is that level of concern that the Asian community has raised many, many questions. They have met with the Attorney General to discuss it and other officials that will listen to him.

My reason for rising here tonight is that we believe that there was a serious mistake made by the government in the way that they dealt with Dr. Wen Ho Lee. There is absolutely no justification that he was allowed to be a free person for 9 months if, in fact, the government had suspicion for at least 3 or 4 years that something was awry, that the tapes had been missing and he was under surveillance.

In fact, they had gone to the Justice Department asking for permission to look at his computer and to make determinations as to whether something was done that violated the security restrictions of the laboratory, and the Justice Department denied the request of the investigators.

Yet, here on December 10, he was denied bail. Out of that denial came this extraordinary disclosure through the family and through his lawyers and through others who became acquainted with the nature of his confinement, that he was kept in a cell, completely enclosed, maybe 4 feet by 16 feet in dimension. The entrance to his cell was not the regular bars, but it was a door with a little window. He was kept in there virtually, except for meals, the complete time that he was incarcerated, from December 10 until he was released on September 20.

The other egregious thing, besides being kept in such solitary confinement for this length of time, because he constituted a serious security risk to this Nation, he was kept in chains whenever he was allowed to go out to exercise, which was only 1 hour a day. He was required to be in chains. His ankles were chained. His wrists were chained. His wrists were chained, They were connected to his waist chains. He was expected to go out into the open air and exercise under those circumstances.

It is an absolutely inexplicable situation that they had leveled upon him. Many of the people who have looked at this situation, and, indeed, those who testified over on the Senate side indicated that this was probably done to him in an effort to try to force him to disclose information that led him to make the tapes and to disclose where these tapes were in fact placed. So it was all a matter of trying to intimidate this individual prior to going to trial, prior to any particular finding of specific guilt.

Probably most of the Asians were reluctant to speak up, including myself, during this whole tragic event, because we did not quite know exactly the extent to which this individual was actually guilty of the 59 charges.

Then out of the clear blue, we find that a judge has, not only condemned the Justice Department and the Attorney General for the mishandling of his incarceration, but by a plea bargain with the Justice Department, he is totally exonerated of 58 of the charges, pleads guilty to one, and he is a free person, no longer a security threat to the United States, and they still do not know where the tapes are as far as I know.

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This is an incredible situation that we find ourselves in, with one person being put under such severe personal jeopardy before trial, before an absolute finding of guilt, and to know that in the end he was allowed to be a free person.

So the questions have to be raised, I think. And many of the people from the Asian community are asking these questions: Was his apprehension in the first place triggered because he was an Asian? Many people are suggesting that others at the Los Alamos laboratory committed even more serious violations with respect to secret, classified documents, and with respect to the procedures that had been in place as to how individuals were supposed to deal with security items; yet these people were not investigated, were not put through the same extent of inquiry as Dr. Lee was. So we are troubled with his selective prosecution.

Many people are alleging that this was a racial profiling situation, and they are raising all sorts of questions with respect to why Dr. Lee and not all the other individuals. We know about some very, very difficult cases that are involving high-ranking officials, with extremely important information, and who took classified information, put that on tapes, and are still, for all that I know, not under any particular arrest warrants or incarcerated or charged for their conduct.

So the people are very, very concerned. They want to know why his bail was denied. Was there really an intent here to pressure this particular person to come forward with information? Was there a deliberate intent to make his detention so severe that he would be forced to cooperate?

The reason why this case really came to its final conclusion, with Wen Ho Lee being released, was that the judge had been told at the final bail hearing that came up in August that the information that the FBI had presented to the judge back in December was not all true. As a matter of fact, it came out in the testimony to the judge in August that Wen Ho Lee had been told by the FBI agents that he had flunked the polygraph test when in fact he had passed it. This was another incident of the government's deliberate attempt to try to force a confession from someone who was constantly saying that he had not breached the national security of the United States. What he had done was probably wrong and contrary to the rules, but certainly not anything that constituted a breach of national security.

Nowhere in the investigation was the FBI able to show in any context whatsoever that he had passed any information on to fellow scientists or to foreign scientists, or that in his travels to China he had breached the security requirements of his occupation. They charged him for failure to report contacts that he had made in his trips, which were all authorized trips that he made to China. He was accused of not having filed reports; yet in the August hearing, before the judge, it came out that he had indeed filed the reports and that all of those arguments that had been made in December were simply not true.

The judge had gone along in December with this harsh treatment of solitary confinement because he believed that there was here a defendant who was deliberately trying to obfuscate his actions, had failed to file the necessary reports that he was required to file as an employee of Los Alamos laboratory. And when all of this exploded in the face of the truth at the August hearing, even the judge made the statement in his final recommendation for release of Dr. Lee that he was astounded that this sort of situation could be tolerated, and he was absolutely shocked at what had happened to this individual. So he ordered the release.

The release was appealed by the government. The other courts simply dismissed the appeal and shortly thereafter Dr. Lee was released a free man. The only requirement is that he not leave the country for a year, I believe, and that he cooperate in a debriefing type of contact with the Justice Department in an effort to try to find out where the tapes are located and what has happened to them.

So we have to look back on this situation and say, okay, the FBI agents erred in their anxiety to find this person guilty of egregious violations against the government and to show

that this individual was a deliberate liar and trying to withhold information from the government. But what happens to the FBI agents who perpetrated this misstatement to the courts? I hate to say that these were specific deliberate lies. They claimed that they were simply mistakes. But what happens to these agents that misled the court and caused this grievous harm against this individual insofar as how he was treated? He was shackled as an animal. Even when he was allowed to go to see his lawyers, he was still shackled. It is an incredible, unbelievable story of inhumane treatment of an individual under these circumstances.

Mr. Speaker, I have letters that have been sent to the U.S. Attorney in New Mexico, Norman C. Bay, making an inquiry about the conditions of his confinement and the responses that were received. Many, many individuals wrote to the Justice Department: the American Association for the Advancement of Science sent a letter; the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee; the Human Rights Committee of Scientists; the Episcopal Church of the United States wrote in protest of his harsh treatment; the National Academy of Sciences; the National Academy of Engineering and the Institute of Medicine sent a joint letter on June 26 to the Attorney General protesting the severity of his confinement; and the Amnesty International on August 16 also sent a letter. On August 31, the National Academies protested that in all the letters they had written, they had failed to get any responses from the Justice Department.

Mr. Speaker, I will be submitting the letters that I have just mentioned for inclusion in the RECORD. I also will put in the RECORD letters that are dated way back in January of this year from the National Asian Pacific American Legal Consortium, writing to the Attorney General and expressing their concerns about his detention; as well as the Organization of Chinese Americans and their letters; the National Asian Pacific American Bar Association, also writing to the Attorney General about his treatment; and the comments of Robert S. Vrooman, the former chief of counterintelligence at Los Alamos regarding specifically his being targeted for confinement.

Mr. Speaker, I note that my colleague from California is here with me, and I yield to him at this time.

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank the gentlewoman for yielding to me, and thank her very much for taking this time and this special order to raise the concerns that she has. I have been watching the special order, and I want to tell her how much I appreciate it, because I think that the treatment and the prosecution of Wen Ho Lee and the manner in which it was handled raises serious concerns for every American.

Once again we see that when the incredible power of the government comes down on a single individual, all too often that individual's rights are crushed under the full force. And in this case we saw almost a hysteria that ran through the government, through committees of Congress, within the Department of Energy and Justice and Defense, in a frenzy to try to prove something that they may, in fact, not have had the evidence to prove. And in doing so, they focused on this individual, Wen Ho Lee, and then proceeded over the next 9 months to treat him in a manner that no American would want to be treated or have a member of their family treated.

The gentlewoman has recited the litany of harsh treatments to this elderly man during his time in solitary confinement, when in fact at the same time the evidence was starting to suggest that maybe he was not guilty of all that he was charged. This is not to suggest that perhaps that Wen Ho Lee did not violate rules of protocol and perhaps even security rules. But the jump from that to that he was one of the most dangerous men in the United States; that he had transferred the crown jewels, we now find that what this was was a lot of prosecutorial hyperbole. They were trying to make their case. They were trying to push the public to focus in on this individual because they felt it would solve a problem.

We know that one of the major mistakes that law enforcement can make is to focus on a single individual too early in an investigation. So now we find out 9 months later that not only have they dropped all of the charges with respect to Wen Ho Lee, except for one out of 79 counts, but we are no further along in knowing what happened to this information and how it got into the hands of the person who walked into our embassy and dropped it on to a table. So in fact not only were his rights compromised, but in fact maybe the very investigation has been compromised because so much energy and effort was put on to the focus of Wen Ho Lee.

I just want to again thank the gentlewoman for taking this time. People should not look at this case as a case against a Chinese American or an Asian or a person who is a threat to the United States. They ought to think of this in terms of every American. We understand that this Congress has taken action against prosecutors who have exceeded their authority way beyond what can be justified, or the Internal Revenue Service. And what we really ought to have, and what I have asked for and written the President and spoken out on this floor for, is somehow we need a truly independent investigation.

I am afraid that investigation will have to come from outside of the government, because the government is so compromised in the manner in which the investigation was handled by the various agencies and by the committees of this Congress in their rush to judgment, in their frenzy and their hysteria over this issue. But I would hope that this administration would in fact appoint an outside panel of experts who can have that security clearance, who can determine what in fact happened here, because the damage runs to our civil liberties. The damage runs to Wen Ho Lee and his family, his reputation; and it also runs to the integrity of this body, to our agencies that participated in that. The American public needs to know what happened there.

Unfortunately, I think the damage also runs to the labs and to our ability to recruit. The gentlewoman is aware, as I am aware, of what has happened in the Asian community with scientists and others who wonder now if they go to work for these labs whether they will be profiled; whether they will be treated differently; are they suspect because of their travels, because of their family, because of their heritage, because of their culture?

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And when you see the treatment of this individual, you would be asking the same question of yourself if you wanted to determine. And yet, because of this action, we may be denying this country some of the very best scientists, mathematicians, engineers and others that are available in the world today who would love to come to work for the United States and in fact are not any of those suspected things.

So I think it has been a real cost to us, to the labs and to our resources available to work on the kinds of scientific endeavors that so many at the lab do on a day-to-day basis. So people ought to understand, this is not just about Wen Ho Lee. This is the ripples of this case, and how it has been handled go far beyond far beyond this individual and his treatment.

But we ought to make sure that we do not forget nor can an agency simply not answer for their actions. That is what has to be done. But I do not think that they can investigate themselves because in fact they were part of the frenzy that took place around the arrest and prosecution and detainment of Wen Ho Lee.

So we owe the gentlewoman a debt of gratitude for taking this time for putting these documents in the RECORD so that the broader public will have access to them. I want to thank the gentlewoman very much for doing so.

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman for giving a larger perspective on this. I came to the floor because so many Asians have expressed a dismay that a situation like this could happen in America and many of them expressed the belief that it could only happen to an Asian. That to me is a very damaging aspect to have this country, so great and so wonderful in terms of its definition of democracy, to have a segment of our community believe that this occurred to this one gentleman because he was Asian and that the outcry did not come

until after he was more or less exonerated.

The outcry should have been there, as many of the organizations did, but it was sort of scuffled. Nobody really paid much attention to it. I agree absolutely that we have to call for an investigation, and it cannot be the one that the Attorney General has told the community that she would do. It is simply not adequate. It has to be taken to a different level and a situation where this whole matter can be reviewed.

But it is a terrible thing. The Asian community feels burdened with this suspicion, and the wreckage of this whole incident has sort of fallen on all Asians, not just the Chinese-Americans, but all Asians. And so, I truly believe that the Congress has to take some responsibility in this matter and look at it.

The Senate has investigated it, has called several hearings. And I applaud them for it. I hope that when we return here next year that we will take the time to make sure that this kind of treatment of a human being can never again occur to anyone under our judicial system. I plead with the Members of this House to look at this situation carefully and dispassionately. And if they do, I believe they will come to the same conclusion that the gentleman from California (Mr. GEORGE MILLER) and I have come to.

Mr. Speaker, on March 6, 1999 New York Times reported that Government investigators believes China had accelerated its nuclear weapons program with the aid of stolen American secrets.

Two days later, Wen Ho Lee was identified and fired.

[From the New York Times, Sept. 26, 2000]

THE TIMES AND WEN HO LEE

On March 6, 1999, The New York Times reported that Government investigators believed China had accelerated its nuclear weapons program with the aid of stolen American secrets. The article said the Federal Bureau of Investigation had focused its suspicions on a Chinese-American scientist at the Los Alamos National Laboratory. Two days later, the government announced that it had fired a Los Alamos scientist for ''serious security violations.'' Officials identified the man as Wen Ho Lee.

Dr. Lee was indicted nine months later on charges that he had transferred huge amounts of restricted information to an easily accessible computer. Justice Department prosecutors persuaded a judge to hold him in solitary confinement without bail, saying his release would pose a grave threat to the nuclear balance.

This month the Justice Department settled for a guilty plea to a single count of mishandling secret information. The judge accused prosecutors of having misled him on the national security threat and having provided inaccurate testimony. Dr. Lee was released on the condition that he cooperate with the authorities to explain why he downloaded the weapons data and what he did with it.

The Times's coverage of this case, especially the articles published in the first few months, attracted criticism from competing journalists and media critics and from defenders of Dr. Lee, who contended that our reporting had stimulated a political frenzy amounting to a witch hunt. After Dr. Lee's release, the White House, too, blamed the pressure of coverage in the media, and specifically The Times, for having propelled an overzealous prosecution by the administration's own Justice Department.

As a rule, we prefer to let out reporting speak for itself. In this extraordinary case, the outcome of the prosecution and the accusations leveled at this newspaper may have left many readers with questions about our coverage. That confusion—and the stakes involved, a man's liberty and reputation—convince us that a public accounting is warranted.

In the days since the prosecution ended, the paper has looked back at the coverage. On the whole, we remain proud of work that brought into the open a major national security problem of which officials had been aware for months, even years. Our review found careful reporting that included extensive cross-checking and vetting of multiple sources, despite enormous obstacles of official secrecy and government efforts to identify The Times's sources. We found articles that accurately portrayed a debate behind the scenes on the extent and importance of Chinese espionage—a debate that now, a year and a half later, is still going on. We found clear, precise explanations of complex science.

But looking back, we also found some things we wish we had done differently in the course of the coverage to give Dr. Lee the full benefit of the doubt. In those months, we could have pushed harder to uncover weaknesses in the F.B.I. case against Dr. Lee. Our coverage would have been strengthened had we moved faster to assess the scientific, technical and investigative assumptions that led the F.B.I. and the Department of Energy to connect Dr. Lee to what is still widely acknowledged to have been a major security breach.

The Times neither imagined the security breach nor initiated the case against Wen Ho Lee. By the time our March 6 article appeared, F.B.I. agents had been looking closely into Dr. Lee's activities for more than three years. A bipartisan congressional committee had already conducted closed hearings and written a secret report unanimously concluding that Chinese nuclear espionage had harmed American national security, and questioning the administration's vigilance. The White House had been briefed repeatedly on these issues, and the secretary of energy had begun prodding the F.B.I. Dr. Lee had already taken a lie detector test; F.B.I. investigators believed that it showed deception when he was asked whether he had leaked secrets.

The Times's stories—echoed and often oversimplified by politicians and other news organizations—touched off a fierce public debate. At a time when the Clinton administration was defending a policy of increased engagement with China, any suggestion that the White House had not moved swiftly against a major Chinese espionage operation was politically explosive.

But the investigative and political forces were converging on Dr. Lee long before The Times began looking into this story.

The assertion in our March 6 article that the Chinese made a surprising leap in the miniaturization of nuclear weapons remains unchallenged. That concern had previously been reported in The Wall Street Journal, but without the details provided by The Times in a painstaking narrative that showed how various agencies and the White House itself had responded to the reported security breach.

The prevailing view within the government is still that China made its gains with access to valuable information about American nuclear weaponry, although the extent to which this espionage helped China is disputed. And while the circle of suspicion has widened greatly, Los Alamos has not been ruled out as the source of the leak.

The article, however, had flaws that are more apparent now that the weaknesses of the F.B.I. case against Dr. Lee have surfaced. It did not pay enough attention to the possibility that there had been a major intelligence loss in which the Los Alamos scientist was a minor player, or completely uninvolved.

The Times should have moved more quickly to open a second line of reporting, particularly among scientists inside and outside the government. The paper did this in the early summer, and published a comprehensive article on Sept. 7, 1999. The article laid out even more extensively the evidence that Chinese espionage had secured the key design elements of an American warhead called the W–88 while showing at the same time that this secret material was available not only at Los Alamos but ''to hundreds and perhaps thousands of individuals scattered throughout the nation's arms complex.''

That article, which helped put the charges against Dr. Lee in a new perspective, appeared a full three months before the scientist was indicted.

Early on, our reporting turned up cautions that might have led us to that perspective sooner. For example, the March 6 article noted, deep in the text, that the Justice Department prosecutors did not think they had enough evidence against the Los Alamos scientist to justify a wiretap on his telephone. At the time, the Justice Department refused to discuss its decision, but the fact that the evidence available to the F.B.I. could not overcome the relatively permissive standards for a wiretap in a case of such potential gravity should have been more prominent in the article and in our thinking.

Passages of some articles also posed a problem of tone. In place of a tone of journalistic detachment from our sources, we occasionally used language that adopted the sense of alarm that was contained in official reports that was being voiced to us by investigators, members of Congress and administration officials with knowledge of the case.

This happened even in an otherwise farseeing article on June 14, 1999, that laid out—a half year before the indictment—the reasons the Justice Department might never be able to prove that Dr. Lee had spied for China. The article said Dr. Lee ''may be responsible for the most damaging espionage of the post-cold war era.'' Though it accurately attributed this characterization to ''officials and lawmakers, primarily Republicans,'' such remarks should have been, at a minimum, balanced with the more skeptical views of those who had doubts about the charges against Dr. Lee.

Nevertheless, far from stimulating a witch hunt, The Times had clearly shown before Dr. Lee was even charged that the case against him was circumstantial and therefore weak, and that there were numerous other potential sources for the design of the warhead.

There are articles we should have assigned but did not. We never prepared a full-scale profile of Dr. Lee, which might have humanized him and provided some balance.

Some other stories we wish we had assigned in those early months include a more thorough look at the political context of the Chinese weapons debate, in which Republicans were eager to score points against the White House on China; an examination of how Dr. Lee's handling of classified information compared with the usual practices in the laboratories; a closer look at Notra

Trulock, the intelligence official at the Department of Energy who sounded some of the loudest alarms about Chinese espionage; and an exploration of the various suspects and leads that federal investigators passed up in favor of Dr. Lee.

In those instances where we fell short of our standards in our coverage of this story, the blame lies principally with those who directed the coverage, for not raising questions that occurred to us only later. Nothing in this experience undermines our faith in any of our reporters, who remained persistent and fair-minded in their newsgathering in the face of some fierce attacks.

An enormous amount remains unknown or disputed about the case of Dr. Lee and the larger issue of Chinese espionage, including why the scientist transferred classified computer code to an easily accessible computer and then tried to hide the fact (a development first reported in The Times), and how the government case evolved. Even the best investigative reporting is performed under deadline pressure, with the best assessment of information available at the time. We have dispatched a team of reporters, including the reporters who broke our first stories, to go back to the beginning of these controversies and do more reporting, drawing on sources and documents that were not previously available. Our coverage of this case is not over.

It took 9 months later to obtain an indictment against Wen Ho Lee. It charged him with 59 separate felony offenses; 39 counts allege that Dr. Lee violated the Atomic Energy Act because he purportedly mishandled material containing restricted data, with the intent to injure the United States, and with the intent to secure an advantage to a foreign nation; ten counts allege that Dr. Lee unlawfully obtained defense information in violation of 18 U.S.C. & 793(c); and ten counts of willfully retaining national defense information in violation of 18 U.S.C. & 793(e).

What safeguards did the Government take to make sure Wen Ho Lee didn't flee or transfer the tapes?

Why wasn't he a security risk prior to December 10, 1999?

Why now in September 2000, 58 charges are dropped for a plea bargain involving only one plea of guilty and a pledge to cooperate.

Suddenly Wen Ho Lee is no longer a risk. Today Wen Ho Lee is a free man. The tapes are still missing.

I rise tonight to express my great concern that hysteria and cover-up were the real reasons for Wen Ho Lee's indictment.

The managers of our national nuclear labs had mismanaged the security of these institutions. Access to these secrets was not monitored and vast numbers of people could easily obtain access without signing in or out.

Wen Ho Lee was queried about this contacts in the People's Republic of China.

In 1993–94—Wen Ho Lee was under investigation—for knowingly assembling 19 collections of files, called tape archive (TAR) files, containing secret and confidential restricted data relating to atomic weapons research, design, construction, and testing.

The FBI had Wen Ho Lee under investigation for 3 years.

In 1997, the FBI asked for authority to search Wen Ho Lee's computer. The Attorney General Janet Reno denied this request as not justified based on the facts.

The issue is not the prosecution.

The issue is why was Wen Ho Lee singled out for this witch hunt.

After he was indicted, why was he treated as though he was already convicted?

Why was his request for bail denied?

Why was his detention so severe?

Was it designed to coerce his cooperation?

Why did the FBI lie to Wen Ho Lee "telling him" he had failed the polygraph test when in fact he had passed? A polygraph test was administered on December 23, 1998, by the Department of Energy in New Mexico. DOE said he unequivocally passed, FBI said failed. The FBI then did its own testing of Dr. Lee, and again claimed he failed, but didn't tell him that he failed. CBS News Correspondent Sharyl Attkisson for CBSNews.com.

WEN HO LEE'S PROBLEMATIC POLYGRAPH

Three Experts Gave The Nuclear Scientist Passing Scores

But The FBI Later Reversed The Findings

CBS Investigation Fuels Argument That He Was A Scapegoat

(CBS) Wen Ho Lee either passed—or failed—his first spy-related polygraph, depending upon who was interpreting the results.

As CBS News Correspondent Sharyl Attkisson reports for CBSNews.com, the test was given December 23, 1998 by a Department of Energy (DOE) polygrapher in Albuqerque, N.M., where Wen Ho Lee worked as a top secret nuclear scientist. Because Lee, a Taiwanese-American, had recently been to Taiwan, had visited China in the past, and purportedly had access to America's top nuclear secrets, the FBI focused on him as the prime suspect in the emerging case of alleged Chinese espionage.

The FBI still wasn't close to making an arrest or even beginning an interrogation, but the DOE's head of counterintelligence, Ed Curran, was reluctant to leave Lee in his highly sensitive job in the lab's X-Division, so he ordered the polygraph test. FBI agents were standing by during the DOE test, ready to interrogate Lee if his polygraph answers proved to be deceptive.

Lee was asked four espionage-related questions:

"Have you ever committed espionage against the United States?"

Lee's response: "No."

"Have you ever provided any classified weapons data to any unauthorized person?

Lee's response: "No."

"Here you had any contact with anyone to commit espionage against the United States?"

Lee's response: "No."

"Have you ever had personal contact with anyone you know who has committed espionage against the United States?"

Lee's response: "No."

The polygrapher concluded that Lee was not deceptive. Two other polygraphers in the DOE's Albuquerque test center, including the manager, reviewed the charts and concurred: Lee wasn't lying.

The polygraph results were so convincing and unequivocal, that sources say the deputy director of the Los Alamos lab issued an apology to Lee, and work began to get him reinstated in the X-Division. Furthermore, sources confirm to CBS News that the local Albuquerque FBI office sent a memo to headquarters in Washington saying it appeared that Lee was not their spy.

But key decision-makers in Washington remained unconvinced.

Several weeks after the polygraph, the DOE decided to assign it the unusual designation of "incomplete." Officials in Washington also ordered a halt to Lee's reinstatement of the X-Division.

When FBI headquarters in Washington finally obtained the DOE polygraph results yet another interpretation was offered: that Lee had failed the polygraph.

The FBI then did its own testing of Lee, and again claimed that he failed. Yet sources say the FBI didn't interrogate Lee at this time, or even tell him he had failed the polygraph—an odd deviation from procedure for agents who are taught to immediately question anyone who is deceptive in a polygraph.

In early March 1999, the FBI did interrogate Lee. It was the day CBS News broke the story of a soon-to-be-released congressional report on alleged Chinese espionage at the labs, and the day before The New York Times printed an article that described Lee as a suspect, without using his name. One investigative source tells CBS News that after this particular day of questioning, the lead FBI agent verbalized that she thought Lee was not the right man.

But others still remained unconvinced.

So on March 7, 1999, the day after the New York Times article, the FBI ordered another interrogation of Lee, this time a "confrontational" style interview.

One special agent doing the questioning told Lee no fewer than 30 times that he had failed his polygraphs, and repeatedly demanded to know why. Here are some selected excerpts:

FBI special agent: "You're never going to pass a polygraph. And you're never going to have a clearance. And you're not going to have a job. And if you get arrested you're not going to have a retirement . . . If I don't have something that I can tell Washington as to why you're failing those polygraphs, I can't do a thing."

Lee: "Well I don't understand."

FBI special agent: "I can't get you your job. I can't do anything for you, Wen Ho. I can't stop the newspapers from knocking on your door. I can't stop the newspapers from calling your son. I can't stop the people from polygraphing your wife. I can't stop somebody from coming and knocking on your door and putting handcuffs on you."

Lee: "I don't know how to handle this case, I'm an honest person and I'm telling you all the truth and you don't believe it. I, that's it."

FBI special agent: "Do you want to go down in history whether you're professing your innocence like the Rosenbergs to the day that they take you to the electric chair?"

Lee: "I believe eventually, and I think God, God will make it his judgement."

During this time period, Washington officials began leaking to the media that Lee had failed his polygraphs, and that he was "the one" who had given to China information on America's most advanced thermo-nuclear warhead, the W–88. A stunning charge that, in the end, investigators were unable to back up.

One question at hand is how could the exact same polygraph charts be legitimately interpreted as "passing" and also "failing?" CBS News spoke to Richard Keifer, the current chairman of the American Polygraph Association, who's a former FBI agent and used to run the FBI's polygraph program.

Keifer says, "There are never enough variables to cause one person to say (a polygraph subject is) deceptive, and one to say he's non-deceptive . . . there should never be that kind of discrepancy of the evaluation of the same chart."

As to how it happened in the Wen Ho Lee case, Keifer thinks, "then somebody is making an error."

We asked Keifer to look at Lee's polygraph scores. He said the scores are "crystal clear." In fact, Keifer says, in all his years as a polygrapher, he had never been able to score anyone so high on the non-deceptive scale. He was at a loss to find any explanation for how the FBI could deem the polygraph scores as "failing."

The FBI has not explained how or why it interpreted Lee's polygraph as deceptive. When asked for an interview, the FBI simply said it would be ''bad'' to talk about Lee's polygraph, and that the case will be handled in the courts. The prosecution has not turned over the charts and many other polygraph documents to Lee's defense team. And so far, the prosecution has withheld other key documents, including the actual charts from the DOE polygraph.

Since Lee was never charged with espionage (only computer security violations), the content of the polygraph may be unimportant to his case. But the fact that his scores apparently morphed from passing to failing fuels the argument of those who claim the government was looking for a scapegoat—someone to blame for the alleged theft of masses of American top secret nuclear weapons information by China—and that Lee conveniently filled that role.

Why did FBI Agent Robert A. Messemer lie? What penalty has he been given? Was his lie perjured testimony? Is he still working for the FBI? Was this a conspiracy within the FBI?

Why didn't the court give Wen Ho Lee the benefit of the doubt?

Why was he locked in a secure enclosed cell? Why was he required to wear ankle and wrist shackles when allowed out for his daily one hour exercise?

Whose idea of ''exercise'' includes the words ''while shackled''? I am told that at the court house while meeting with his lawyers, even when escorted to the toilet, he was shackled.

We are told that the Justice Department approved this severe treatment—that the Department of Energy requested it—

Attorney General Reno testified on September 28 in the Senate that she was unaware that Wen Ho Lee was shackled and was not in receipt of any complaints. A petition dated January 4, 2000 was signed by 3,000 people and forwarded to the Attorney General on March 8, and again on June 8, 2000.

LOS ALAMOS, NM, *March 8, 2000.*

Re: Petition for Independent Polygraph Test for Dr. Wen Ho Lee and for Improved Conditions of Imprisonment for Dr. Lee

NORMAN C. BAY,
*Interim United States Attorney for the District of New Mexico, Albuquerque, NM.*

DEAR MR. BAY: Copies are enclosed of petition signatures of over 2000 people seeking your agreement to an independent, qualified polygraph test for Dr. Wen Ho Lee to confirm that the tapes at issue in the bail proceeding were destroyed and not copied.

It is unconscionable that your office has refused to agree to an independent polygraph, which was offered by Dr. Lee and his counsel. The federal Judge who presided at the bail hearing indicated the Court welcomes such a polygraph to address the alleged concern of your office that the tapes which Dr. Lee swore he destroyed were indeed destroyed and not copied. The Tenth Circuit Court of Appeals recently upheld the Judge's reasoning. Confirmation that the tapes do not exist would verify that concern over transfer of the tapes is not a roadblock to the pre-trial release of Dr. Lee. An independent polygraph on the status of the tapes presents a straightforward means to allay the government's alleged fear about Dr. Lee's release on reasonable bail pending trial. The right to reasonable bail is guaranteed by Amendment VIII of the United States Constitution to all American citizens, including Dr. Lee.

It is not acceptable for the United States Attorney's office to deny any American the opportunity of reasonable bail due to the possibility that the outcome of the independent polygraph would weaken the government's case. Every prosecutor's first duty is to achieve justice and fairness, not to convict at all cost.

The Petitioners also seek improved conditions for Dr. Lee, who continues to be shackled in prison awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. No person should be subject to such arbitrary and harsh conditions, especially one who, like Dr. Lee, is presumed to be innocent.

Your immediate response to the request of the Petitioners is anticipated. All original petition signatures are available for inspection by you or your representative at my office, by appointment.

Sincerely,

PHYLLIS I. HEDGES.

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FIGHT UNJUST TREATMENT OF DR. WEN HO LEE!

Dr. Wen Ho Lee continues to be shackled as a prisoner in a Sante Fe jail although his trial is months away. Excessive, punitive restraints have been imposed on Dr. Lee while he waits for the opportunity to clear his name which was smeared by government leaks accusing him of being a spy. When the FBI, DOE, and United States Attorney found no evidence of spying by Dr. Lee they rationalized their botched investigation, laced with racism, by bringing criminal charges against Lee for placing classified information on non-classified computer tapes.

The U.S. Attorney swayed the Albuquerque judge to deny bail by conjuring fear that Lee might somehow spirit the destroyed tapes and himself abroad. The judge indicated Lee should be released pending trial and suggested the U.S. Attorney agree to a polygraph examination offered by Lee's attorneys to verify the tapes were destroyed. The U.S. Attorney insists that Lee must agree to a polygraph administered by the FBI as well as FBI interrogations before and after the polygraph.

You can do something to fight this injustice. Below is a petition to the U.S. Attorney for New Mexico to agree to an independent polygraph as well as more humane conditions for Dr. Wen Ho Lee during his incarceration.

Please clip, sign, and return the petition to me at P.O. Box 1288, Los Alamos, NM. I will send the petition to the U.S. Attorney for New Mexico, listing your name with many others who have signed. Or, call me at 662–7400, to obtain a copy of the petition. For further information see www.wenholee.org.

PETITION

Petitioners request that the United States Attorney for the District of New Mexico agree to an independent polygraph examination of Dr. Wen Ho Lee, to be administered by a reputable organization not associated with the defense or the prosecution in the proceeding by the United States against Dr. Lee, to confirm the status of the seven ''missing'' tapes at issue in that proceeding.

Pending resolution of Dr. Lee's pre-trial release, Petitioners request that the United States Attorney for New Mexico institute improved conditions for Dr. Lee during his confinement, including increased recreation and visiting opportunities.

_____
(your name)

Another letter from Cecilia Chang signed by thousands of others were sent to the Attorney General in April 2000.

WENHOLEE.ORG,
*Fremont, CA, April 10, 2000.*

Re: Review of Special Restrictions Imposed on Dr. Wen Ho Lee

Hon. JANET RENO,
*U.S. Attorney General,*
*U.S. Department of Justice, Washington DC.*

DEAR MS. RENO: The enclosed petition was signed on behalf of Dr. Wen Ho Lee by 1,288 of Dr. Lee's fellow American citizens, urging that you exercise your authority to release Dr. Lee from the harsh detention conditions imposed at your direction under 28 CFR Sec. 501.2. This petition, sponsored by WenHoLee.Org, also has been endorsed by organizations with combined membership of over 100,000, 106-faculty members from 64 colleges and universities, and many community leaders, scientists and elected officials.

Dr. Lee has spent the past 120 days shackled in jail in Santa Fe, New Mexico, awaiting trial to clear his name. The conditions under which Dr. Lee is imprisoned are shameful. Such arbitrary and harsh detention conditions are unjustified and should not be extended. there is no factual basis to infer any threat of disclosure by Dr. Lee, and his treatment is not regular, particularly in contrast with the treatment of others for classified information lapses.

In national security cases the guide for implementing special detention restrictions under Sec. 501.2 is the prevention of disclosure of classified information. The restrictions must serve that goal.

Dr. Lee is charged with transferring classified information to non-classified tapes at his workplace, with the illegal intent to harm the United States or to secure an advantage to a foreign country. He is not charged with any espionage or spy activity and there exists no allegation that Dr. Lee transferred or ever attempted to transfer any sensitive information to any unauthorized recipient. The only ''evidence'' of the alleged criminal intent to harm the U.S. or assist another country is his transferring classified information to a non-classified system at his workplace.

Although there are several possible innocent explanations for such a transfer, your prosecutors chose to assume mal intent from Dr. Lee's transfer of work files that included some classified material. Their assumption is not well founded. Los Alamos National Laboratory has thrived as an exemplary scientific institution because of its university atmosphere, including its long history of tacitly disregarding security restrictions that impede efforts to achieve scientific and work-related goals.

It is imperative to seek accuracy in the national security justifications for causing Dr. Lee to suffer the demeaning and cruel conditions imposed on him. The original harsh detention conditions were imposed on the basis of conjecture rather than any reality of threats to national security. At the bail hearing for Dr. Lee, government witnesses and prosecutors engaged in preposterous rhetoric that distorted the nature of the classified information involved and its value to foreign entities. You have previously received letters sent by premiere scientific organizations, such as the American Physical Society, American Association for the Advancement of Science, Federation of American Scientists, New York Academy of Sciences, The Committee of Concerned Scientists, American Chemical Society, Overseas Chinese Physical Society, and others, protesting Dr. Lee's treatment and the voodoo science used to alarm the public. We ask that you consider these letters in arriving at your decision about Dr. Lee's detention.

Of particular note is the contrast of Dr. Lee's treatment with that of former CIA Director John Deutch. Handling of the Deutch

and Lee cases reveals the irregular treatment of Dr. Lee. Mr. Deutch's security violations, which went uninvestigated for years, exposed the United States to far greater harm than the security lapses by Dr. Lee. Mr. Deutch made accessible at his home, current and top secret information significantly more important to national security than the information transferred by Dr. Lee, which was not top secret and in fact can be found in the open or developed by other countries such as China on their own. The actions of Mr. Deutch posed a clear and present threat to national security whereas Dr. Lee's actions did not.

Nevertheless the only consequence to Mr. Deutch was loss of a no longer required security clearance. Last year Dr. Lee lost his security clearance and with it the ability to continue his work at LANL to which he had dedicated the past 20 years. Then in March 1999 Dr. Lee lost his job and his retirement, consequences unheard of for any security violation at the national laboratories. Whereas mishandling of classified information should have been an internal matter for DOE and LANL, on December 10, 1999, the United States Attorney brought federal criminal charges that threaten him with life in prison, made a media display of having him arrested at home, and worked relentlessly to deny bail and any conditions of release. Since December 10, 1999, under your authority, Dr. Lee has been subjected to inhumane conditions during his pre-trial imprisonment.

The conclusion is inescapable that this overblown federal case emerged from the false accusations that Dr. Lee was engaged in espionage. The FBI has publicly stated the ensuing investigation of Dr. Lee was based on racial profiling. The FBI used intimidation, threats of execution, and lying, to try to force a confession during their interrogation of Dr. Lee. It can only be inferred that Dr. Lee's cruel treatment reflects bias against Dr. Lee, which should not have any place in the prosecutorial duty to achieve justice and fairness.

Yours is a critical responsibility to stem the improper treatment of Dr. Lee, who is presumed to be innocent of criminal wrongdoing. Continuing the cruel conditions of his detention would afflict all American citizens by diminishing the rights and freedoms we cherish.

Sincerely,

WENHOLEE, ORG

(By: Cecilia Chang, Executive Director, Chair, Steering Committee Wen Ho Lee Defense Fund.)

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FREE WEN HO LEE!

Petition Recipients: Janet Reno, U.S. Attorney General; Bill Richardson, U.S. Energy Secretary; Vice President Al Gore.

Petition Sponsored by: Wenholee.org, 3785 Armour Court, Freemont, CA 94536.

TO THE HONORABLE JANET RENO: We, the signers of this petition, urge you to take advantage of the opportunity afforded you under Title 28 of the Code of Federal Regulations to free Dr. Wen Ho Lee from his harsh and unjust confinement in the New Mexico jail.

Section 501.2 of Title 28 requires you to periodically reauthorize Dr. Lee's confinement. Under this law, you have the power to have Dr. Lee be confined to his home, with all necessary security precautions imposed at your discretion. Although Dr. Lee's movement will remain restricted under this arrangement, he will at lest be at home in humane conditions.

If you do not free Dr. Lee from jail, then you must at least order that his conditions of confinement, which have been more fit for a mass murderer, be significantly improved. The use of shackles on Dr. Lee under any circumstances is ridiculous.

As we make these requests of you, we would like to remind you that the government authorities already have conceded that the targeting of Dr. Lee has been entirely racially motivated and that there is no evidence of espionage by Dr. Lee. Yet, the government authorities continue to persecute Dr. Lee, singling him out on the basis of his race. The authorities' behavior and action have angered not just Chinese Americans across the country—but all Americans who believe that no one should be treated on the basis of his or her race or ethnicity, and that discrimination, especially by the government, is simply not acceptable!

Furthermore, the discriminatory persecution of Dr. Lee not only shames the United States of America and its citizens, it also impedes our nation's efforts to improve human rights conditions to the victims of government oppression everywhere else around the world.

Therefore, we, the people of America, ask you to do the right thing and free Dr. Lee!

The views expressed here are those of the petition sponsor, not of One Democracy.com

On February 29, 2000 the American Association for the Advancement of Science sent the Attorney General a letter protesting Wen Ho Lee's inhumane treatment in prison at the Sante Fe County Detention Center.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE, DIRECTORATE FOR SCIENCE AND POLICY PROGRAMS,

*Washington, DC, February 29, 2000.*

Hon. JANET RENO,

*Attorney General, U.S. Department of Justice, Washington, DC.*

DEAR MADAME ATTORNEY GENERAL: I write on behalf of the Committee on Scientific Freedom and Responsibility of the American Association for the Advancement of Science concerning the matter of the continued denial of bail and the conditions of pre-trial incarceration of Dr. Wen Ho Lee. The AAAS is the world's largest multi-disciplinary scientific organization. The Committee on Scientific Freedom and Responsibility is charged by the Association to, among other things, address issues related to the human rights of scientists.

Our purpose is to inquire into the reasons for the extraordinarily restrictive conditions to which Dr. Lee has been subjected. Our disquiet with the government's treatment of Dr. Lee does not extend to the issue of his guilt or innocence, which will be decided by our courts on the basis of the evidence. Our concern stems from the possibility that Dr. Lee is being maltreated and may have been the target of special scrutiny because of his ethnic background.

This case has had an adverse impact on many of our colleagues and could damage our national labs as a result of the hemorrhaging of skilled scientists through resignation or attrition, falling recruitment and a decline in the international collaboration that are so vital to the success of DoE programs. There is some evidence that such losses are already occurring.

Our concerns relate to the following:

We have been informed that the original conditions of detention were—and remain—harsh in the extreme. He is confined to his cell 23 hours each day and was, until recently, kept completely indoors. When moved about within the confines of the prison, his arms and legs are shackled. His weekly meetings with family members are curtailed and monitored and, early on, he was required to speak English. He has no access to TV and, at first, was denied newspapers. While we understand that these conditions are now slightly modified, we are concerned that continuing restrictions not only serve as intimidation, but may inhibit his ability to prepare his defense and place an enormous emotional and physical burden on him, his family and his attorneys. From our perspective, Dr. Lee's pretrial treatment appears to be exceedingly cruel. Court records and prosecution documents give the distinct impression that many measures were imposed simply because he has Chinese associates and speaks Chinese. AAAS believes very strongly that place of birth or ethnic background should never be used to impugn the loyalty of scientists.

The justification for continued incarceration is that Dr. Lee, if released, is likely to pose a grave threat to our national security. In judging the merits of such a serious contention, we hope that you will consult with a few of the many informed independent weapons specialists and national security experts who no longer serve in government, and who therefore may provide an objective assessment of the risk. Should the Justice Department wish to seek such expert counsel, an appropriate source would be the National Academy of Sciences.

In sum, we believe it important that the scientific community be given some assurances on these issues. Otherwise, we worry that serious damage could be done to the U.S. scientific enterprise and to this nation's future prosperity and security if the government is perceived by scientists as treating Dr. Lee unfairly and relying on unfounded claims regarding threats to national security.

Sincerely,

IRVING A. LERCH,

*Chair, AAAS Committee on Scientific Freedom and Responsibility.*

On March 14, 2000 the New York Academy of Science wrote to the Attorney General protesting the harsh treatment of Wen Ho Lee.

MARCH 14, 2000.

DEAR ATTORNEY GENERAL RENO: I am writing on behalf of the Committee on Human Rights of Scientists of the New York Academy of Sciences. In this we are joining other prominent scientific organizations such as the American Physical Society, the American Association for the Advancement of Science, and the Committee of Concerned Scientists regarding the condition of detention and the denial of bail for Dr. Wen Ho Lee accused of mishandling classified information at the Los Alamos National Laboratories. At the outset we emphasize that we do not take a position on Dr. Lee's guilt or innocence which must be determined at trial.

For more than 20 years, this Committee has been deeply concerned about governmental treatment and repression of scientists throughout the world. Among the cases in which we have intervened were those of Professors Andrel Sakharov, Fang Li Zhe, Benjamin Levich, and recently Alexandr Nikitin, to name just a few. Often the scientists named in these cases were accused by their governments of violation of secrecy, treason, and other high crimes. Our Committee has always paid close attention to the conditions under which these and other individuals were held during their detention, as well as related matters such as denial of bail, access to counsel, and openness and fairness of trial.

It has been reported to us that the conditions of Dr. Lee's detention have been harsh. He has been shackled in prison, restricted to his cell in isolation, had his meetings with immediate family curtailed, and been restricted about outside information such as TV and newspapers. These conditions remind

us of the abuses that occurred under Communist rule in the former Soviet Union and occur to this day in other totalitarian states such as in China, Iran, and others.

The impression given to the world by the Government's treatment of Dr. Lee is that he has already been found guilty of charges against him. Witness, for example, the statement repeated by CIA Director George Tenet that Lee's actions were taken ''with intent to harm the United States.'' We earnestly call to your attention that Dr. Lee's treatment during his detention has had a seriously chilling effect on the scientific community, especially because of the suspicion that his ethnic background has played some role in this treatment and in the unproven public allegations made about his possible motives for the acts of which he is accused.

In addition, reliable reports reach us that the recruiting and retention of top scientific staff at our major national laboratories, including weapon laboratories, have been damaged by this affair. We urge that you look into the treatment of Dr. Lee and see to it that the physical and psychological conditions of Dr. Lee's detention conform to the highest international standards for the humane treatment of people in detention awaiting trial. Continuation of the harsh treatment of Dr. Lee will expose us to ridicule when we criticize such treatment in other countries around the world.

The New York Academy of Sciences is an independent, non-profit, global membership organization committed to advancing science, technology, and society worldwide. Established in 1817, the Academy is the oldest scientific organization in New York and the third oldest in the nation. It is an international organization with nearly 40,000 members in more than 150 countries.

We respectfully await your response in this matter of importance to this Committee and to the international scientific community.

Sincerely,

JOSEPH L. BIRMAN,
*Chairman of the Committee on Human Rights of Scientists.*

April 27, 2000 a Resolution passed by the Episcopal Church USA was sent to the Attorney General protesting the harsh treatment of Wen Ho Lee.

To: Executive Council, Episcopal Church, USA.

From: international and National Concerns Committee.

Date: April 27, 2000.

Subject: Incarceration of Dr. Wen Ho Lee (Resolution proposed by Ms. Carole Jan Lee, Member of Executive Council from San Francisco, California).

*Resolved,* That the Executive Council meeting in the Diocese of Washington, DC, April 27–30, 2000, calls for the humane treatment of Dr. Wen Ho Lee, a U.S. citizen, who has been under arrest without bail in solitary confinement with limited family visits, and that these conditions have created grave concern, particularly among the Asian American community, of being unduly harsh treatment along racial lines, a perception for which the Council has concern given the number of disturbing complex factors in this case, and be it Further

*Resolved,* That this case moves forward in a manner that assures that Dr. Lee receives due process, and be it Further

*Resolved,* That this resolution is not intended to speak of the veracity of the very serious charges that have been filed against Dr. Lee.

(Resolution passed, thirty-five members present; six abstentions.)

Note: Copies of this resolution will be sent to Attorney General Janet Reno, and to our Washington Office.

(Our Public Policy Network has a mailing list of over nine thousand names.)

On June 26, 2000 the National Academy of Sciences, National Academy of Engineering and Institute of Medicine wrote to the Attorney General protesting the severity of Wen Ho Lee's confinement.

JUNE 26, 2000.

Hon. JANET RENO,
*Attorney General, Department of Justice, Washington, DC.*

DEAR MADAM ATTORNEY GENERAL: We write with regard to our original March 10 inquiry to you about the case of Dr. Wen Ho Lee (#99–1417) and to express our appreciation for the May 24 response that we received from Mr. John J. Dion.

The information that Mr. Dion provided about Dr. Lee's case was, of course, of interest to us. However, because Mr. Dion did not address many of the questions that we posed in our initial letter of inquiry, we are taking the liberty of requesting, once again, information on the conditions and circumstances under which Dr. Lee is being held. Surely, the answers we seek cannot in any way impinge upon the just prosecution of a pending case.

It is our understanding that Dr. Lee has been held in solitary confinement since his arrest on December 10, 1999, that he has been denied bail, and that he will not be brought to trial until November 6. We would like your personal assurances that his conditions of confinement have been in full accordance with all U.S. and international standards. We have inquired as to what and how much contact Dr. Lee is permitted to have with his family, defense counsel, and lawyers. Although Mr. Dion said in his letter that arrangements have been made to allow Dr. Lee's family to meet with him ''for more than one hour per week,'' he did not say what the new arrangements for Dr. Lee allow nor did he report with whom he is now allowed to meet.

We would also like to know whether, as has been alleged by Dr. Lee's family, instruments of restraint are being applied to him. If so, what instruments are used, when and for how long are they applied, why, and under what circumstances?

With regard to the need for a fair and timely trial, we seek your personal assurances that Dr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. We would also like to know what access Dr. Lee's lawyers are being given to information needed to adequately prepare his defense.

You should know that the above questions are identical to those that our Academies regularly pose to foreign governments when we desire assurances that the rights of our imprisoned colleagues in other countries are being fully respected. Surely, we cannot expect less from our own government.

We are grateful for your attention and look forward to your reply.

Very truly yours,

BRUCE ALBERTS,
*President, National Academy of Sciences.*
WILLIAM WULF,
*President, National Academy of Engineering.*
KENNETH SHINE,
*President, Institute of Medicine.*

Finally by mid-July 2000 his conditions of confinement were eased. By the last week in July he finally was allowed to exercise without ankle shackles. This, his friends conclude, came about because there was another bill hearing scheduled on August 16, 2000. Remember Judge Parker had asked that the confinement restrictions be eased. August 16, 2000 Amnesty International protested to the Justice Department that Wen Ho Lee's confinement was in violation of international law.

AMNESTY INTERNATIONAL PROTESTS SOLITARY CONFINEMENT, SHACKLING OF DR. WEN HO LEE

WASHINGTON, DC, AUG. 16, 2000.—Amnesty International, the world's largest human rights organization, has written to Attorney General Janet Reno to protest the conditions under which Dr. Wen Ho Lee has been held in pre-trial federal detention since December 1999.

In the Aug. 4 letter, released as Judge James A. Parker hears a renewed application for Dr. Lee's release on bail, Amnesty International expressed concern at reports that Dr. Lee has been held in particularly harsh conditions of solitary confinement, and has been confined to his cell for 23 hours each day. According to reports, Dr. Lee has also been shackled at the wrists, waist, and ankles while taking exercise once or twice a week in a federal enclosure. Amnesty International is insisting that the use of shackles be immediately discontinued.

These conditions are unnecessarily punitive and contravene international human rights standards, said Curt Goering, Senior Deputy Executive Director of Amnesty International USA. The use of shackles is extremely disturbing and is grossly inappropriate in the circumstances.

Rule 33 of the United Nations (UN) Standard Minimum Rules for the Treatment of Prisoners provides that restraints should be used only when strictly as a precaution against escape during transfer, on medical grounds on the direction of the medical officer or to prevent damage or injury. The rules also state that restraints should never be applied as punishment and that chains or irons shall not be used as restraints. The rules also provide that every prisoner (including pre-trial detainees) should have at least one hour of suitable exercise in the open air daily.

Amnesty International believes that the overall conditions under which Dr. Lee is detained contravene international standards, which require that all persons deprived of their liberty be treated humanely and with respect for their inherent dignity. Amnesty International is urging the Justice Department to urgently review Dr. Lee's conditions of confinement and ensure that he is being treated in accordance with international standards. Such steps should include provision for adequate exercise and out-of-cell time and reasonable contact with the outside world.

August 31, 2000 the National Academies that had previously written (3 letters) to the Attorney General again regarding her failure to respond to their earlier letters.

AUGUST 31, 2000.

An Open Letter to the U.S. Attorney General

Hon. JANET RENO, Attorney General,
*U.S. Department of Justice, Washington, DC.*

DEAR MADAM ATTORNEY GENERAL: We, the presidents of the National Academies, along with our Committee on Human Rights and many of our members, are distressed by several matters which have arisen regarding the case of Dr. Wen Ho Lee and his incarceration during the past eight months. Although we make no claim as to his innocence or guilt, he appears to be a victim of unjust treatment.

We are writing to you, as the chief law officer and legal counsel of our nation, to urge you to rectify any wrongs to which Dr. Lee has been subjected, and to ensure that he receives fair and just treatment from now on. We also urge that those responsible for any injustice that he has suffered be held accountable. Even more importantly, perhaps, we urge that safeguards be put in place to ensure that, in future, others do not suffer the same plight.

We write publicly because our private letters of March 10, April 14, and June 26 of this year with regard to Dr. Lee's plight have been responded to only by a form letter signed by your Acting Chief of the Internal Security Section. (His letter was not a satisfactory response to the questions that we had posed, as we indicated in our follow-up letter of June 26.)

We should perhaps explain that, for more than a century, the National Academy of Sciences has provided independent, objective scientific advice to our nation. By extension of its original congressional charter, it established the National Academy of Engineering, the Institute of Medicine, and the National Research Council. Some 4,800 of our nation's most distinguished leaders in science, engineering, medicine, and related fields have been selected by their peers to be members of the Academies and the Institute.

We are concerned that inaccurate and detrimental testimony by government officials resulted in Dr. Lee needlessly spending eight months in prison under harsh and questionable conditions of confinement. Our assessment appears to have been confirmed by the recent ruling of Judge James Parker in granting bail to Dr. Lee.

The three institutions of which we are presidents have an active Committee on Human Rights. During the last 25 years this committee has intervened in the name of our institutions on behalf of hundreds of scientific colleagues, around the world, who are unjustly detained or imprisoned for nonviolently expressing their opinions. The committee writes inquiries and appeals to offending governments and holds them accountable for their actions. Although Dr. Lee has not been detained for expressing his opinions, the handling of his case reflects poorly on the U.S. justice system. The concerns that we have expressed and the questions that we have posed in our letters are identical to those that our Committee on Human Rights regularly poses to foreign governments, some of which have had the courtesy to respond. Surely, we cannot expect less from our own government.

Very truly yours,

BRUCE ALBERTS,
*President, National Academy of Sciences.*
WM. A. WULF,
*President, National Academy of Engineering.*
KENNETH I. SHINE,
*President, Institute of Medicine.*

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TEXT OF THE FIRST LETTER FROM THE PRESIDENTS OF THE 3 NATIONAL ACADEMIES TO JANET RENO

MARCH 10, 2000.

Hon. JANET RENO,
*Attorney General,*
*U.S. Department of Justice, Washington, DC.*

DEAR MADAM ATTORNEY GENERAL: We write to inquire about the status of the case (#99–1417) of a physicist, former Los Alamos National Laboratory employee Wen Ho Lee. It is our understanding that Mr. Lee is charged with 59 felony counts under statutes 42 USC 2275, 2276 and 18 USC 793 (c&e). He is currently being held without bail in Albuquerque, New Mexico, pending trial.

The purpose of this letter is to inquire about several matters related to Mr. Lees case, as well as to request your assurances that his rights are being full respected.

In view of recent allegations in the press with regard to Mr. Lees treatment, we would appreciate being informed as to the conditions and circumstances under which Mr. Lee is being held. Are his conditions of confinement in accordance with all U.S. and international standards? We would also like to know whether, as has been alleged by Mr. Lee's family, instruments of restraint have been applied to him. If so, what instruments were used, when and for how long were they applied, why, and under what circumstances?

With regard to the need for a fair trial, we would value your assurances that Mr. Lee's rights not to be coerced into giving a confession and not to be held in a coercive environment are being fully respected. What and how much contact is Mr. Lee permitted to have with his family, defense counsel, and lawyers? We would also like to know what access Mr. Lee's lawyers are being given to information needed to adequately prepare his defense.

We very much appreciate your attention to our inquiry and look forward to receiving information that will help to assure us that all reasonable measures are being taken to protect Mr. Lee's rights, in full accordance with U.S. and international law.

Very truly yours,

BRUCE ALBERTS,
*President, National Academy of Sciences.*
WILLIAM WULF,
*President, National Academy of Engineering.*
KENNETH SHINE,
*President, Institute of Medicine.*

January 30, 2000, the National Asian Pacific American Legal Consortium wrote to the Attorney General expressing concerns about overzealous prosecution and detention.

On April 13, 2000, the Organization of Chinese Americans wrote to Norman Bay, the U.S. Attorney based in Albuquerque, raising questions about his detention.

On August 18, 1999, the National Asian Pacific American Bar Association wrote to the Attorney General noting the fact that the FBI had not investigated the other prime suspects. It noted the comments of Robert S. Vrooman, former Chief of Counter-Intelligence at Los Alamos who said Wen Ho Lee was targeted because he was Chinese.

JANUARY 30, 2000.

Re: Dr. Wen Ho Lee

Hon. JANET RENO,
*Attorney General, U.S. Department of Justice, Washington, DC.*

DEAR MADAM ATTORNEY GENERAL RENO: Per our meeting January 12, 2000, I am enclosing a memorandum discussing the Asian Pacific American community's concerns that we raised with you and Deputy Attorney General Eric Holder concerning the prosecution of Dr. Wen Ho Lee. We don't seek to argue about Dr. Lee's guilt or innocence, but instead to focus on his treatment. It appears to the Asian American community, indeed to many concerned about issues of civil liberties and due process, that some of the prosecution's decisions have been overzealous—perhaps out of embarrassment because of the many media reports about how the investigation was handled.

We are concerned that the intense media scrutiny and high political stakes involved in his case may be compromising Dr. Lee's due process rights and civil liberties as an American citizen and bringing the loyalties of the nation's Asian Pacific Americans under a cloud of suspicion. Our analysis takes into careful consideration of U.S. District Judge James Parker's Memorandum Opinion and Order and the voluminous bail hearing transcripts.

I thank you for taking the time to meet with us, and for the sensitive manner in which you handled and continue to give attention to our concerns. I look forward to your reply.

Sincerely,

KAREN K. NARASAKI,
*Executive Director.*

The Honorable ERIC HOLDER,
*Deputy Attorney General.*
YVONNE LEE,
*U.S. Commission on Civil Rights.*
DAPHNE KWOK,
*Organization of Chinese Americans.*
NANCY CHOY,
*National Asian Pacific American Bar Association.*
Dr. JOHN YOUNG,
*Committee of 100.*

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MEMORANDUM

To: Attorney General Janet Reno.
From: Karen Narasaki, Executive Director, NAPALC; Aryani Ong, Staff Attorney.
Date: January 30, 2000.
Re: Dr. Wen Ho Lee's Pretrial Detention.

Currently, Dr. Lee is being held in prison pending trial, having been denied pretrial release. He has been charged with 59 separate counts involving 19 computer files—29 counts of removing and tampering with restricted data, 10 counts of receiving restricted data, 10 counts of gathering national defense information and 10 counts of retaining national defense information. We understand that he is being held in custody under solitary confinement. He cannot see his family except for four hours per month nor receive any mail. We've also heard reports that he is not being allowed to speak Chinese to his visitors.

I. DR. LEE HAS FACED HARSH TREATMENT THAT IS DISPROPORTIONATE TO THE EVIDENCE OF WRONGDOING

Many in the Asian American community believe that the prosecution has been overzealous in their treatment of Dr. Lee, given the evidence presented at the detention hearing and what has been reported in the news. They are convinced that federal investigators used racial profiling in the initial targeting of Dr. Lee. They also believe that the Department of Energy and others involved are acting so harshly due to embarrassment from the congressional attacks, the reported bungling of the initial investigation and the failure to find evidence of espionage after the investigation was leaked.

Many community leaders believe that prosecutors have been overstating the security risk to create a hostile public environment so that he will be tried based on the perception of espionage, despite the fact that there is insufficient evidence to even bring such a charge. He is being treated as though there is overwhelming evidence of espionage even though the detention hearing revealed no such evidence. Without such evidence, the community believes that pretrial detention in solitary confinement is not warranted. Solitary confinement seems to have no basis except to impose psychological stress on the defendant so that he will not be able to pursue the vigorous defense to which he is entitled.

A. DENIAL OF PRE-TRIAL RELEASE

Where the statutory scheme 18 U.S.C. §3142 generally favors the defendant, Dr. Lee nonetheless was denied bail. While we respect the judge's decision, we are concerned that he was provided with characterizations of Dr.

Lee as a Chinese spy that are not substantiated by the evidence and that influenced his decision not to consider alternative conditions for release. For many in the Asian community, it bears a potential resemblance to the Supreme Court's decision to uphold the internment of Japanese Americans because the threat to national security was overstated by government attorneys who destroyed evidence that undercut the argument. While we are certainly not charging the Department of Justice with such misconduct here, we do believe that *Korematsu* v. *U.S.*, 323 U.S. 214 (1944), *Hirabayashi* v. *U.S.*, 320 U.S. 81 (1943), and *Yasui* v. *U.S.*, 320 U.S. 115 (1943) are cases instructive of how much more careful we must be when national security threats are being claimed as a basis for unfair and harsh treatment.

Under §3142(b), the judge ''shall order the pretrial release'' of a defendant to ''subject to the least restrictive further condition.'' According to Judge Parker, no alternative conditions would save against the ''danger'' posed by Dr. Lee's ''ability to communicate with unauthorized persons while under house arrest.''

We are concerned with the suggestive nature of this assertion because there is no evidence that shows that Dr. Lee transferred any classified information to an unauthorized third party nor ever attempted to commit such act. Moreover, the Government has not provided any direct evidence of Dr. Lee's intent to use classified information to injure the United States nor procure unfair advantage to a foreign nature. Yet, the charges brought against Dr. Lee make this assertion, and while espionage is not expressly among them, the specter of espionage is raised throughout the detention hearing and prominently figures into the judge's rationale for denying a pretrial release.

What the evidence does show is that Dr. Lee has been the target of an investigation since 1995 for the possible theft of W–88 data theft, which he has been cleared for over a year. In March 1999, he was placed under 24-hour secret surveillance for nine months, yet during that time, the FBI acquired no evidence showing that Dr. Lee attempted to transfer or transferred classified information to any unauthorized third party. Instead, they found six tapes in his office, and received an offer from Dr. Lee to take a polygraph test to determine the truthfulness of his statement to the FBI regarding the seven missing tapes. The Government rejected the offer, but used his inability to produce the missing tapes as the rationale for holding him without bail. This places Dr. Lee in the untenable position of producing tapes that he says has been destroyed or proving they no longer exist. How can he be expected to prove they no longer exist?

Furthermore, even though Dr. Lee is not charged with espionage, the Govenrment strongly inferred the allegation during the detention hearings. We are concerned that Dr. Lee's contacts with Chinese scientists and government officials are depicted as bad acts in and of themselves when the evidence shows otherwise. Dr. Lee's trips to China were authorized by the Los Alamos National Laboratories and his scientific collaborations with the Chinese were encouraged by the Secretary of the Department of Energy.

The Government successfully argued that Dr. Lee is a national security risk based on the fact that the seven portable tapes are missing and that Dr. Lee has the cognitive ability to potentially assist a third party in using the codes. Based on a single witness, they persuaded the Court to view Dr. Lee's actions in the most damaging light possible, using words such as ''devious,'' ''nefarious,'' and ''secretive and deceptive.''

Without doubt, we too find Dr. Lee's actions very grave. We do not condone any employee who breaches security rules, especially when sensitive defense information such as nuclear weapons designs is involved. However, we also are guided by the evidence presented and the presumption of innocence until proven guilty in our justice system.

Dr. Lee faces very serious criminal charges, but he has not had his day in court. Meanwhile, he is being held in custody as if he posed a threat of heinous violence to the community. We particularly are concerned that despite many alternatives that have been in practice by other courts, i.e., house arrest, electronic monitoring, supervision by a third-party custodian, visitation by court-approved persons and consent to unannounced searches, the Government chose the harshest alternative for a nonviolent offense.

The Court uses a four-part test to determine whether there are conditions of release that will reasonably assure a defendant's appearance and the safety of the community. We find that the evidence shows the following: (1) Dr. Lee was not charged with committing a violent act or dealing with drugs; (2) no direct evidence exists to prove that Dr. Lee had the intent to injure the United States or procure an unfair advantage to a foreign nation; (3) Dr. Lee has strong community ties and no past criminal record; and, (4) he has not acted in a manner to suggest that he poses a danger to society; there is no evidence that he attempted to transfer or transferred classified information to an unauthorized third party nor that he assisted any person with the use of the classified information. Yet, despite the evidence, Dr. Lee been denied one of the most sacred guarantees by our Constitution—his freedom.

Judge James Parker indicated that he would be willing to revisit the issue of pretrial release if Dr. Lee could satisfactorily account for the missing seven tapes. We encourage the Government to work with Dr. Lee's attorneys on Dr. Lee's offer to take a polygraph test as to the disposition of the tapes so that they can move forward on discussing alternative conditions of release.

B. IMPOSITION OF THE HARSHEST RESTRICTIONS DURING DETAINMENT

Dr. Lee has been placed under solitary confinement and restricted from family visits except for four hours per month. While the prison warden may have the discretionary authority regarding at least visitation, we believe that the Government can weigh on the conditions imposed on Dr. Lee's confinement.

We are concerned about reports from the media and the detention hearing transcripts that the FBI have been employing psychological tactics to pressure Dr. Lee to ''confess'' to wrongdoings or to break down his will to go through a trial. The Asian American community does not understand the national interest in placing harsh restrictions on a defendant who has been been proven guilty. In fact, Dr. Lee's treatment in jail only has strengthened the majority view of the Asian Pacific American community that the Government has selectively and unfairly investigated and prosecuted Dr. Lee.

Judge Parker urged the Government to consider loosening what he himself described as severe restrictions imposed on Dr. Lee. We also urge the Government to carefully consider the offer by Dr. Lee's attorneys to have Dr. Lee undergo a polygraph test so that Court may reevaluate any changed circumstances that warrant his pretrial release.

II. THE DEPARTMENT OF JUSTICE SHOULD BE PARTICULARLY CIRCUMSPECT GIVEN THE POLITICAL NATURE OF THE CIRCUMSTANCES SURROUNDING DR. LEE'S PROSECUTION

The Asian American community has been carefully monitoring the developments of Dr. Lee's situation because they are concerned that political forces may be playing an inappropriately significant role in the investigation and prosecution of Dr. Lee. The media, initially led by The New York Times recklessly portrayed Dr. Lee as a Chinese spy. The Cox House Committee Report, later criticized for serious inaccuracies by the Rudman Report and esteemed Stanford University researchers, took advantage of the opportunity to embarrass the Administration by fanning fears about Communist China.

Given Dr. Lee's ethnic background, the community was concerned that he was investigated on the basis of his ethnic background. Former FBI counterintelligence officers reporting to the media that they believed racial profiling occurred in Dr. Lee's case validated their concerns. Further reports that in fact the Chinese government could have gained the information from other sources and that Dr. Lee's laboratory probably could not have been the source for the design information have added to the community's alarm.

While the community does not condone Dr. Lee's egregious mishandling of classified information, they fear that Dr. Lee is vulnerable to being used as a scapegoat to take attention from the embarrassing wealth of security lapses that the Energy Department has allowed to occur. In its efforts to overcome the series of embarrassing disclosures and to look tough on security, the Department of Energy may not be acting fairly or providing prosecutors with full disclosure.

The Asian American community is concerned that Dr. Lee's due process rights may fall victim to political scapegoating and that negative repercussions for other Asian Americans working in science and technology may follow if a pattern of disregard for civil liberties is established in this case.

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NATIONAL ASIAN PACIFIC
AMERICAN BAR ASSOCIATION,
*Washington, DC, August 18, 1999.*

Hon. JANET RENO,
*Attorney General, U.S. Department of Justice, Washington, DC.*

DEAR MS. RENO: We are writing to express our deep concern about recent accounts that race may have played a significant factor in pursuing the investigation of Dr. Wen Ho Lee for alleged espionage. While we do not condone acts of espionage or any other illegal activity by any individual, we ask that you ensure that race is not now a factor as you make decisions regarding this and other investigations and prosecutions involving security violations at Los Alamos and other national laboratories.

According to Senators Fred Thompson and Joseph Lieberman in a statement issued on August 5, 1999, the Department of Energy and the Federal Bureau of Investigation had multiple suspects for leaks of nuclear warhead information and yet only two—Dr. Lee and his wife—were investigated. Because the DOE and FBI investigators failed to look into the other suspects ''—that is, to assess whether these others were not for some reason equally suspicious—meant that it was impossible to be sure that the Lees really did stand out as the prime suspects.'' (Thompson/Lieberman Report p. 18.) This account is further buttressed by recent statements made by Robert S. Vrooman, former chief of Counter-Intelligence at the Los Alamos National Laboratory. Mr. Vrooman stated that Dr. Lee was targeted for investigation mainly because of his ethnicity, and that there is no evidence that Dr. Lee leaked secrets to China. Mr. Vrooman noted that at least 13 Caucasian scientists from Los Alamos ''who went to the same [physics] institute and visited the same people'' as Dr. Lee were left out of the investigation.

Furthermore, both the Thompson/Lieberman Statement and Mr. Vrooman noted that key technical information concerning certain weapons, whose acquisition by the Chinese government initiated the investigation of Mr. Lee, was available to numerous government and military entities that could have been the source of the leaked information.

While we recognize that Mr. Vrooman's statements will be subject to debate, we believe that it is important that you verify that no ''racial profiling'' occurred in this investigation. Additionally, we would like to request a meeting with you to discuss these issues. In the meantime, we ask that as you continue your investigation of security leaks at our national laboratories, you do so with a heightened consideration for fairness.

Sincerely,

NANCY CHOY,
*Executive Director, National Asian Pacific American Bar Association.*

DAPHNE KWOK,
*Executive Director, Organization of Chinese Americans.*

JIN SOOK LEE,
*Executive Director, Asian Pacific American Labor Alliance, AFL–CIO.*

JON MELEGRITO,
*Executive Director, National Federation of Filipino American Associations.*

DEBASISH MISHRA,
*Executive Director, India Abroad Center for Political Awareness.*

KAREN NARASAKI,
*Executive Director, National Asian Pacific American Legal Consortium.*

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ORGANIZATION OF CHINESE AMERICANS, INC.,
*Washington, DC, April 13, 2000.*

Mr. NORMAN BAY,
*U.S. Attorney, Albuquerque, NM.*

DEAR MR. BAY: Thank you very much for meeting with us last week. The Asian Pacific American community nationwide has been monitoring the Wen Ho Lee case for over a year. The community has been concerned with the public discourse and media stereotypes arising from the case that insinuate all Asian Pacific Americans as disloyal foreigners. With regard to Dr. Lee, the community is wondering whether he has been accorded his due process rights as an American citizen during the investigation and decision making to prosecute him.

Since Dr. Lee's incarceration in December of 1999, the community has been very concerned about the fact that he has not been granted bail until his trial. One of the questions we have is what are the conditions, if any, must Dr. Lee meet in order for him to be released on bail?

As a follow up to our conversation, we wanted to ask specific questions about Dr. Lee's incarceration.

We understand that Dr. Lee has been charged with mishandling classified data. A concern of the community is that since Dr. Lee has not been charged with espionage then why is he being treated as if he has been charged with espionage? As someone charged with a nonviolent act, the community believes Dr. Lee should be treated like those charged with other nonviolent ''white collar'' offenses.

We have heard the following:

Dr. Lee is in ''solitary confinement.''

Dr. Lee is ''shackled'' all day.

Dr. Lee's ankles and wrists are shackled when he is moved within the jail facility, even during his one hour of exercise, and unremoved during weekly meetings with his family.

No collect calls to any outside party are allowed except to his counsel.

Kept separate from other prisoners during one hour long exercise.

Dr. Lee is only allowed one hour outside of his jail cell for exercise per day, but not always outside under the sunlight.

Dr. Lee is not allowed to read newspapers, magazines, books.

Dr. Lee is not allowed to watch TV.

We would greatly appreciate your response to these points as soon as possible so that we may accurately respond to the inquiries from our community about Dr. Lee's confinement. Thank you very much.

Sincerely,

DAPHNE KWOK,
*Executive Director, Organization of Chinese Americans.*

NANCY CHOY,
*Executive Director, National Asian Pacific, American Bar Association.*

ARYANI ONG,
*Staff Attorney, National Asian Pacific American, Legal Consortium.*

JIN SOOK LEE,
*Executive Director, Asian Pacific American, Labor Alliance, AFL–CIO.*

KRISTINE MINAMI,
*Washington, D.C. Representative, Japanese American Citizens League.*

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DECLARATION OF ROBERT VROOMAN

I, Robert Vrooman, do hereby declare and state:

1. I have reviewed the government's response to Wen Ho Lee's Motion for Discovery of Materials Related to Selective Prosecution, including the attached Declaration of Special Agent Robert Messemer. As set out below, Agent Messsemer's declaration contains numerous false statements. Based on my experiences with Agent Messemer and the information I have received from other FBI agents, I believe that the regularly distorts information.

2. I did not tell Agent Messemer that Lee probably assisted the Chinese by helping fix Chinese hydrocodes during his travel in 1986 and 1988. His allegation that I did so is false. Our April 28, 1999 meeting focused on [approx, one line deleted] and Agent Messemer's theory that there was something inappropriate going on [words deleted]. I attended that interview solely as a favor to John Browne, the director of Los Alamos National Laboratory. When it was over, I told Browne that I considered the interview strange, because it had nothing to do with the Lee case. I later learned from officials at the CIA that Agent Messemer was falsely informing CIA officials that I had been critical [word(s) deleted]. At the time, Agent Messemer was attempting to shift blame to the CIA for possible fallout [words deleted]. I sought to obtain a copy of Agency Messemer's memoranda of my interview and to have it corrected. See *Attachment one.* The FBI refused to provide me a copy of this memorandum, which I expect contains false information.

3. Agent Messemer's statement that the individuals selected for investigation was chosen because they fit ''matrix'' based on access to W–88 information and travel to the PRC is false. Dozens of individuals who share those characteristics were not chosen for investigation. As I explained in my prior declaration, it is my firm belief that the actual reason Dr. Lee was selected for investigation was because he made a call to another person who was under investigation in spite of the fact that he assisted the FBI in this case. It is my opinion that the failure to look at the rest of the population is because Lee is ethnic Chinese.

4. Mr. Moore's contention that the Chinese target ethnically Chinese individuals to the exclusion of others, therefore making it rational to focus investigations on such individuals was not borne out by our experience at Los Alamos, which was the critical context for this investigation. It was our experience that Chinese intelligence officials contacted everyone from the laboratories with a nuclear weapons background who visited China for information, regardless of their ethnicity. I am unaware of any empirical data that would support any inference that an American citizen born in Taiwan would be more likely than any other American citizen [deletion].

5. Of the twelve people ultimately chosen for the short list on which the investigation focused, some had no access at all to W–88 information, and one did not have a security clearance, but this individuals is ethnically Chinese. I do not believe this was a coincidence. Further, this ethnically Chinese individual did not fall within the ''matrix'' which Agent Messemer claims was used by the DOE and FBI. In addition, although there were other names on the HI list, Mr. Trulock made clear that Dr. Lee was his primary suspect.

6. Agent Messemer deliberately mischaracterizes the nature of my comments to him regarding my concerns about Dr. Lee's travel to the PRC. I did consider it unusual that Dr. Lee had not reported any contact by Chinese agents when I debriefed him following his return from the PRC. I did not believe then and I do not believe now that Dr. Lee engaged in espionage, and I made no such intimation to Agent Messemer. Dr. Lee and his wife Sylvia were both cooperating with FBI investigations, and I considered them loyal Americans. Nonetheless, I considered Dr. Lee naive, and therefore a potential security risk. It was to keep Dr. Lee out of harm's way, not because I had any fear that he might knowingly engage in improper conduct, that I recommended against further unescorted trips out of the country for Dr. Lee.

7. My concerns about the real motivation behind the investigation were exacerbated when I received a classified intelligence briefing from Dr. Thomas Cook, an intelligence analysis at LANL, in September 1999. This briefing put to rest any concerns that I may have had that Dr. Lee helped the Chinese in any substantial manner.

8. In my capacity as a counterintelligence investigator at LANL, I was brief on the existence of an investigation code-named ''Buffalo Slaughter'' some time in the late 1980s involving a non-Chinese individual working at DOE laboratory who transferred classified information to a foreign country. That individual was granted full immunity in return for agreeing to a full debriefing on the information that he passed. [Approx. six lines deleted].

9. The statements contained in my Declaration dated June 22, 2000 are true and correct and I so attest.

I declare under penalty of perjury of the laws of the United States that the foregoing

is true and correct. Executed August 10, 2000, at Gallatin Gateway, Montana.

[signed]

ROBERT VROOMAN.

[Attachment one]

SEPTEMBER 17, 1999.

ROBERT S. VROOMAN,

*P.O. Box 348, Gallatin Gateway, MT.*

DAVID V. KITCHEN,

*Special Agent in Charge, FBI 415 Silver SW, Albuquerque, NM.*

DEAR MR. KITCHEN: I would like to have a copy of the 302 prepared by S.A. Robert Messemer as a result of his interview with me on April 28, 1999. Several members of the CIA's IG office have read me portions [of] Messemer's report, and it is clear to me that SA Messemer attributed his opinions to me. During the interview, I told SA Messemer that I did not know [deletion] well enough to have an opinion [deletion]. He then provided me with the details and asked me to speculate on the implications. I find this interview technique objectionable.

On the other hand, SA Messemer did provide me with a lot of details regarding Dr. Lee that I did not know. This helped to solidify my opinions on the case and to have the confidence to go public. I learned during the meeting with SA Messemer that Dr. Lee [Approx. one line deleted]. SA Messemer was particularly helpful to us when he provided us a copy of Mr. Bruno's April 15, 1997 memorandum to Notra Trulock thus allowing us to defend our decision to keep Dr. Lee in his job. For this I am grateful to SA Messemer, but I still object to his using me to promote his opinions.

I am planning to write a book on my experiences and would like to have the 302 as soon as possible.

Sincerely yours,

ROBERT S. VROOMAN.

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U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
*Washington, DC, March 29, 2000.*

Mr. PHYLLIS HEDGES,

*P.O. Box 1288, Los Alamos, NM.*

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law, Dr. Lee's Chinese heritage and ancestry played no role whatsoover in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker's decision.

With regard to the conditions of Dr. Lee's incarceration, I am advised that the limitations on visits by his family are the same as those for other similarly-situated prisoners at the facility where Dr. Lee is being held. We have, however, been able to accommodate the Lee family recently by arranging for a Mandarin language interpreter to be present for several meetings so that Dr. Lee's family can speak with him in his native language. We will continue to make the interpreter available as often as possible. Furthermore, we have arranged with the prison facility to allow Dr. Lee's family to meet with Dr. Lee for more than one hour per week.

Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,

*Acting Chief, Internal Security Section.*

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U.S. DEPARTMENT OF JUSTICE,
CRIMINAL DIVISION,
*Washington, DC, April 21, 2000.*

Mr. PHYLLIS HEDGES,

*P.O. Box 1288, Los Alamos, NM.*

DEAR MR. HEDGES: This is in response to your letter to the Department of Justice concerning the prosecution of Wen Ho Lee. Although I am not able to comment in detail about a pending case, I hope you will find the following information useful.

This prosecution is based solely on the facts and the law. Dr. Lee's Chinese heritage and ancestry played no role whatsoever in the decision to prosecute him. Like you, I am very disturbed by news accounts suggesting that Dr. Lee has been singled out for investigation and prosecution because of his ethnicity. Let me assure you that this is not the way the Department of Justice or the Criminal Division operates. To render a decision on a potential prosecution on the basis of race or ethnicity, even in part, would violate the Department's ethical canons, as well as my own personal beliefs.

As you may know, Dr. Lee was ordered to be detained pending trial by United States Magistrate Judge Svet and, thereafter, by United States District Judge Parker, who heard extensive testimony and legal argument. On February 29, 2000, a three-judge panel of the United States Court of Appeals for the Tenth Circuit unanimously affirmed Judge Parker's decision.

With regard to the conditions of Dr. Lee's incarceration, I am advised that the limitations on visits by his family are the same as those for others similarly-situated prisoners at the facility where Dr. Lee is being held. We have, however, been able to accommodate the Lee family recently by arranging for a Mandarin language interpreter to be present for several meetings so that Dr. Lee's family can speak with him in his native language. We will continue to make the interpreter available as often as possible. Furthermore, we have arranged with the prison facility to allow Dr. Lee's family to meet with Dr. Lee for more than one hour per week.

Thank you for taking the time to write to express your views.

Sincerely,

JOHN J. DION,

*Acting Chief, Internal Security Section.*

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At the request of the members of its Social Concerns Committee, the Congregation of the Unitarian Church of Los Alamos met in a Congressional Meeting on Friday, August 4, 2000 and, after a more than two-hour debate, passed the following resolution concerning the pretrial treatment of Dr. Wen Ho Lee. The resolution was passed by an affirmative vote of 97% of those voting.

RICHARD K. COOPER,

*President, Unitarian Church of Los Alamos.*

RESOLUTION IN SUPPORT OF CIVIL RIGHTS FOR DR. WEN HO LEE

August 4, 2000

WHEREAS, Dr. Wen Ho Lee, an American citizen, was arrested in December 1999 and charged in a 59-count indictment with transferring nuclear weapons data to an unsecured computer and portable storage systems in violation of federal laws;

WHEREAS, Dr. Lee is not charged with espionage;

WHEREAS, as documented in the transcript of the FBI interrogation, FBI agents lied to Dr. Lee about the results of a polygraph test which he passed, and threatened his life and his family in an effort to force Dr. Lee to confess to espionage;

WHEREAS, while awaiting trial set for November, 2000, and presumed innocent, Dr. Lee has been denied bail, jailed in solitary confinement, and subjected to harsh and cruel conditions which include the following:

Dr. Lee is in chains, shackled hands and feet whenever he is taken from his solitary cell; he is chained during his one hour per week visit with immediate family so that he must shuffle and awkwardly lean to activate the intercom with manacled hands in order to speak through glass (however, during a mid-July visit his handcuffs were removed) while two FBI agents monitor and censor each word; Dr. Lee remains in ankle chains when working with his lawyers behind triple locked doors in a windowless room in a secured facility;

Dr. Lee is not allowed any exercise, fresh air, or showers on weekends; the one hour of exercise weekdays he spends alone, and until recently in shackles, and he must forego any exercise or fresh air on days he meets his attorneys to prepare for trial; Dr. Lee's telephone calls are extremely limited, censored and transcribed; he is allowed no television and limited reading material; his mail is delayed by months;

AND WHEREAS, in protest of the treatment of Dr. Wen Ho Lee, is far more severe than needed to assure security, numerous organizations and individuals have adopted resolutions or written in protest to Attorney General Janet Reno and other government officials;

NOW, THEREFORE, it is resolved that the Unitarian Church of Los Alamos, New Mexico, while taking no position on the guilt or innocence of Dr. Lee with respect to the charges against him, concurs in the protest of the conditions of detention of Dr. Wen Ho Lee as cruel and overly harsh and is alarmed by the denial of Dr. Lee's civil libraries and rights to due process;

FURTHER, the Unitarian Church of Los Alamos, New Mexico, calls upon the government of the United States of America immediately to institute humane treatment of Dr. Lee and to seek from the Court pre-trial release of Dr. Lee under conditions that respect his human dignity;

And it is FURTHER RESOLVED that this Resolution shall be printed in publications of the Unitarian Church of Los Alamos, distributed to other appropriate Unitarian Universalist Association offices and congregations, and shall be delivered to U.S. Attorney General Janet Reno and to the congressional delegation from the State of New Mexico.

By September 7, 1999, the New York Times wrote a long article on Chinese espionage and noted that secret information regarding nuclear design was available not only at Los Alamos but "to hundreds and perhaps thousands of individuals scattered throughout the nation."

Citing a CIA official, the New York Times stated that this Wen Ho Lee case was going to be as "bad as the Rosenbergs."

All of this hysteria, I believe was deliberately programmed as a cover-up of the lack of security at the labs.

Wen Ho Lee being Taiwanese was an easy target.

Creating a climate of suspicion upon all Chinese is the terrible wreckage heaped by the storm on these loyal Americans.

If all that the New York Times alleged were true, why wasn't Wen Ho Lee charged with espionage?

The answer is obvious. There was never any evidence of espionage.

This case began in 1995 when a U.S. agent in Asia was approached by a Chinese defector with a 74-page document which purported to be a blueprint for a nuclear weapons program. It was 7 years old.

U.S. experts concluded it came from Los Alamos. Energy Department intelligence chief Notra Turlock took over the investigation. By May 1996 he had identified 12 suspects. Newsweek, September 25, 2000.

By late 1998 the FBI became convinced Lee was probably not their target. Newsweek.—By 1999 the political climate however changed and people were hot after finding a spy.

Newsweek states in its article of September 25, 2000, that Energy Secretary Bill Richardson called FBI Director Freeh and urged they accelerate Wen Ho Lee's investigation.

Wen Ho Lee had engaged in a pattern of deceit.

Dr. Robert A. Messemer, an FBI agent, admitted on August 17, 2000, at a December 1999 bail hearing for Wen Ho Lee, that he had misstated the testimony of a co-worker, Kuok-Mee Ling, suggesting that Wen Ho Lee had misled him in getting permission to use his computer. In fact, there was no deception.

Dr. Messemer also testified in August 2000 that he failed to tell the Judge in December 1999, that Dr. Lee had disclosed contracts with Chinese scientists in his 1986 trip to China.

Dr. Messemer had failed to tell the court in December 1999, that Wen Ho Lee had told the FBI in March 5, 1999, that he received various correspondence from Chinese scientists.

Nor did Dr. Messemer tell the court that the letters the FBI found in Dr. Lee's home did not prove he had sent them seeking a job. The letters were written to Australia, France, Singapore, and Switzerland.

Initially the felony charge against Wen Ho Lee was based on intent to harm the U.S. and to aid a foreign power.

Later, the prosecutor's case was based on showing Lee's motive was to impress prospective employers rather than to help China's nuclear program. Washington Post, September 24, 2000.

Mr. Richard Krajcik, Deputy Director of the Los Alamos top-secret X Division, testified on August 17, 2000, and conceded the information that Wen Ho Lee downloaded was not classified secret at the time he took it. AP New Mexico, August 18, 2000. He said it had not been reviewed for classification.

Judge James A. Parker in the final court hearing in which Wen Ho Lee was released of all 59 charges except one, said the government action against Wen Ho Lee had embarrassed the entire nation. Judge Parker said that the government had led him astray. Judge Parker apologized to Dr. Lee for the unfair manner in which he was held.

The question that lies unanswered with Wen Ho Lee's release is whether he in fact downloaded the ''crown jewels'' of our nation's nuclear weapons program so sensitive that it could change the global strategic balance if obtained by a foreign adversary.

INTO THE SUNSHINE

(By Michael Isikoff)

Every Saturday morning Sylvia Lee and her children would pass through the metal detector and take their seats by the glass partition in the bleak room where maximum-security prisoners meet visitors. A door would open and Wen Ho Lee, diminutive and soft-spoken at 60, would shuffle in flanked by two FBI agents. Lee's legs were shackled, his hands manacled and the handcuffs chained to his waist. ''It was just so horrible,'' his daughter, Alberta, says now. ''They were treating him like an animal.'' The Lee family time began—an hour of stilted togetherness with the FBI taking notes on every word. Seeing her father in chains, and knowing he was being held in complete isolation, frequently reduced Alberta to tears. Reading was one of his only escapes, and every week she brought him something new. His favorite was the novel by Gabriel García Marquez: ''One Hundred Years of Solitude.''

Wen Ho Lee's term of solitude ended last week in the collapse of the most highly publicized espionage case since the arrest of Aldrich Ames—a negotiated guilty plea on one count of mishandling classified information. The plea bargain stripped any remaining credibility from the hopelessly botched federal investigation of alleged Chinese spying at the Los Alamos National Laboratory, and it humiliated the FBI. It also infuriated U.S. district Judge James A. Parker, who said he had been ''misled'' into treating Wen Ho Lee as a dangerous spy. Calling Lee's imprisonment ''draconian'' and ''unfair'' Parker excoriated ''top decision makers'' at the Department of Justice and the Energy Department who, according to Parker, had ''embarrassed our nation.'' Lee and his lawyers claimed he had been targeted for investigation because he is Chinese, and critics charged that the FBI and the Energy Department had engaged in a new form of racial profiling. The Clinton administration, it seemed, had a bad case of cold-war paranoia.

The recriminations have only just begun. Stung by the judge's criticism and by a rebuke from Bill Clinton, Attorney General Janet Reno is likely to order an internal inquiry into what went wrong—a probe that could prove distinctly uncomfortable to Reno herself, FBI Director Louis Freeh and other senior officials. But even as they acknowledged a badly flawed case, senior law-enforcement officials insisted they were right to go after Lee in the first place. They say his actions raise troubling questions that are still unanswered.

As late as last Monday, Newsweek has learned, Reno and other top Justice officials nearly torpedoed the deal after Lee admitted for the first time that he made copies of the computer tapes containing nuclear secrets he downloaded from Los Alamos's classified computers. Lee insisted he had destroyed all the copies along with seven original tapes the FBI never recovered and that he never compromised U.S. security. But his new admission triggered a series of tense discussions among top national-security officials. ''People were really angry and upset,'' said one source. For a time Reno and other top officials were strongly leaning toward taking the troubled case to trial anyway.

In the end, Justice officials modified the deal with Lee. They gave themselves greater latitude to bring new charges against the scientist if they catch him lying during the intense debriefings he must now undergo. ''When the full story comes out,'' said one unrepentant law-enforcement official, ''people are going to see that he's not the poor little innocent he's being made out to be.''

Maybe so, but suspicions are not what federal prosecutions are supposed to be about. What drove the Lee case was legitimate national-security concerns—warped by politics. The case began in 1995 when a U.S. agent in Asia was approached by a Chinese ''walk-in'' defector with a sensational intelligence coup—a 74-page document that purported to be the blueprint for modernizing China's nuclear-weapons program. Although it was seven years old, the document included numerous pieces of information, and some key phrases, that suggested a massive security leak at Los Alamos. It also included a design virtually identical to the W88, a state-of-the-art thermonuclear warhead built for U.S. missile subs. While skeptics suggested the document may have been a plant by Chinese intelligence, some U.S. experts were convinced that much of the information had indeed been stolen from Los Alamos. One of them was Energy Department counter-intelligence chief Notra Trulock, who took over the W88 probe, code-named Kindred Spirit. By May 1996 his team of spy-hunters, working with the FBI, had identified 12 suspects—with Wen Ho Lee at the top of the list.

Born in Taiwan and educated at Texas A&M, where he got his doctorate in mechanical engineering, Lee joined the staff at Los Alamos in 1978. He worked in the X Division, which designs U.S. bombs and warheads, as a midlevel scientist specializing in the computer simulation of shock waves generated by nuclear blasts. Crucially, he was on the team that designed the trigger for the W88 warhead. Still, there was no hard evidence that Lee had engaged in any form of espionage. By late 1998 the FBI's Albuquerque, N.M., field office became convinced that Lee was probably not their target and noted that hundreds of other people, including outside contractors, needed to be examined.

By then the political climate had changed. Trulock had testified in secret before a congressional committee investigating technology transfers to China headed by GOP Rep. Chris Cox. Republicans had already pummeled the Clinton White House over Asian campaign contributions, and top administration officials feared a new China scandal. In December 1998, Newsweek has learned, Energy Secretary Bill Richardson called FBI Director Freeh and urged him to accelerate the Lee investigation.

In March 1999 The New York Times ran a front-page story pointing to an unnamed ''computer scientist'' at Los Alamos as a key figure in a probe of Chinese espionage. The next day the FBI interrogated Lee and tried to extract a confession. Waving the newspaper story, agents warned Lee he faced the loss of his job and pension and that he was ''failing'' lie-detector tests—a statement that was at least somewhat misleading. ''I tell the truth,'' Lee insisted. ''Do you know who the Rosenbergs are?'' an agent asked. ''You know what happened to them? They electrocuted them, Wen Ho.'' No lawyer was present.

Ironically, neither the FBI nor the Energy Department was aware at that point that Wen Ho Lee had been secretly downloading massive amounts of X Division weapons data for years. To do it, Lee asked to use the computer of a colleague outside the X Division. Then he typed CL=U (classified equals unclassified) on the restricted files, allowing access from the other computer. Starting in 1993 Lee downloaded 806 megabytes of classified information—about 400,000 pages.

But damning as the evidence looked to national-security officials in Washington, the case against Lee turned out to be filled with holes, and prosecutors began to take hits left and right. At a bail hearing in August, FBI agent Robert Messemer admitted that he had earlier given false testimony, portraying Lee as more devious than the scientist actually was when he asked to use his colleague's computer. Messemer called his testimony

''an honest mistake.'' Other government scientists stated that many of the nuclear secrets Lee downloaded were publicly available—and many had a relatively low classification: ''protect as restricted data,'' or PARD.

In late August a meeting was convened at the Justice Department command center to review where matters stood. ''The case was falling apart,'' said one official. Chief prosecutor George Stamboulidis was convinced he could still win at trial. But national-security officials feared that Judge Parker would allow defense lawyers to introduce some of the secret documents that Lee had downloaded. ''We would have had to parade these documents in front of the jury and the world,'' said Stamboulidis. Even FBI Director Freeh—who had aggressively pushed the case to begin with—was now arguing that the government should take a plea.

Senior law-enforcement officials say the biggest mistake may have been the harsh conditions under which Lee was held—the solitary cell, the leg irons, the 24-hour watch. Top Justice officials now say they had some concerns about this from the beginning but didn't convey them strongly enough to the original prosecution team. ''If there was a failure, the higher-ups at Justice weren't really forceful enough in speaking up,'' said one official. ''That's a legitimate criticism.'' When Stamboulidis came in to take over the case in June, he eased the treatment of Lee and ordered the leg irons taken off. But by then it was too late. The image of Lee, a gentle scientist being mistreated by the government, had made its way into the public mind. As a symbol of overzealous prosecution, it could well stay there for some time to come.

FBI AGENT RECANTS TESTIMONY AGAINST LOS ALAMOS SCIENTIST LEE

(August 18, 2000; Albuquerque, New Mexico)

An FBI agent has recanted testimony that was key to a judge's decision to deny bail last December to a fired nuclear weapons scientist accused of downloading restricted files.

The testimony last year from Agent Robert Messemer had portrayed Wen Ho Lee as guileful when the jailed Los Alamos lab physicist supposedly told a colleague he wanted to use that scientist's computer to print a resume.

At a bail review hearing Thursday, Messemer acknowledge that Lee had told the other scientist he wished to download files.

''My testimony was incorrect,'' Messemer told U.S. District Judge James Parker.

The judge had cited Lee's ''deeply troubling'' deceptions in denying him bail in December.

The FBI agent said Thursday he did not intentionally attempt to mislead the judge and said he did not believe it was a serious error.

The hearing, the defense's third effort to get Lee released on bail, was scheduled to continue Friday with more questioning of Messemer.

Lee, 60, is charged with 59 counts involving downloading files from Los Alamos National Laboratory to unsecured computers and tape. The Taiwan-born American citizen could face life in prison if convicted at trial, scheduled to begin Nov. 6.

During Messemer's testimony Thursday, the FBI agent also acknowledged Lee disclosed contacts with scientists from the People's Republic of China in a report to the lab about a 1986 conference he attended.

Messemer insisted, however, that under questioning by authorities Lee did not disclose the full scope of those contacts.

Messemer testified last year Lee initially told authorities only about a Christmas card he had gotten from one Chinese scientist. He acknowledged that Parker could have inferred from that testimony Lee was lying.

He also said he wanted to correct a ''minor point'' in which he said Lee sent letters seeking an overseas job. Messemer said Thursday the FBI had no evidence one way or the other whether the letters were sent.

Los Alamos scientist Richard Krajcik, deputy director of a top-secret nuclear weapons division at the lab, testified that he stood by earlier statements about the seriousness of the downloaded documents.

''It represents the crown jewels of nuclear design assessment capability of the United States,'' Krajcik said.

Krajcik conceded the information was not classified as secret when Lee allegedly took it, but said only scientists with security clearances could access it.

At the time, the information had not been reviewed for classification. The information has since been classified as confidential restricted data and secret restricted data, but not top secret.

Defense attorney John Cline read descriptions of classification levels, which define top-secret information as vital to national security and whose dissemination would cause ''exceptionally great damage.'' Secret information does not reveal critical features.

Ms. PELOSI. Mr. Speaker, I want to thank Congresswoman MINK for organizing this important Special Order and commend Congressman UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, and the other Members of the Caucus for their leadership and hard work to focus attention on these important civil rights issues.

The treatment of Dr. Wen Ho Lee remains a cause for concern. Asian-Americans, members of racial and ethnic minority groups, civil libertarians, and other Americans have correctly questioned his treatment and continue to question the underlying racial stereotyping and racial profiling that plagued this case. Why did this happen? What were the objective and neutral criteria used to bring these charges? Why was he held in solitary confinement, unable to exercise, prohibited from speaking Chinese to his family, and subjected to extraordinary conditions of confinement?

The implications of this case go well beyond the Chinese and Asian-American community. It concerns other minority communities, racial profiling in law enforcement, and stereotyping all across the country. America's law enforcement agencies and the FBI should not be targeting individuals based solely on their race or ethnicity. Several years ago, after the bombing at the Oklahoma City Federal Building, too many people were quick to blame foreigners and Arab terrorists. That tragedy reminded us of the important lesson of not jumping to conclusions. Evidently, that lesson has been forgotten.

Rep. ROBERT UNDERWOOD, Chair of the Congressional Asian Pacific American Caucus, has written to President Clinton to urge the establishment of an independent, bi-partisan commission to investigate the handling of the case of Dr. Wen Ho Lee. This important step would help reveal the truth and help depoliticize the issue. A formal Commission of national stature to review these issues would be an important step forward. This independent Commission should have subpoena power. I would like to see the release of documents that the defense would have used during discovery in order to determine whether there were appropriate criteria used to target Dr. Wen Ho Lee. The Organization of Chinese Americans [OCA] has also called for an independent inquiry into how this case was investigated and prosecuted by Federal agencies.

It is important to remind government officials, law enforcement agencies, and the media that our nation's underlying guarantee of equal and fair treatment before the law applies to all Americans, including Chinese and Asian Pacific Americans. Many think Dr. Lee's case was influenced by biased media coverage, political partisanship, attempts to scapegoat someone for the Department of Energy's lax security procedures. Bail hearing testimony by government investigators admitting erroneous statements about Dr. Lee's actions are particularly troubling. As a nation, we can and must do better.

I look forward to the establishment of an independent Commission and the results of the Commission's fact finding mission. Regardless of these findings, we must keep in mind the lessons of the Oklahoma bombing and recognize that racial profiling and stereotyping are unfair and may violate our civil rights. We must work to ensure that the principles of innocent until proven guilty and due process are more than mere rhetoric. We must ensure they remain core American values protecting all Americans.

In closing, I want to thank Congresswoman MINK for organizing this Special Order and highlighting these important issues.

Ms. WATERS. Mr. Speaker, I rise today to express my concerns about the unjust treatment and confinement of Dr. Wen Ho Lee, a former Los Alamos scientist.

Dr. Wen Ho Lee was arrested by the FBI on December 10, 1999, when a grand jury issued a 59-count indictment charging him with stealing nuclear secrets from a classified Los Alamos computer. U.S. District Judge James Parker denied bail for Dr. Lee, citing seven missing computer tapes of nuclear secrets and the possibility that his release could harm U.S. national security. Dr. Lee was held in solitary confinement for the following nine months and shackled whenever he was outside of his cell.

Dr. Lee's confinement was clearly unnecessary. He had not been convicted of any crime and was considered innocent under the law throughout his confinement. On August 17, 2000, FBI agent Robert Messemer admitted that he gave false testimony against Dr. Lee at his bail hearing the previous December. Furthermore, on September 10, 2000, the Department of Justice announced that Dr. Lee would go free after pleading guilty to just one of the original 59 felony counts against him. All other counts against him were dropped. When the Executive Branch agreed to release him without any conditions, it became apparent that it had never been necessary to confine him.

We will never know the reasons why the Federal Government confined Dr. Lee and treated him so harshly. The plea agreement reached by Dr. Lee and the Department of Justice shields the Executive Branch from disclosing information that might have provided an explanation.

Dr. Lee's unjust confinement and the cruelty of the conditions under which he was confined are a disgrace to the FBI, the Department of Justice and the entire nation. No American citizen should ever be unnecessarily confined by the U.S. Government. I am deeply sorry about the unjust treatment Dr. Lee received, and I

urge my colleagues to work diligently to ensure that no other citizen will ever be forced to endure this type of treatment.

GENERAL LEAVE

Mrs. MINK of Hawaii. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on my special order tonight.

The SPEAKER pro tempore (Mr. MICA). Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

## SOCIAL SECURITY SOLVENCY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, to whoever might be looking at this session, this is going to be sort of a briefing on Social Security.

Social Security has come to the forefront of one of the very important issues in this Presidential debate, certainly with every senior, certainly also with every worker in this country as they now pay more into the Social Security tax than they do in the income tax, and certainly for our kids, our grandkids, those kids that are not born yet, is Social Security going to be there for them.

Let me start with my first chart. I would like to thank Senator ROD GRAMS from Minnesota. He has introduced legislation to keep Social Security solvent, as I have. I have been chairing the bipartisan Social Security Task Force of the Committee on the Budget and, so, we have been working on Social Security for the last 5 years trying to get public attention to the fact that Social Security is insolvent and eventually there is going to be less money coming in than is required for benefits and the challenge facing this country if we are going to make a commitment not to reduce benefits, and we should do that, not to increase taxes even further on workers in this country, and we should do that.

When Franklin Delano Roosevelt created the Social Security program over 6 decades ago, he wanted it to feature a private sector component to build retirement income. Social Security was supposed to be one leg of a three-legged stool to support retirees. It was supposed to go hand-in-hand with personal savings and private pension plans.

In fact, it is interesting, looking up and researching in the archives in 1935, the Senate on two occasions voted that private personal investments should be an option to the Government handling the system. When it finally went to the conference committee between the House and the Senate, it turned around strictly to a Government-run program, a pay-as-you-go program where current workers pay in their taxes and immediately it goes out to current retirees.

This is Berry Pump, an intern that is going to be helping me, from Iowa. So our intern program is an excellent opportunity for juniors in high school. So, Berry, thank you very much.

The system really is now stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. That means they go out of the, if you will, paying in mode, paying their Social Security taxes, to the taking out mode. And these baby boomers are at the high end of the income scale, so they pay a much higher tax since our tax now is 12.4 percent on the first $76,000. Social Security expending exceeds tax revenues in 2015, and so the problem is where do we start getting the extra money starting in 2015.

The bottom blip is Social Security trust funds go broke in 2037, although the crisis could arrive much sooner. And the crisis is trying to come up with that money. The danger historically as we look at what has happened through history, politicians in Washington and the President, for example, in 1997 and again in 1983, when money was short to pay out benefits, legislation was passed to reduce benefits and increase taxes. And that is why it is so very important that we deal with this problem now, we do not delay, we do not put it off. The longer we put off this problem, the more drastic the changes are going to have to be. So I think it is very important that we deal with this very important program as soon as we can.

Some have said, well, these are just people's estimates of the future. Not so. Insolvency is an absolute. Insolvency is certain. We know how many people there are and we know when they are going to retire. We count the people. We know what their ages are. We know what their earning is, how much they are paying in. We know that people will live longer in retirement.

When Social Security started in 1935, the average age of death was 62 years. For this pay-as-you-go program, that meant most people paid in all their lives but never took anything out. It worked very well. But now the life span of individuals has been increasing substantially. We know how much these individuals will pay in, how much they will take out. The payroll taxes will not cover benefits starting in 2015. And the shortfalls will add up to $120 trillion between 2015 and 2075.

So, in tomorrow's dollars, in those inflated dollars, it is going to take $120 trillion more than the tax revenue coming in from the Social Security tax to pay benefits.

I suspect most of us do not know how much really a trillion dollars is. I certainly do not. But you can compare it maybe with our annual budget, which now is approximately $1.8 trillion annual budget. It is a huge challenge. And that is why it has been so easy for this Chamber and the Senate and the President not to take action on it. It is too easy to demagogue. And with this Chamber running for election every 2 years, it is easy to put it off. We cannot do that any more. It is not fair to our kids. It is not fair to our grand kids. Our pay-as-you-go retirement system will not meet the challenge of demographic change.

This is an example of workers per Social Security beneficiary. Back in 1940, there were 38 workers in this country paying in their Social Security tax for every one retiree. Now there are three workers paying in their increased Social Security tax for every one retiree. And by 2025 there is going to be two workers paying in their Social Security tax for every one retiree.

This was developed because of demographic changes. One is the falling birth rate after the baby boomers after World War II. So the number of workers has not increased at the rate it was in the past. And secondly, the life span is tremendously increased. So if you reach retirement age, 65, then on average you are going to live another 18 to 20 years. So life span is going up, the number of workers' birth rate is going down, and that leaves us with a huge problem of insolvency.

The little blue blip on the top left, maybe it should be green, is the period between now and someplace around 2015 when there are more revenues coming in from Social Security taxes than is used to pay benefits. The reason there is a surplus now in the Social Security tax is because we raised the Social Security tax, Congress and the President raised the Social Security tax substantially in 1983. And we will be looking at that chart in a moment.

What happens after 2015 is the shortfall. The red represents how much money we are going to need above and beyond the Social Security taxes that will be coming in from American workers.

Berry will help us with the next five.

Some have suggested we really do not need to do anything now because economic growth is great, we are going along smoothly. The fact is economic growth will not solve the Social Security problem. Let me tell you why. Social Security benefits are indexed to wage growth. In other words, the more wages you earn, the more taxes you pay in earlier. But when you retire, the more benefits you will get out because the benefits are directly related to the wages you earn.

When the economy grows, workers pay more in taxes but also will earn more in benefits when they retire.

□ 2000

Growth makes the numbers look better now but leaves a larger hole to fill later. That is what has happened. Three years ago, we were going to run out of money by 2012; but with the economy expanding, now the projection is that we are going to have less money than needed 3 years later, in 2015. But when these people retire, then they are going to take out more. So over the long run, it does not offer a solution to Social Security.

The administration has used these short-term advantages as an excuse to

do nothing. Politicians have used this as an excuse to do nothing. I think the fact is clear that many people have called this the third rail of politics. They have suggested if you come up with a fix for Social Security, you are going to be criticized so aggressively by one of the most powerful groups in this Nation, the AARP is going to say, ''Don't mess around with our Social Security.''

Working as chairman of the bipartisan Social Security task force, it was interesting to find out that the people from AARP understand the problems with Social Security and so they are no longer criticizing individuals or the Presidential candidates that come up with potential solutions for Social Security because they know it is a huge problem in the future.

There is no Social Security account with your name on it. A couple of footnotes on this issue. The Supreme Court on two occasions now has ruled that there is no entitlement, no connection, between the Social Security taxes that you pay in and your rights to have any benefits. These trust fund balances are available to finance future benefit payments and other trust fund expenditures but only in a bookkeeping sense. They are claims on the Treasury that when redeemed will have to be financed by raising taxes, borrowing from the public, reducing benefits or somehow reducing other expenditures. This is from the Office of Management and Budget.

Some have compared the trust fund, that it is somehow a magical safeguard, that the money will be there. I like to use the comparison, what would happen with or without a trust fund, if we had no trust fund, coming up with the money to meet our promises, and I think we are going to do that. I think we have got to do that. If there was no trust fund, you would come up with the money in one of three ways: You would either reduce other spending, increase borrowing or increase taxes or reduce benefits.

If there is a trust fund and you start calling on the trust fund but it is a bunch of IOUs in a box, government still has to come up with those same alternatives to pay back the money that has been borrowed from the trust fund and, that is, you increase borrowing, you increase taxes, you reduce benefits or you cut other expenditures. I do not think this body or the President is going to cut other expenditures of the Federal Government to the extent that is needed to cover the Social Security shortfall. I think the greater danger is in a continuing decision to say, ''Well, it's easier just to raise taxes a little bit or cut benefits a little bit.''

Some have suggested that if we just pay down the debt held by the public and use that interest savings, that will help take care of the problem of Social Security and keep it solvent until 2057. In fact, Vice President GORE's plan, in effect, says, Let us add another giant IOU to the Social Security trust fund. But in trying to look at the problem of coming up with the finances necessary, and it is going to take $46.6 trillion to come up with the money to pay off Social Security until 2057. You cannot do that.

This is the total debt held by the public. This is the total debt that everybody is talking about, bragging about, being able to pay down maybe in the next 10 to 12 years. The interest savings from that $3.4 trillion can never solve a $46.6 trillion problem. So adding another IOU to the trust fund will not work.

I have demonstrated this same problem in another graph. If you will, paying off the trust fund over this same period of time, we start with about a $180 billion a year savings in interest charges if we are going to pay off the $3.4 trillion of debt held by the public. That grows around to 2018 to be about $260 billion a year, and so the blue line represents, assuming that this $260 billion a year is now going to be dedicated every year to Social Security, it still only represents that bottom two inches of an 18-inch problem. And so the shortfall still remains $35 trillion. So to simply say we are going to add an IOU and somehow government is going to come up with the money and add this extra interest charge, interest savings to the Social Security trust fund is not going to solve the problem even if all the money was there.

But again the problem is, where do you come up with the dollars? You come up with it by increasing taxes, cutting benefits, increasing borrowing. Just for the next 57 years, if we were to borrow that extra $35 trillion, the economists suggest that that would so disrupt the market and the economy in this country that it is not feasible. Remember, I said for 75 years it is going to take $120 trillion. There has got to be program changes. They can be made. ROD GRAMS and I and several others have introduced legislation that do not reduce a current or near-term retiree's benefits, that end up trying to accommodate by having a greater return on some of that investment that the worker is sending in in taxes. The average worker now is only getting less than a 2 percent return on those Social Security taxes they send in and we can do much better than that.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $20 trillion. Let me sort of go over these numbers. Over the next 75 years in today's dollars, it would be $20 trillion. If we could come up with the $20 trillion now and start earning interest on it, we could solve the problem. If we wait year by year, then it is $120 trillion over the next 75 years and it is the 46, $47 trillion until 2057 when Vice President GORE says that it is going to keep the trust fund solvent. The Social Security trust fund contains nothing but IOUs. To keep paying promised Social Security benefits, the payroll tax will have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent. I say that not to scare people but just to try to send the message that the longer we delay, the more drastic the solution. Something has got to be done now, because I think it would be unconscionable to increase taxes even further.

The Social Security lock box. A little gimmicky maybe. I introduced a bill so that we would not spend any of the Social Security surplus. But this Congress has been spending the Social Security surplus for the last 40 years. So any extra money that comes into the Social Security trust fund has been spent for other government programs. The bad part of that is that it becomes almost an entitlement. Any program spending that we spend for 2 or 3 years, there is such a lobbying group, an infrastructure built up to insist that we continue spending that money that government has continued to grow. So increasing discretionary domestic social spending is very dangerous in terms of the obligations to our kids and our grandkids on future generations.

The Social Security lockbox is what Republicans made. The decision was a good way to put that Social Security surplus aside, not spend it on other government programs, and it sort of ended up reducing the amount that we spend on government. That means that it has helped give us the kind of huge surplus that we are now experiencing this calendar year and again next year. It is interesting. The Vice President has said the lockbox is a good idea but I would remind everyone, Mr. Speaker, that we passed the lockbox legislation in this Chamber, we sent it to the Senate, and now the Senate Democrats are filibustering the lockbox law that we sent them. If the Vice President would ask the Democrats in the Senate to pass that bill, there is no doubt in my mind that it would be passed and sent to the President for signature.

I am going to get in a little bit to talking about the diminishing returns on your Social Security investment. The real return of Social Security is less than 2 percent. It is about 1.9 percent on average for all workers. But it shows a negative return for some workers compared to the over 7 percent real return that you can get on average over the last 120 years in the stock market.

As you look at this chart, and I hope the cameras can show it closely enough, minorities on average are going to have a negative return on the money they send in for Social Security. A young black male working today on average will die at age 62½. That means that they will pay in Social Security taxes all their life and not be entitled to anything except a $240 death tax for burial. So they are really getting gypped. The average again is 1.9 percent. Compare that to the market of real return of 7 percent. So if you can get a better return on some of that money being sent in for

Social Security, that has got to be part of the solution.

Then part of the problem is the transition cost. How do we make this transition from wanting to start some of those retirement accounts that are going to get some of the higher interest rate returns and the challenge, of course, is using some of the surplus coming in to government today, some of the Social Security surplus, some of the general fund surplus to start some real investments that are going to give Americans an average income worker the opportunity to be a rich retiree.

With this chart, I have attempted to demonstrate in another way what a bad investment Social Security is. This does not include the disability insurance. So the disability insurance is an absolute. No plan touches the disability insurance. So that part is insurance. You take your chances. Some people need the disability insurance and some do not. What I am talking about is the retirement, the rest of, I think it is approximately 10.4 percent of the 12.4 percent that is used for retirement purposes. And so that is what we are talking about. To get that portion back, if you retired in 1940, then that was pretty good. Taxes were not very high in those early years and you received everything you and your employer put into Social Security taxes and you received that back in 2 months. In 1960, it took 2 years to get it back. In 1980, it took 4 years to get it back. In 1995, if you retired in 1995, you have got to live 16 years after you retire to get your Social Security benefits back that you paid in, to break even for what you and your employer put into Social Security taxes. And you see 2015, 26 years; 2025, 26 years. The reason this goes down a skosh is because of the fact that in 1983 when they passed that law, they actually increased the retirement age gradually, so now it goes gradually up from 65 to 67 over the next 20 years.

This is a picture of Bonnie's and my grandkids. I have the picture on the wall of my office. When I come to vote in this Chamber on legislation, I look at that picture and think how is it going to affect my grandkids, 10, 20, 30, 40, 50 years from now. Our youngest here is Frances and our oldest in this picture is Nick, but both of them are going to have real challenges if they are ever going to get Social Security back.

□ 2015

It is interesting that young people today do not believe that Social Security is going to be there yet they are saving less than the previous generations of young people. How do we encourage more savings? The challenge is to fix this program now, because if we simply add IOUs to the trust fund, if we simply say that look, we are going to pass a law and put $20 trillion in the trust fund, then the actuaries would score Social Security as solvent for the next 75 years. The problem is still when there is less money coming in in taxes in 2015 than what is needed for benefits, where do you come up with the money?

I am afraid what is going to happen if we continue to put off solving this problem is my grandkids, your kids and grandkids and their kids, are going to end up paying huge taxes. Right now the estimate is that if we do nothing to cover medicaid, Medicare and Social Security, you would have to go to a 47 percent tax on payroll. Our economy in this country was built on encouraging those people that work and that save, that try and invest, and if we were to put that kind of taxes on our workers I think there would be a generational rebellion. If we simply say, look, we are going to live how we want to live today and somehow make our kids and our grandkids pay for it later, we cannot do that.

This is Salina; this is James; this is Henry; this is George, he is a real tiger; Emily; and I have actually two more grandkids I will have in the next couple of months. Maybe it is a situation where if all of us were grandfathers and we were in this chamber and we were concerned about the obligations that we are putting on our kids and grandkids as we make decisions to pass laws to make our lives easier now but put the debt on them, we have a $5.6 trillion debt that needs to be paid down.

This is a chart on taxes. So just briefly in 1940 the Social Security tax was 2 percent on the first $3,000, or a maximum of $60. By 1960 it was 6 percent on the first $4,800, or a maximum of $288. By 1980 it was 10.16 percent of the first $25,900, for a total of $2,630. Today it is 12.4 percent on the first $76,200, for a total of $9,448.

If we continue to add benefits to Social Security, not correct the problems with Social Security, then it is going to be my grandkids and your grandkids that are going to be facing the kind of increased tax that is going to be intolerable.

Seventy-eight percent of families, working families in the United States, now pay more in the payroll tax than they do in the income tax. So we continue to raise this payroll tax. It is a tax that hurts low-income people much more than high income people. It is the kind of tax that we should not be increasing. So let us not do it.

The 6 principles that I agree with that Senator ROD GRAMS has agreed with, that Governor George W. Bush has agreed with, are we protect current and future beneficiaries. We allow freedom of choice. We preserve the safety net. We make Americans better off, not worse off. We create a fully funded system and no tax increases, and no reductions in benefits for those retirees, or near-term retirees.

Personal retirement accounts, they do not come out of Social Security; they help Social Security earn more money to assure that those benefits are going to be there. They become part of your Social Security retirement benefits and a worker will own his or her own retirement account. That means if an individual might die before they are eligible for retirement, the money goes into their estate. Unlike today, if you die before your retirement then there is nothing there and it simply is added to the pot for other future retirees and beneficiaries and disability individuals; limited to safe investments that will earn more than the 1.9 percent paid by Social Security. So nobody is suggesting that we simply give this money to individuals and they be allowed to invest it however they want. All of the plans that I have seen say that it has to be a structured, limited type investment, something like maybe a 401(k), something like the Federal Thrift Savings Plan, where you choose from several safe investments; you have some options but they are all safe investments. In my bill that I introduced, I limit it to four safe investments with a potential expansion of additional safe investments that is decided by the treasurer of the United States.

So the point is can we get a better return on our investment than 1.9 percent? The answer is, yes.

I borrowed this from Senator GRAMS because I think it is so important that we have to make sure we do this with the prerequisite that we do not increase taxes and that we do not reduce benefits for retirees or near-term retirees. Term retirement accounts offer more retirement security. If John Doe makes an average of $36,000 a year, he can expect monthly payments of $1,280 from Social Security. If he puts 10 percent of the 12.4 percent into a savings account, he can get $6,000 a month from his personal retirement savings account.

Remember the picture of Nicholas, my oldest grandson, he painted my fence last year and I said, look, you have $180. I would like you to put it in a Roth IRA, and he said, gosh, grandpa, I sure wanted to put that in the bank and maybe buy a car when I was 16. So I went step through step trying to explain the magic of compound interest and what it would do every year if it was drawing the kind of interest that the equity stock markets have averaged over the last 20 years, the ups and downs. So I went through this and I said, look, by the time you are 68, that $180 will have grown to almost $64,000, and if you wait another 6 years and 8 months, it will be almost $140,000.

He seemed impressed but he said, well, grandpa, can I just maybe put a little bit of it in that Roth IRA and then put the rest in the bank for a car? And I think it demonstrates sort of part of the problem today to encourage people to save. It is so important that everyone, Mr. Speaker, everyone, young, medium age, older age, discipline themselves to put more money in a savings account. The savings account in the United States of America is one of the lowest out of the industrialized world. We have to do better in encouraging savings. This Chamber has

come a long ways, developing the regular IRA, the Roth IRA. Now in a bill that we have sent to the Senate, we expand how much you are allowed to save in those IRAs; educational savings accounts. It is important that we encourage that extra savings, but it is even more important that we deal with Social Security and not put it off.

In the law of 1935, we left it operational for State and local governments whether they wanted to get in the Social Security program or have their own retirement program. Galveston County, Texas, was a county that decided it wanted to do its own investments so their employees do not have the payroll deduction. They have a deduction that goes into their personal retirement savings accounts.

Let me just compare Galveston with Social Security. Death benefits now in Galveston are $75,000 with a Social Security burial benefit of $253. The disability benefit per month under the Galveston plan is $2,749. With Social Security it would be $1,280. The retirement benefits per month in Galveston, this is disability, the retirement benefits are $4,790 compared to $1,280. It is an example of how real investments can make a much greater difference than what is happening in the pay-as-you-go Social Security program. Social Security is sort of like, I saw a cartoon I think was interesting that represented the pay-as-you-go program. It had this person coming in to Uncle Sam with a hat on in the cartoon saying, well, now just how does Social Security work? And Uncle Sam was saying, well, see this list here. Now, you send money to the name on the top of this list and you add your name to the bottom of this list, and then when you retire you will get all this money.

A chain letter is sort of like the Social Security program. You depend on somebody else later on that might send you that money when you retire, and that is dangerous.

Spouses and survivors benefits under the Galveston County plan, and I quote this young lady that gave this quote, she said, thank God that some wise man privatized Social Security here. If I had regular Social Security, I would be broke.

After her husband died, Winnie Colehill used her death benefit check of $126,000 to pay for his funeral and she also entered college herself. Under Social Security, she would have gotten $255.

San Diego has a similar plan. San Diego enjoys PRAs, personal retirement accounts. A 30-year-old employee who earns a salary of $30,000 for 35 years and contributes 6 percent to his PRA would receive $3,000 per month in retirement benefits. Under the current system, he would contribute twice as much to Social Security but receive only $1,077; $1,077 in Social Security compared to $3,000 per month in their retirement plan.

The difference between San Diego's system of PRAs and Social Security is more than the difference in a check. It is also the difference between ownership and dependence. It is you owning that amount of money; not leaving it up to politicians to mess around with that money or your potential future benefits.

I thought this was very interesting. Even those who oppose PRAs agree they offer more retirement security, and I am quoting from a letter from Senator BARBARA BOXER and Senator DIANE FEINSTEIN and Senator TED KENNEDY to President Clinton on April 22, 1999, in support of allowing San Diego to keep continuing with their private retirement system. They said in this letter, millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security, and that is the truth. So why do not we do it?

□ 2030

The U.S. trails other countries in saving its retirement system. As advanced as we are and as smart as we are, other countries are moving ahead of us with their retirement systems that they are starting to get real investment returns from.

In the 18 years since Chile offered the PRAs, 95 percent of Chilean workers have created accounts. Their average rate of return has been 11.3 percent for years. Among others, Australia, Britain, Switzerland, they offer their workers PRA. It becomes an option to own their own savings account where they can get their own returns on that money.

British workers choose PRAs. With the 10 percent returns, we cannot blame them. Two out of three British workers, and this is a socialist country, enrolled in the second-tier social security system chose to enroll in PRAs. British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of these personal retirement accounts in Britain now exceeds nearly $1.4 trillion, larger than the entire economy of Great Britain.

Based on a family income of $58,475, the return on a PRA is even better. Over a 20-year period, if you put in 10 percent of your payroll, you would end up having $274,000. The bottom blue mark is 2 percent of your payroll. At 2 percent of your payroll, it is $55,000. If we left it in for 30 years, and here again is the magic of compound interest, these investments held over that 30 or 40 years is so significant, and can again make an average income worker a rich retiree.

If one leaves it in for 40 years, and we are allowed to put in 10 percent of the payroll, and social security now takes 12.4 percent, we would have $1,389,000. If one was to get a 5 percent return on that money, it would still be about $70,000 a year without even going into the principal.

Again, let me conclude by saying 78 percent of families pay more in payroll taxes than income taxes. Several of us, bipartisan, when I chaired the social security bipartisan task force, it was interesting that the demographics, the current demographics of how long people are expected to live and therefore how much it is going to cost future taxpayers to pay their benefits. With our medical technology, some medical futurists are now estimating that within 25 years a person will be able to live to be 100 years old if they want to. Within 35 to 40 years, an individual can live to be 110 years old .

Are we doing what we need to do as individuals in putting aside savings to accommodate the kind of living standard that the future kind of medical technology is going to allow? Of course, if that happens to social security, then the tremendous extra pressures on social security in future generations that are going to have to pay the increased tax will occur.

Right now we are talking about adding prescription drugs to Medicare. Medicare could go broke with the legislation that has passed as early as 2004 or 2005. If we add prescription drugs to it, then my guess is a couple of things will happen. We end up with a government-run program that if it starts costing too much, it is going to look at rationing. That rationing is going to hold true whether it is Medicare and the government running that program, or whether it is social security.

So my bottom line, Mr. Speaker, is, let us not delay. Let us not neglect this promise any longer. We have lost the last 8 years. Let us make sure that we move ahead with this next administration and come up with a program that will keep social security solvent.

## THE PROBLEM OF ILLEGAL NARCOTICS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, usually I come on Tuesday nights to address the House on the problem of illegal narcotics in our society, and what the Congress can do working together to try to resolve the problem of drugs.

Tonight I will only have a few minutes to sort of summarize, because our time is limited.

We have watched on television, a front line report about illegal narcotics. It has gotten the attention of many Americans and Members of Congress.

I came to the floor about a week or two ago and held up this chart. I chair the Subcommittee on Criminal Justice, Drug Policy, and Human Resources. It is one of the most shocking statistics or report that I have ever received as a Member of Congress or chairing a committee responsible for drug policy.

For the first time in the history of recordkeeping of the United States, drug-induced deaths in 1998 exceeded murder, homicides, in this country. That means we had more people dying

from drug overdoses and drug-induced deaths than murders or homicides across our land. That, unfortunately, has been repeated in my community in Central Florida, and it is a very serious problem.

One of the things we have heard is that the war on drugs is a failure. It is very important that the American people and the Congress understand that the war on drugs basically was closed down at the beginning of the Clinton administration.

If we look at long-term trends and lifetime prevalence of drug use, we see that during the Reagan administration and Bush administration there was a 50 percent drop in drug abuse. If one in fact looks at that Frontline report that has been published and viewed across the country lately, we hear of all the things that were instituted: the Andean strategy, the stopping drugs at their source, the Vice President's task force, even going after Noriega for drug trafficking and money laundering of drugs in the Bush administration in 1989. Then we see a dramatic decrease in drug use in the country, a 50 percent reduction.

In the Clinton administration, where we have the ''just say maybe'' policy, where we appoint a chief health officer like Joycelyn Elders as a Surgeon General who says, just say maybe, to our kids, where we abolish the international programs to stop drugs at their source, we have a flood and a huge supply of narcotics. Treatment can never keep up with what we see here and the failure of this administration, and certainly the deaths that we see and the destruction, the devastation.

The other thing is that we do not spend enough money on treatment. That is the line that the Clinton administration used when they took over. Here, we will see the treatment money was being expended and increased under the Bush administration and under the Reagan administration. They also had dramatic programs to deal with the supply, and they cut down the supply.

Here we see treatment spending during the Democrat control, even the Republican control, almost a doubling in treatment over these years. Yet, we see an incredible plague upon our cities.

So we cannot just treat ourselves out of this problem, we have to have a combination of eradication, interdiction, enforcement, education, and also prevention programs that work. Finding the prevention and treatment programs that work is so important. We are spending a lot of money on treatment. We have doubled the amount of money on treatment.

The Clinton administration closed down any semblance of a war on drugs. In hearings that we have held, even today, we found that the $300 million that this Congress appropriated for Colombia some 2 years ago, getting the resources to Colombia, were in fact bungled. We find even in a $1 billion education program we are paying 179 percent over industry standards for placement of ads, and instead of paying a 3½ percent industry average commission, we are paying 14 percent plus, so ads are not going on the public education and information media. An anti-narcotics campaign is not what the Congress intended.

Getting the resources from Colombia, which is the source of 70 percent of the heroin and some 80 percent of the cocaine, has not been done. The project as administered by the administration has been bungled. This is the result we see. We are back to a dramatic increase in the number of drug-induced deaths, some 16,926, exceeding for the first time in the recorded history of the United States the homicides or murders in this country.

So when people tell us that the war on drugs is a failure, the Clinton-Gore close-down of the war on drugs indeed led to failure, led to death and destruction. The statistics are very clear.

But a successful program such as the Reagan-Bush administration, even though it was a tough one, even though it was a zero tolerance, had a 50 percent reduction in illegal narcotics use in this country, and dramatically gave us a different picture than what we see here today.

Finally, in conclusion, Mr. Speaker, I was pleased that last Friday was the first time I have heard anyone who assumes to national leadership take the forefront and mention the problem of illegal narcotics. That was Governor Bush from the State of Texas, who I believe was in Iowa and talked about illegal narcotics, brought it up as part of his campaign.

I hope that we have a leader and someone who is willing to provide the direction to provide successful programs, and also to bring this to the attention and provide the national leadership that we so badly need in this area, because for so long it has been swept under the table. For too long it has been ignored by this Congress.

Again, we see the results of this and the tragedy, death, and destruction to our families and our children.

Mr. Speaker, I would mention that we leave with a saddened heart in the loss of our dearly beloved colleague, Mr. Bruce Vento, the distinguished gentleman from Minnesota, and with our deepest sympathy to his family as we now adjourn for the evening.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Mr. GEPHARDT) for today on account of family illness.

Ms. ESHOO (at the request of Mr. GEPHARDT) for September 28 through October 12 on account of family illness.

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of medical reasons.

Mr. NADLER (at the request of Mr. GEPHARDT) for today before 3:30 p.m. on account of official business.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 3:45 p.m. on account of personal business.

Mr. STARK (at the request of Mr. GEPHARDT) for today on account of personal medical reasons.

## 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. ENGEL) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BLILEY, for 5 minutes, today.

## SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

2. 2917. An act to settle the land claims of the Pueblo of Santo Domingo; to the Committee on Resources.

S. Con. Res. 131. Concurrent resolution commemorating the 20th anniversary of the workers' strikes in Poland that led to the creation of the independent trade union Solidarnosc, and for other purposes; to the Committee on International Relations.

S. Con. Res. 148. Concurrent resolution to provide for the disposition and archiving of the records, files, documents, and other materials of joint congressional committees on inaugural ceremonies; to the Committee on House Administration.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2833. An act to establish the Yuma Crossing National Heritage Area.

H.R. 3676. An act to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California.

H.R. 4063. An act to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.

H.R. 4226. An act to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

H.R. 4275. An act to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes.

H.R. 4285. An act to authorize the Secretary of Agriculture to convey certain administrative sites for National Forest System lands in the State of Texas, to convey

certain National Forest System land to the New Waverly Gulf Coast Trades Center, and for other purposes.

H.R. 4613. An act to amend the National Historic Preservation Act for purposes of establishing a national historical lighthouse preservation program.

H.R. 5362. An act to increase the amount of fees charged to employers who are petitioners for the employment of H–1B non-immigrant workers, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

S. 1849. An act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System.

## ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until Monday, October 16, 2000, at 2 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

10553. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting a report entitled, ''Report on the Performance of Department of Defense Commercial Activities,'' pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

10554. A letter from the Secretary of Health and Human Services, transmitting the Native Hawaiian Revolving Loan Fund For Fiscal Years 1998–1999; to the Committee on Education and the Workforce.

10555. A letter from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting the Department's final rule—Nuclear Safety Management (RIN: 1901–AA34) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10556. A letter from the Assistant General Counsel for Regulatory Law, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule—Energy Code for New Federal Commercial and Multi-Family High Rise Residential Buildings [Docket No. EE-RM–79–112–C] (RIN: 1904–AA69) received October 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

10557. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 20–00 which constitutes a Request for Final Approval for the Amendment to the Project Arrangement (PA) on Space Based Surveillance System Concept Studies, Experiments and Trials, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

10558. A letter from the Administrator, General Services Administration, transmitting the Strategic Plan in accordance with the Government Performance and Results Act of 1993; to the Committee on Government Reform.

10559. A letter from the Acting Chairman, U.S. Merit Systems Protection Board, transmitting the Commercial Activities Inventory Report Year 2000; to the Committee on Government Reform.

10560. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in North-Central South Dakota (RIN: 1018–AG26) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10561. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; End of the Primary Season and Resumption of Trip Limits for the Shore-based Fishery for Pacific Whiting [Docket No. 99122347–9347–01; I.D. 090700A] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10562. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; 2000 Specifications Adjustment [Docket No. 991228354–0078–02; I.D. 100300A] (RIN: 0648–AM49) received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10563. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeasten United States; Summer Flounder Fishery; Commercial Quota Harvested for New Jersey [Docket No. 000119014–0137–02; I.D. 100200C] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10564. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Checklist for Section 1503(d) Closing Agreement Request [Rev. Proc. 2000–42] received October 10, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GEKAS: Committee on the Judiciary. H.R. 1924. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescene in, and relitigation of, precedents established in the Federal judicial courts; with an amendment (Rept. 106–976). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. The Vaccine Injury Compensation Program: Addressing Needs and Improving Practices (Rept. 106–977). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3011. A bill to amend the Communications Act of 1934 to improve the disclosure of information concerning telephone charges, and for other purposes; with an amendment (Rept. 106–978). Referred to the Committee of the Whole House on the State of the Union.

## 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. GREENWOOD:

H.R. 5455. A bill to amend the Internal Revenue Code of 1986 to encourage investment in small companies; to the Committee on Ways and Means.

By Mr. LAMPSON (for himself, Mr. OSE, Mr. SHIMKUS, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. PASCRELL, Mr. BRADY of Pennsylvania, Mr. BENTSEN, Mr. STRICKLAND, Mr. HINCHEY, Ms. MILLENDER-MCDONALD, Ms. WOOLSEY, Mr. REYES, Ms. DELAURO, Mr. BORSKI, Mr. HOLDEN, Ms. JACKSON-LEE of Texas, Mr. MASCARA, Ms. HOOLEY of Oregon, Mr. WU, Mr. PHELPS, Mr. FOLEY, Mr. POMEROY, Mr. SANDLIN, Mr. ACKERMAN, Mr. LUTHER, Mr. BROWN of Ohio, Mr. CRAMER, Mr. FATTAH, Mr. GEORGE MILLER of California, Ms. LEE, Mr. ROTHMAN, Mr. LARSON, Mr. FROST, Mr. GREEN of Texas, Mr. GEJDENSON, Mr. RODRIGUEZ, Mr. CROWLEY, Mr. SPRATT, Ms. BERKLEY, Mr. ENGEL, Mrs. CLAYTON, Mr. CONYERS, Mr. THOMPSON of California, Mr. GILMAN, Ms. GRANGER, Mr. ORTIZ, Mr. HINOJOSA, Ms. SANCHEZ, Mrs. MCCARTHY of New York, Ms. BALDWIN, Mr. CHABOT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RUSH, Mr. HOEFFEL, Mr. KILDEE, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. WEXLER, Mr. TIERNEY, Mr. KIND, Mr. BALDACCI, Mr. WYNN, Mr. DOOLEY of California, Mr. EVANS, Ms. VELAZQUEZ, Mr. BOSWELL, Mr. BERRY, Mrs. NAPOLITANO, Mr. COSTELLO, Ms. DUNN, Mr. SAWYER, Mr. FORD, Ms. MCKINNEY, Mr. WAXMAN, Mr. PITTS, Mr. MENENDEZ, Mr. CASTLE, Mr. CLEMENT, Mrs. THURMAN, Mr. SHERMAN, Mr. WEINER, Mr. PALLONE, Mrs. MORELLA, Mr. MCINNIS, Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Ms. PELOSI, Mr. TRAFICANT, Mr. PEASE, Mr. SCOTT, Mrs. FOWLER, Mrs. MEEK of Florida, Mr. GUTKNECHT, Mr. DICKEY, Mr. BLUNT, Mr. UPTON, Mr. MCCRERY, Mr. BONIOR, Mr. BERMAN, Mrs. EMERSON, Mr. WELDON of Florida, Mr. MCINTYRE, and Mr. DOGGETT):

H.R. 5456. A bill to amend title 28, United States Code, to give district courts of the United States jurisdiction over competing State custody determinations, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY (for himself, Mrs. WILSON, and Mr. HUNTER):

H.R. 5457. A bill to provide for the interconnection of distributed generation facilities with local electric distribution systems, and for other purposes; to the Committee on Commerce.

By Mr. BILBRAY:

H.R. 5458. A bill to authorize the investor-owned electric utilities in California to purchase electric power directly from the Bonneville Power Administration at specified

rates, and for other purposes; to the Committee on Commerce.

By Mr. SANFORD (for himself, Mr. LEWIS of Georgia, Mr. TANCREDO, and Ms. MCKINNEY):

H.R. 5459. A bill to direct the Secretary of the Army to recommend a water resources development and conservation project for authorization by Congress only if the project has projected benefits that are at least 1.5 times as great as the project's estimated total cost, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT:

H.R. 5460. A bill to amend the Inspector General Act of 1978 to increase the efficiency and accountability of Offices of Inspector General within Federal departments, and for other purposes; to the Committee on Government Reform.

By Mr. CUNNINGHAM:

H.R. 5461. A bill to amend the Magnuson-STEVENS Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H.R. 5462. A bill to amend title 18, United States Code, to punish the placing of sexual explicit photographs on the Internet without the permission of the persons photographed; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself, Mr. SAM JOHNSON of Texas, and Mr. LEVIN):

H.R. 5463. A bill to amend the Internal Revenue Code of 1986 to affirm the confidentiality of closing and similar agreements and agreements with foreign governments; to the Committee on Ways and Means.

By Mr. INSLEE:

H.R. 5464. A bill to amend the Public Health Service Act to authorize grants to carry out programs to improve recovery rates for organs in eligible hospitals; to the Committee on Commerce.

By Mr. INSLEE:

H.R. 5465. A bill to amend the Public Health Service Act to provide for a National Living Organ Donor Registry; to the Committee on Commerce.

By Mr. MATSUI:

H.R. 5466. A bill to amend the Internal Revenue Code of 1986 to provide for the payment of fellowship benefits to pension plan participants; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York:

H.R. 5467. A bill to provide for substantial reductions in the price of prescription drugs for Medicare beneficiaries and for women diagnosed with breast cancer; 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 Ms. NORTON:

H.R. 5468. A bill to establish the United States Commission on Security in an Open Society; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. CHAMBLISS, Mr. GOODE, Mr. BISHOP, Mr. WICKER, Ms. VELAZQUEZ, Mr. PICKERING, Mr. COBLE, and Mr. GRAHAM):

H.R. 5469. A bill to provide for review in the Court of International Trade of certain determinations of binational panels under the North American Free Trade Agreement; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 5470. A bill to provide for the opposition of the United States to the provision of any resources or assistance by the International Monetary Fund to the Palestinian Authority until the Secretary of State certifies that Israel and the Palestinian Authority have signed an agreement on borders and security arrangements for Israel and a Palestinian state; to the Committee on Banking and Financial Services.

By Mr. SAXTON:

H.R. 5471. A bill to amend the Internal Revenue Code of 1986 to allow individuals an exclusion from gross income for certain amounts of capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mrs. TAUSCHER (for herself, Mrs. MCCARTHY of New York, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Ms. CARSON, Mr. CROWLEY, Ms. JACKSON-LEE of Texas, Ms. LEE, Mrs. MALONEY of New York, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MORAN of Virginia, Mr. NADLER, Mrs. NAPOLITANO, Ms. NORTON, Ms. PELOSI, Ms. SCHAKOWSKY, Mrs. JONES of Ohio, Ms. VELAZQUEZ, Ms. WOOLSEY, Mr. LIPINSKI, Mr. RANGEL, Mr. MATSUI, Mr. HASTINGS of Florida, Mr. ENGEL, Ms. MCCARTHY of Missouri, Mr. KENNEDY of Rhode Island, and Mr. WEINER):

H.R. 5472. A bill to provide grants for the purchase of firearms to States and units of local government that enforce certain rules designed to protect the public from the misuse of handguns; to the Committee on the Judiciary.

By Mr. LEACH:

H.J. Res. 113. A joint resolution proposing an amendment to the Constitution of the United States to abolish the electoral college and to provide for the direct popular election of the President and Vice President of the United States; to the Committee on the Judiciary.

By Mr. LANTOS (for himself, Mr. GILMAN, Mr. SMITH of New Jersey, and Mr. BERMAN):

H. Con. Res. 425. Concurrent resolution expressing the sense of the Congress that the continued participation of the Russian Federation in the Group of Eight must be conditioned on Russia's own voluntary acceptance of and adherence to the norms and standards of democracy; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. GEJDENSON, Mr. ARMEY, Mr. GEPHARDT, Mr. BRADY of Texas, Mr. ACKERMAN, Mr. BURTON of Indiana, Mr. BEREUTER, Ms. BERKLEY, Mr. CANNON, Mr. CHABOT, Mr. BERMAN, Mr. DIAZ-BALART, Mr. COOKSEY, Mr. CARDIN, Mr. CUNNINGHAM, Mr. CROWLEY, Mr. EHLERS,, Ms. DELAURO, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. DEUTSCH, Mr. ENGEL, Mr. GEKAS, Mr. GILLMOR, Mr. GALLEGLY, Mr. FROST, Mrs. KELLY, Mr. HOBSON, Mr. HASTINGS of Florida, Mr. HOEFFEL, Mr. KINGSTON, Mr. LAZIO, Mr. LANTOS, Mr. LEACH, Mrs. LOWEY, Mrs. MORELLA, Mr. MCCOLLUM, Mrs. MCCARTHY of New York, Mr. MENENDEZ, Mr. MICA, Mr. MALONEY of Connecticut, Mr. NADLER, Mr. OSE, Mr. ROTHMAN, Ms. SCHAKOWSKY, Mr. ROHRABACHER, Mr. SALMON, Mr. SHERMAN, Ms. ROS-LEHTINEN, Mr. SISISKY, Mrs. ROUKEMA, Mr. WAXMAN, Mr. SHAW, Mr. WEINER, Mr. SMITH of New Jersey, Mr. WEXLER, Mr. SMITH of Michigan, Mr. STEARNS, Mr. WELDON of Pennsylvania, Mr. WELLER, Mr. WEYGAND, Mr. WYNN, and Mr. HOLT):

H. Con. Res. 426. Concurrent resolution concerning the violence in the Middle East; to the Committee on International Relations.

By Mr. SESSIONS:

H. Con. Res. 427. Concurrent resolution directing the Secretary of the Senate to correct the enrollment of the bill S. 3186; considered and agreed to.

By Mr. UPTON:

H. Con. Res. 428. Concurrent resolution providing for corrections in the enrollment of the bill (H.R. 5164) amending title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; considered and agree to.

By Mr. BILBRAY:

H. Con. Res. 429. Concurrent resolution expressing the sense of Congress regarding the electricity crisis in San Diego and Orange Counties in California; to the Committee on Commerce.

By Mr. BILBRAY (for himself, Mr. HUNTER, Mr. PACKARD, and Mr. CUNNINGHAM):

H. Res. 629. A resolution expressing the sense of the House of Representatives that the basic allowance for housing for members of the Armed Forces stationed in San Diego and Orange Counties, California, should be increased to compensate for increased energy costs there; to the Committee on Armed Services.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 450: Mr. WALDEN of Oregon.

H.R. 531: Ms. MCCARTHY of Missouri.

H.R. 632: Mr. FRANKS of New Jersey.

H.R. 842: Mr. THOMPSON of California and Mr. MASCARA.

H.R. 1071: Mr. MENENDEZ.

H.R. 1092: Mr. GOODLATTE.

H.R. 1187: Mr. MORAN of Kansas.

H.R. 1285: Ms. WOOLSEY.

H.R. 1303: Mr. MCNULTY and Mr. COX.

H.R. 1388: Mr. GOODE and Mr. GOODLING.

H.R. 1965: Ms. PELOSI.

H.R. 2457: Mr. DOGGETT.

H.R. 2467: Mr. TOOMEY.

H.R. 2702: Mr. UDALL of Colorado.

H.R. 2720: Mrs. EMERSON.

H.R. 2953: Mr. NORWOOD, Mr. WEINER and Mr. WALSH.

H.R. 3003: Mr. SPENCE.

H.R. 3214: Ms. GRANGER, Ms. VELAZQUEZ, and Mr. NADLER.

H.R. 3565: Mr. FOLEY.

H.R. 3677: Mr. REYNOLDS.

H.R. 3700: Mr. BALDACCI, Mrs. MALONEY of New York, and Mr. ALLEN.

H.R. 3872: Mr. EVANS and Mr. CLEMENT.

H.R. 3915: Mr. SANDLIN and Mr. QUINN.

H.R. 4025: Mr. GILLMOR and Mr. NEY.

H.R. 4213: Mr. WALDEN of Oregon.

H.R. 4277: Mr. MINGE.

H.R. 4360: Mr. DICKS and Mr. KIND.

H.R. 4390: Mr. LAFALCE.

H.R. 4393: Mr. FRANKS of New Jersey.

H.R. 4543: Mr. STRICKLAND, Mrs. JONES of Ohio, and Mr. SAWYER.

H.R. 4728: Mr. REYNOLDS, Mr. INSLEE, and Mr. PICKETT.

H.R. 4848: Mr. UDALL of New Mexico and Mr. FORD.

H.R. 4874: Mr. CLYBURN and Mr. Spratt.

H.R. 4949: Mrs. CAPPS.

H.R. 5055: Mr. HILLIARD.

H.R. 5121: Mr. DIAZ-BALART and Mr. HASTINGS of Florida.

H.R. 5132: Mr. MCDERMOTT, Mr. NADLER, and Mr. HALL of Ohio.

H.R. 5152: Mr. MCCOLLUM, Mrs. JONES of Ohio, and Mr. MCHUGH.

H.R. 5174: Mr. FRELINGHUYSEN, Mr. FROST, and Mr. BRADY of Texas.

H.R. 5185: Mr. WEXLER.

H.R. 5258: Mr. GRAHAM, Mr. REYES, Mr. DEUTSCH, Mr. EHRLICH, Mr. GUTIERREZ, Ms. RIVERS, Ms. LOFGREN, Mr. TURNER, Mr. CONDIT, Ms. SCHAKOWSKY, Mr. FILNER, Mr. UDALL of Colorado, Mr. BENTSEN, Mr. EDWARDS, Mr. GONZALEZ, Mr. GREEN of Wisconsin, Mr. LAMPSON, Mr. ORTIZ, Mr. RODRIGUEZ, and Mr. STENHOLM.

H.R. 5306: Mr. NORWOOD, Mr. TIAHRT, and Mr. CANNON.

H.R. 5308: Mr. COBURN.

H.R. 5339: Mr. SANDERS, Mr. SERRANO, Mr. SWEENEY, Mr. BLUMENAUER, Mr. ABERCROMBIE, and Mr. KUCINICH.

H.R. 5342: Mr. KUCINICH, Mr. STENHOLM, Mr. DOYLE, Mr. PHELPS, and Mr. KENNEDY of Rhode Island.

H.R. 5345: Mr. HINCHEY, Ms. DEGETTE, and Mr. KUCINICH.

H.R. 5350: Mr. GILLMOR.

H.R. 5367: Mr. LEACH, Mr. MANZULLO, and Mr. MINGE.

H.R. 5381: Mr. ROGERS.

H.R. 5382: Mr. ROGERS and Mr. JENKINS.

H.R. 5397: Mr. ALLEN, Mr. WEXLER, Mr. PICKETT, and Mr. FORD.

H.R. 5409: Mr. KINGSTON.

H.R. 5418: Mr. DOYLE.

H.R. 5438: Mr. FILNER.

H.J. Res. 107: Mr. LANTOS.

H. Con. Res. 337: Mr. NORWOOD and Mrs. MALONEY of New York.

H. Con. Res. 340: Ms. MILLENDER-MCDONALD and Ms. WATERS.

H. Con. Res. 341: Mr. CANADY of Florida, Mr. CANNON, and Mr. DUNCAN.

H. Con. Res. 370: Ms. WATERS.

H. Con. Res. 392: Mr. WALSH.

H. Con. Res. 401: Mr. HILLIARD, Mr. EHRLICH, Mr. HOEFFEL, and Mr. KING.

H. Con. Res. 415: Mr. MCINTOSH.

H. Con. Res. 421: Mr. CLEMENT and Mr. HILLEARY.

H. Res. 51: Mr. SPENCE.

H. Res. 430: Mr. MCGOVERN and Mr. SISISKY.