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House of Representatives

PROVIDING FOR ADJOURNMENT SINE DIE ON DECEMBER 15, 2000; DECEMBER 16, 2000; OR DECEMBER 17, 2000

Mr. YOUNG of Florida. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 446) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 446

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

That when the House adjourns on the legislative day of Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution; and that when the Senate adjourns on Friday, December 15, 2000, Saturday, December 16, 2000, or Sunday, December 17, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand adjourned sine die, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution.

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

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes, to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 133 is as follows:

H.J. RES. 133

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 the date specified in section 106(c) and inserting ''December 21, 2000'' and by adding the following before the period in section 113: '', and in addition, from within the amount provided by section 101, $217,000,000: *Provided,* That of these funds, $100,000,000 may be made available only pursuant to a certification by the Secretary of State that the United Nations has taken no action in calendar year 2000 prior to the date of enactment of this Act to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed the budget for the biennium 2000–2001 of $2,535,700,000''.

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

There was no objection.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that it be in order at any time on the legislative day of December 15, 2000, to consider the conference report to accompany the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes; that the conference report be considered as read; that all points of order against the conference report and against its consideration be waived; and that the conference report be debatable for 90 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations or their designees.

NOTICE

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

Mr. TOOMEY. Mr. Speaker, reserving the right to object, I am concerned about what we are doing here today. We are being asked to vote on a huge package of bills that we have not seen, we have not read, and we certainly do not know what is in them. We are being asked to agree to dispense with the regular order of the House and simply vote ''yes'' on a combination of bills, despite the fact that we do not know for sure what bills they are, we do not know how they may or may not have been changed if we did know them, and we do not know what private dealings were struck and may have been inserted into those bills as recently as this afternoon.

Now, many of us support some of the elements that we think are in this package, such as the Medicare add-backs, which our hospitals badly need and which I support; but we do not support other elements of this package. Nevertheless, we are going to be forced to vote on the whole package up or down.

I know this certainly is not the first time we have been asked to vote on a package of bills that we have not seen, but that does not make it right. And I know we all want to go home. We all want to be with our families for the holidays. I certainly also want to do that. But do we not have a responsibility to our constituents to at least know what we are voting on when we vote on the largest nondefense appropriation bill in the Federal Government?

We are going to vote on one element of this package which alone is $109 billion of taxpayer money. I think it is disturbing that we are going to vote on that without knowing the details. But what is almost as disturbing as what we do not know is the things that we do know, or at least I think we know, about what is in this package. Mr. Speaker, we know that the spending on the Labor-HHS portion of that appropriation bill is, frankly, out of control. Using the Committee on Appropriations' own numbers, the budget deal that we are going to vote on today increases spending by $12 billion, or nearly 12 percent or nearly 5 times the rate of inflation. And if we take into account all the funding gimmicks, like advanced funding, and we look on an apples-to-apples basis, the actual money that will be spent is $23 billion more than in this previous year, an over-26 percent increase, nine times the rate of inflation. Frankly, we are squandering too much of the budget surplus that could be used for other purposes.

The bill apparently is going to create untold new programs, and I do not know how many earmarks. It is $7 billion higher than what the House approved; it is $4 billion more than what the Senate approved; it is even $3 billion higher than the President's request. And of course, we are not sure exactly how all that money has been spent.

Now, despite all of these big spending increases, some are probably going to come to this floor and say this is a cut of $3.6 billion from previously agreed-upon levels. Let me remind my colleagues that the so-called agreement was to an arbitrary number by a handful of Members under the duress of a threatened veto which never was agreed to by either Chamber.

If I went ahead and objected, Mr. Speaker, I am afraid that would not accomplish much. I know a rule could be brought up, it would be debated, it would be passed, and we would only be delaying the inevitable. But I will urge my colleagues to vote against final passage on this bill. Vote against the huge spending increase that is in this bill; vote against joining all these unrelated bills in one package; vote against a package the contents of which are a mystery to most of us.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
Washington, DC, December 15, 2000.

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

DEAR MR. SPEAKER: Pursuant to the permission granted to Clause 2(h) of Rule II of the Rules of the House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 15, 2000 at 4:09 p.m.

That the Senate agreed to Conference Report H.R. 4942.

With best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

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 the conference report to accompany H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes, 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.

CONFERENCE REPORT ON H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida. Mr. Speaker, pursuant to the previous order of the House, I call up the conference report on the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and Related Agencies for the fiscal year ending September 30, 2001, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of today, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 45 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.

I would just briefly like to mention the fact that we have produced a four-page legal-sized document that identifies the highlights of this bill. This has been available now for more than 2 days for Members to look at to get a really good understanding of what is in the bill. I would suggest that anyone who wants to find some reason to oppose this bill, they can find it. It is a huge bill. It required hours and days and weeks of negotiation to get us to the point that we are.

Mr. Speaker, this bill should be passed today, and the House should conclude its business. I am going to ask shortly that the gentleman from Illinois (Mr. PORTER), who is the chairman of the subcommittee, manage the balance of the debate, inasmuch as he is the chairman of the Subcommittee on Labor, Health and Human Resources, and Education, and Related Agencies; but before I do, Mr. Speaker, I want to ask Members to adopt this legislation and to get quickly to a vote.

I have a brief statement I would like to read before I turn this time over but before that I want to talk with the gentleman from Wisconsin (Mr. OBEY).

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

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

Mr. OBEY. Mr. Speaker, I would like to at this point engage the chairman of the committee in a colloquy on the Low Income Energy Assistance Program, which I hope will address the concerns many Members have regarding the lack of an advanced appropriation for fiscal year 2000 in this bill.

We are all aware of the drastic spike in price fuels that has occurred in the past year. Home heating fuels have

doubled in the past year in many regions. In some areas it has increased fivefold. For many seniors and families who are struggling, that spike in energy costs have dealt a crushing blow to their family budgets just to provide the basic essentials of heating their homes.

The LIHEAP program helps over 4 million low-income households by paying on average about half their home heating bills. But due to a lack of funds, this program has been serving only about 15 percent of federally income-eligible households. The recent jump in fuel costs will mean the relative value of that assistance will be cut in half this winter.

Earlier this year, Congress provided an extra $600 million in the LIHEAP emergency fund that was required by the President in the 2000 supplemental appropriation bill. About $450 million of those extra dollars were released by September for this winter, and I hope that the administration will release the balance soon.

The conference agreement for fiscal year 2001 contains $1.4 billion for LIHEAP, an increase of 27 percent, plus an additional $300 million for the LIHEAP emergency fund. Now, normally this appropriation bill would also provide an advance appropriation for LIHEAP for the next fiscal year so that States have time to plan their programs prior to the time that funds become available. However, as the gentleman knows, due to a provision in the budget resolution which places a cap on the total for advance appropriations, we were not able to include LIHEAP funding for the next fiscal year as an advance appropriation.

□ 1700

It is my hope and understanding that next year we will finish our work on the Committee on Appropriations before the fiscal year starts on October 1. But in the event that we do not, I think we need to signal our intentions to the States now so that they can be assured that LIHEAP funds will be there when they need them despite the lack of an advanced appropriation in this bill.

So I would, therefore, ask the chairman of the committee, is it your intention that we provide at least the same level of support for LIHEAP next year as is included in this bill?

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman from Wisconsin (Mr. OBEY) for raising this issue because it has been a big concern for many Members on my side of the aisle as well.

I want to assure Members that LIHEAP is a very high priority for the Committee on Appropriations and we will do everything we can to maintain, at a minimum, the current level of support for this program next year.

Mr. OBEY. Mr. Speaker, I thank the chairman for that response.

Mr. Speaker, if the gentleman will continue to yield, let me ask further, in the event that we do not complete the Labor-H bill next year by October 1 and have to pass a continuing resolution after that date, is it your intention to include adequate funding in the first CR for LIHEAP so that States can adequately run their systems programs through the next winter heating season?

If the committee can offer that commitment, I think Members on this side of the aisle will feel much more comfortable in supporting this conference agreement knowing that the normal operations of this program will not be interrupted.

Mr. YOUNG of Florida. Mr. Speaker, let me respond to the gentleman that while I hope a continuing resolution would not be necessary next October, I would certainly support including funding for the full winter heating season in the first CR should we find ourselves in that position.

Mr. OBEY. Mr. Speaker, I thank the chairman of the committee for his strong support for the program and for his commitment to ensure that this lack of an advance appropriation in this bill will not result in the interruption of this critical assistance.

I also want to take this opportunity to thank him for the patience that he has shown as we worked our way through some very troubling difficulties. Thank goodness that they now appear to be behind us, at least for a month.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his comments. We have had differences throughout the appropriations process, but we were able to come together. This is a good bipartisan bill. The gentleman from Wisconsin (Mr. OBEY) and I spent a lot of time in the wee hours of this morning trying to bring this bill to the floor today.

Before I turn my time over to the gentleman from Illinois (Mr. PORTER) who is the chairman of the subcommittee, I wanted to say, Mr. Speaker, that we are at that time of the year when holiday thoughts enter our mind; and I recall one of my predecessors who one time made a very, very aggressive wish to the Members for a Merry Christmas after a rather heated discussion. I also want to leave a message about the holiday season if the Members would indulge me for about another minute. It goes like this:

Twas the week before Christmas and all through the House, appropriators were working but beginning to grouse.
The big day was coming but no end in sight.
If only we had a number, we could finish tonight.
When back from the White House there came such a clatter, I sprang from my office to see what was the matter.
When what to my pleasant surprise did I see?
Speaker Hastert with a number and a look of sheer glee.
Here is what you told me you needed, he said,
And quickly he turned with a nod of his head:
I think Obey and Clinton and Daschle and Lott
Will all be pleased with the number we got.
As I turned I was amazed at what did transpire,
13 Cardinals all ready to file . . .
Now Packard! Now Porter! Now Hobson and Taylor!
On Lewis! On Rogers! On Jim Walsh and Kolbe!
From H–218 to the Committee on Rules
It is time to wrap up and not a moment too soon . . .
Our job here is done; now let us clear the hall
Let us vote and then dash away, dash away all.

And I wish everyone a very happy, safe holiday season.

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

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

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

Mr. OBEY. Mr. Speaker, I would also like to take this opportunity, and I know he has to leave to take a plane for a very important event which his wife has set up involving a number of Florida children, but in addition to thanking the gentleman for his good cheer and courtesy throughout a tough year, I also want to take this opportunity to wish him in advance a happy birthday, which I understand is tomorrow.

Mr. YOUNG of Florida. Mr. Speaker, reclaiming my time, I thank the gentleman very much.

I recall late one night we were here and the gentleman from Wisconsin (Mr. OBEY) missed his wedding anniversary because of a late night session. And if we do not soon get out of here tonight, he is going to miss being awarded a very, very prestigious and impressive honorary degree at an institution of education that he founded back in Wisconsin.

So I wish him the best of luck and congratulations.

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

Mr. OBEY. Mr. Speaker, I yield myself 15 minutes.

Mr. Speaker, before I get into my explanation of this bill, I want to take a moment to do something I think is very important. This institution takes a lot of abuse but there are some people in this institution who do a tremendous job on behalf of the taxpayers and they deserve, no matter how rushed the Members are, they deserve to be recognized.

I want to start by thanking the committee staff on our side of the aisle, Mark Mioduski and Cheryl Smith, who have worked so incredibly hard all year on the Labor-Health bill. Cheryl not only handles education programs for the minority, but she does the transportation bill, as well. And I know that there were occasions when they went 2½ days or more without a single hour's sleep in order to serve this House, this committee, and its members; and I am very grateful.

I want to thank Mark Murray, who does a terrific job handling both the

Foreign Operations bill and the Legislative Branch appropriations bill; Dave Kilian, who has virtually single handedly handled the Defense bill on our side of the aisle; Tom Forhan, who handles both the Military Construction bill and the District of Columbia bill; Dave Reich and Mike Stephens, who worked together on VA–HUD. And, in addition, Dave handles the Agriculture bill and Mike handles the Interior bill. Sally Chadbourne and Pat Schlueter worked together on the Commerce-Justice-State bill. Sally also does the Energy and Water bill, and Pat does the Treasury-Postal bill.

None of these people would be nearly as effective if it were not for the tireless efforts of Mr. Bonner, who undoubtedly works as hard as any human being on Capitol Hill, and Jade Brennan, who was been here early in the morning until early the next morning day after day and night after night. And I would also like to thank Kori Bernards, who has coordinated our communications efforts too and Norris Cochran and Christina Hamilton, who have helped out in numerous ways.

This small group of people had to deal literally with every funding issue in every department and agency and program of the entire Federal Government. They have had to help Members with their particular problems with government programs and very often have had to deal with the wrath of authorizing issues that have nothing to do with the appropriations but nonetheless get dumped into our bills as a means of clearing them through both Houses. I think that the effort they put forth on behalf of this institution and particularly Members on my side of the aisle is remarkable, and I want to thank them from the bottom of my heart for their long hours, their tremendous knowledge of our Government and legislative process and the enormous commitment that they have made to making this Government and this country a better place.

I also want to pay special thanks to the clerk of the committee, Jim Dyer. I do not think there is a single person on Capitol Hill who is more patient, more fair or more pleasant to deal with on a daily basis in and out. I can say without reservation that, had it not been for his commitment and personal skill, this agreement and many others would never have come together.

Also helping the chairman and the entire committee in the front office are John Mikel, a first rate professional, who for more than a decade has pulled the committee and the House through the thorny thickets of process and budget rules. And Chuck Parkinson has helped schedule our bills and coordinate with the Committee on Rules; and the leadership minority, Dale Oak, who manage the massive job of tracking the hundreds of extraneous items that various Members and other committees attempted to attach to this legislation; and Elizabeth Morra and John Schofield who have handled press for the majority.

Dianne Kane, Sandy Farrow, Brian Mabry, and Theo Powell really make the committee work; and they are a big help not only to the majority but to all of us on the committee. And I want to especially recognize Tony McCann, the Subcommittee on Labor-Health clerk; Carol Murphy; Susan Firth; Geoff Kenyon; Francine Mack-Salvador; and Tom Kelly of the Subcommittee on Labor-HHS staff and all of the associate staff of the members of the Labor-HHS subcommittee on both sides of the aisle. And I also thank Steve Cartesi, the majority clerk on the Senate side, and Jim English on the minority side and all of the other clerks and ranking members' assistants as well on all of the other subcommittees who deal so well and with so much dedication.

I know that there are few people in this country who appreciate how hard all of these people work and how much of a contribution they make to their country and this institution, but I want to say ''thank you'' to all of them. And I am sure that that feeling is shared on both sides of the aisle.

Now I would simply like to say this, and I will say one more thing about one person before I move to substance: The gentleman from Illinois (Mr. PORTER) is leaving this institution after a distinguished career which would make any American proud; and I have to say that, whether I have served with him on the Subcommittee on Foreign Operations or on the Subcommittee on Labor, Health and Education, he has invariably brought a high degree of thoughtfulness, a high degree of fairness, uncommon good judgment and good sense, and immense dedication to the public good.

I can think of no better phrase than to repeat the phrase that we have heard so often, ''Well done, good and faithful servant.''

John has truly been a credit to this institution, to his party, to his country and to his district. I want to lead us all in a round of applause for the wonderful work that he has done while he has been with us in this institution.

And now, Mr. Speaker, on to the substance.

On Wednesday night, the country heard two very good speeches on reconciliation from Mr. GORE and Mr. Bush. Both emphasized a need for bipartisanship.

Unfortunately, we serve in the institution which has suffered the greatest erosion of bipartisanship in recent years. But this institution does, in my opinion, have a very good model for bipartisanship and that is the Committee on Appropriations.

Even during the last 6 years, we have been able to produce a significant number of bills on a bipartisan basis. In all but one year, the Labor-HHS Education bill has not been one of those bills. That has not been the fault of the distinguished gentleman and my good friend the gentleman from Illinois (Mr. PORTER), the subcommittee chairman. Nor has it been the fault of the gentleman from Florida (Mr. YOUNG) or his predecessor as full committee chair, Bob Livingston. They have struggled in the best traditions of this committee to reach across the aisle and to build the broadest possible consensus for each bill. But because of the restrictions placed on them by the Committee on the Budget and their leadership, their efforts have not often succeeded in my judgment.

This bill has been a poster child on how not to run a legislative body. And, in fact, in this process, a Member of the majority side of the aisle earlier correctly noted that there are dozens of items in this bill that have nothing whatsoever to do with the appropriations bill.

In fact, there are well over a hundred different authorizations that are being added to this bill by reference. We did not negotiate those items. We are not responsible for them. All we can try to do with our limited staff is to try to make certain that they were not supremely objectionable to this or that faction in the House. And I have to say that this is a spectacular example of how not to run a railroad.

This year has been especially frustrating to those of us who would like to see some of the most critical functions of Government funded on a bipartisan consensus. And the fact is that for 9 months of this year the deliberations of this committee were wasted on phoney budget resolutions that held funding for education, held research, worker protection and other critical programs in this bill at virtually last year's funding level with no adjustment for inflation, with no recognition of the new challenges facing this country and yet the majority passed the bill.

□ 1715

The Senate recognized that was an unrealistic package when they passed a bill somewhat more in line with the Nation's needs. In October, we reached a bipartisan agreement that in my view met the needs of a changing and growing country, but then that bill was blocked from coming to the floor by the majority party leadership. Both parties then went out and campaigned for the education and the health and worker protection programs that were in this bill. But after the election, the majority party leaders then demanded that this bill be cut by more than $3.7 billion before it could be brought back to the floor. That is a demand they did not make of the interior bill that was almost 15 percent above last year, or the transportation bill that was similarly way above last year, and also a bill such as the energy and water bill which was substantially above last year.

To get an agreement in the last week, we had to cut $3.7 billion from the earlier agreement, we had to take $1.4 billion from advance funding for LIHEAP, we had to take $257 million

out of handicapped education, $127 million out of efforts to reduce class size, $180 million out of after-school programs and $200 million out of biomedical research. I dislike all of those cuts and would point out that they were unnecessary both in terms of meeting the budget limits that Congress imposed on itself in October and they were unnecessary in terms of passing this bill.

But nonetheless, even with these changes, I will support this bill for two reasons: one, because I have in essence a ministerial duty to do so. Sooner or later we have to resolve our differences and this is the day; and, secondly, I think there are other good reasons to vote for this bill. It now provides funding on a program basis that is nearly 15 percent higher than last year for critical education and health programs. Some people are alarmed by that. I am delighted by it. The overall increase in education in this bill is 18 percent. It is a major step forward in providing local schools with the kind of resources that will facilitate the kind of change and improvement in our schools that the American people are anxious to see.

Class size reduction efforts are increased 25 percent. Teacher quality efforts are increased 50 percent. School renovation is funded at a $1.2 billion level. For Pell grants, and I think this is perhaps the most important issue in the area of higher education in this bill, we have the biggest increase in 25 years, the Pell grant going from a maximum grant of $3,300 to $3,750. To the very deep regret of our friend, the gentleman from Illinois (Mr. PORTER), we did not provide the 15 percent increase for NIH that we had hoped to see. We provided almost that much, about 14 percent; and I am hopeful we will ultimately see our efforts against disease doubled within the 5-year time frame that will end in fiscal 2003.

The most troubling cut in this bill for many Members on this side of the aisle is the advance funding for the low-income fuel assistance program which I just mentioned. Members need to recognize, however, that fuel assistance is funded for the current year not only at the full level provided last year, not only at the request, but at $300 million above the request. I am convinced that will not be enough, given current energy price increases and long-term weather forecasts; but it is 25 percent more than would be available if we had to go to a continuing resolution. The deletion of that advance funding is unfortunate. It carries with it certain risks that I am uncomfortable about. It does not give State and local governments as much assurance about program levels for next year as would be desirable for planning purposes. It does not assure that all of the money will be allocated next fall before cold weather hits. But we have in the statement of the managers very firm commitments to work to overcome those problems, and I intend to see that the leadership in Congress and the new President will keep those commitments.

I would also note that there were over 400 authorizations which one party or another attempted to add to this bill. We rejected almost 300 of them. And of those that are in the bill, you will have to talk to the authorizing committees to get a balanced evaluation, because they largely negotiated them. I have just one additional statement to make. I love this institution. I respect every Member in it. I love what it can do when it is at its best in doing things that are needed to help the people we represent, but I honestly do believe that the way this bill was produced is a model of how not to proceed in the future. But in the end finally it has produced an honest product with honest numbers. I think it makes a significant advance forward in meeting the needs that it is supposed to meet.

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the time allocated to the gentleman from Florida (Mr. YOUNG) will be controlled by the gentleman from Illinois (Mr. PORTER).

There was no objection.

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

Mr. Speaker, I am sorry that the gentleman from Pennsylvania, who earlier had reserved the right to object and then criticized the bill, might have stayed on the floor because I am directing this portion of my remarks to him. In early 1988, Ronald Reagan came to the floor of this House to give his State of the Union address and slammed down on the Clerk's desk a bill that was probably twice the size of the one that is sitting there right now. It was an omnibus bill that had been passed about this time of year in 1987. President Reagan said, ''Never again.'' In his remarks to the Congress at that time, he lifted words out of a letter that I had written with 147 Members of the House of Representatives saying that this is not the way we ought to do the House's business.

Very frankly, the gentleman from Pennsylvania is correct. Omnibus bills are never a proper way to legislate. But let me say to the gentleman that the Labor, Health and Human Services and Education appropriation bill was conferenced. We completed the conference on July 27. Appropriators would have brought that measure to the floor right away. Yes, it might have been vetoed by the President, it probably would have been, but we would have started those negotiations with the White House long ago and would have completed them presumably before the end of the fiscal year. We do not support delay in the consideration of this conference report. This is an idea that comes from outside the appropriations process.

I would say to the gentleman, if he were here, one other thing. It echoes the words that my colleague from Wisconsin mentioned a moment ago. We must have, early in the legislative process, a budget resolution adopted on a bipartisan basis. The White House needs to be on board. The Republicans in the Congress of both Houses need to be on board. The Democrats need to be on board, we must have an agreed number. We need not have all the detail. All we need is two lines: one that defines total spending for the government and one that defines total discretionary spending. That is all we need. Appropriators can then get started.

If you do not have an agreed bipartisan budget resolution early in the process, you have no fiscal discipline. That is exactly what we had this year and in several past fiscal years—no fiscal discipline. We need to get such direction early. We need to get an agreement. We need to make the allocations between the Senate and the House appropriations subcommittees early in the process. Once that is accomplished we can achieve fiscal discipline. You do not end up with these kind of bills done where, he is right, nobody knows quite everything that is in it.

I would add one other thing. Many things that are in this measure were well known on July 27. There are some changes in the appropriation numbers since that time, but they have been available to all Members. Most of the changes that are in the document sitting on the desk have occurred because authorizing measures have been added to the bill. Most of the delay all day yesterday and all day today have come not from appropriation matters but from authorizing matters that should have been dealt with long ago.

I would say to the gentleman, he is on the right track. I commend to him Ronald Reagan's statement. I commend to all Members that statement. We need to do these things on a bipartisan basis, and let appropriators get their work done with some fiscal discipline involved.

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

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I rise in support of this legislation. Included in this bill is a waiver of Medicare's 24-month waiting period for persons disabled by ALS, Lou Gehrig's Disease. This terrible disease leaves its victims totally unable to care for themselves. Tragically, their life expectancy is often less than the waiting period itself. Medicare coverage will ease their suffering and provide support for their families and friends. This provision comes from a bill authored by my husband, Walter Capps, which I reintroduced and which now has 282 House cosponsors. I want to thank these cosponsors.

While recovering from a car accident, Walter received his physical rehab with a friend suffering from ALS, Tom Rogers. Towards the end of the rehab, Tom arrived one day with a pair of tennis

shoes. He gave them to Walter saying he had no further use for them, he was now confined to a wheelchair. Walter wore these shoes throughout his campaign for this House. He never forgot the struggle that is Tom's and thousands of other ALS victims.

This victory today is for ALS patients and their families who built support for our bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kentucky (Mr. ROGERS), the chairman of the Subcommittee on Commerce, Justice, State and Judiciary.

(Mr. ROGERS asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. ROGERS. Mr. Speaker, I submit the following material that updates the statement of the managers to accompany the Commerce, Justice, State Appropriations Act for fiscal year 2001 to reflect changes made by the pending bill and other minor technical corrections. It has the support of my good friend, our ranking member, the gentleman from New York (Mr. SERRANO). This matter should be used to determine questions of intent with respect to our bill.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS

Following is explanatory language on H.R. 5548, as introduced on October 25, 2000, and subsequent amendments.

The conferees on H.R. 4942 agree with the matter included in H.R. 5548 and enacted in this conference report by reference and the following description of it. The bill was developed through negotiations by subcommittee members of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Subcommittees of the House and Senate on the differences in the House passed and Senate reported versions of H.R. 4690. References in the following description to the ''conference agreement'' mean the matter included in the introduced bill enacted by this conference report, and subsequent amendments. References to the House bill mean the House passed version of H.R. 4690. References to the Senate reported amendment mean the Senate reported version of H.R. 4690.

The House passed H.R. 4690 on June 26, 2000. The Senate reported from Committee a Senate amendment to H.R. 4690 on July 21, 2000. References in the following statement to appropriations amounts or other items proposed by the House bill or the Senate-reported amendment refer only to those amounts and items recommended in the House-passed and Senate-reported versions of H.R. 4690. Any reference to appropriations amounts or other items included in the conference agreement reflects the final agreement on H.R. 4690. This statement reflects how the funds provided in the conference agreement are to be spent.

Senate-reported amendment: The Senate Appropriations Committee considered H.R. 4690 as passed by the House, struck all after the enacting clause, and inserted the text of the Senate-reported amendment. The conference agreement includes a revised bill.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $88,713,000 for General Administration, instead of $83,713,000 as proposed in the Senate-reported amendment and $84,177,000 as proposed in the House bill.

The conference agreement adopts by reference the House report language regarding budget ''shortfalls'' and racial disparities in Federal capital prosecutions.

The conference agreement includes a $5,000,000 transfer from the Immigration and Naturalization Service Salaries and Expenses account to continue the planned integration of the Immigration and Naturalization Service (INS) IDENT system and the Federal Bureau of Investigation (FBI) IAFIS system.

The conference agreement includes a $5,000,000 increase for the Office of Intelligence Policy and Review for Foreign Intelligence Surveillance Act applications.

The conference agreement includes bill language contained in the House bill specifying the amount of funding provided for the Department Leadership Program and the Offices of Legislative and Public Affairs.

JOINT AUTOMATED BOOKING SYSTEM

The conference agreement includes $15,915,000 for the Joint Automated Booking System (JABS) program as proposed in the Senate-reported amendment, instead of $1,800,000 as proposed in the House bill.

NARROWBAND COMMUNICATIONS

The conference agreement includes $205,000,000 for narrowband communications conversion activities as proposed in the Senate-reported amendment, instead of $95,445,000 as proposed in the House bill. The conference agreement provides funding necessary to continue implementation of the Department of Justice Wireless Network (JWN), and for operations and maintenance of legacy systems. The Wireless Management Office (WMO) is directed to submit quarterly status reports on implementation of the JWN, with the first such report due no later than February 15, 2001.

The conference agreement deletes a citation included in the House bill but not included in the Senate-reported amendment.

COUNTERTERRORISM FUND

The conference agreement includes $5,000,000 for the Counterterrorism Fund as proposed in the Senate-reported amendment, instead of $10,000,000 as proposed in the House bill. When combined with $32,844,150 in prior year carryover, a total of $37,844,150 will be available in the Fund in fiscal year 2001 to cover unanticipated, extraordinary expenses incurred as a result of a terrorist threat or incident.

The conference agreement retains language, included in the House bill and carried in previous Acts, authorizing the Attorney General to make expenditures from the fund, subject to section 605 of this Act. The Senate-reported amendment proposed to give this authority to a new Deputy Attorney General.

TELECOMMUNICATIONS CARRIER COMPLIANCE FUND

The conference agreement includes $201,420,000 for the Telecommunications Carrier Compliance program for implementation of the Communications Assistance for Law Enforcement Act of 1994 (CALEA), instead of $278,021,000 as proposed in the House bill. The Senate-reported amendment did not include funding for this activity. This amount, when combined with funds previously made available, will provide the full $500,000,000 authorized and required to implement CALEA.

The conference agreement concurs with the direction in the House report that the Department and the Federal Bureau of Investigation (FBI) are to remain focused on the timely implementation of CALEA, and have therefore included $17,300,000 within the FBI Salaries and Expenses account for CALEA implementation. The Department of Justice is directed to submit a reorganization proposal no later than November 15, 2000, to ensure coordination of CALEA implementation and other related electronic surveillance issues.

ADMINISTRATIVE REVIEW AND APPEALS

The conference agreement includes $161,062,000 for Administrative Review and Appeals, instead of $159,570,000 as proposed in the House bill and $112,814,000 as proposed in the Senate-reported amendment. Of the total amount provided, $159,335,000 is for the Executive Office for Immigration Review (EOIR) and $1,727,000 is for the Office of the Pardon Attorney.

The conference agreement includes $9,566,000 for adjustments to base, and $3,000,000, 37 positions and 19 full-time equivalent workyears (FTE) to address the increased Immigration Judge and appellate caseload. In addition, EOIR is directed to provide such sums as necessary for point-to-point installation of video-conferencing equipment in accordance with EOIR's plan and the Senate report. The conference agreement also includes direction under the INS Examinations Fees account regarding continued support for contract court interpreter services.

DETENTION TRUSTEE

The conference agreement includes $1,000,000 to establish a new Federal Detention Trustee within the Department of Justice as proposed in the House bill. The Senate-reported amendment did not address this matter. The conference agreement reflects the concerns expressed in the House report regarding the planning and management of detention space in the Department of Justice. Therefore, the direction included in the House report regarding the authorities and duties of this new Trustee, and the establishment of regional pilot projects to test better mechanisms for addressing detention needs, is adopted by reference. Further, the Department of Justice is expected to consolidate all detention resources under the Trustee as part of the fiscal year 2002 budget submission.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $41,575,000 for the Office of Inspector General (OIG) instead of $41,825,000 as proposed in the House bill and $42,192,000 as proposed in the Senate-reported amendment. The conference agreement also assumes that $1,500,000 in INS fees will be available to the OIG.

The conference agreement directs the Department of Justice to review its procedures for releasing OIG investigatory material and findings and inform the Committees on Appropriations by June 1, 2001, if any procedures should be modified.

The OIG is directed to submit future budget requests separating OIG Leadership Offices and OIG Operational Offices. The OIG Leadership Offices decision unit should include the following: the Inspector General, the Deputy Inspector General, the Counselor to the Inspector General, the Special Counsel, and the Special Investigations and Review Unit. The Operational Offices decision unit should include the following offices: the Audit Division, the Investigations Division, the Inspections Division, and the Management and Planning Division.

The conference agreement directs that the OIG submit a detailed financial plan to the Committees on Appropriations by December 1, 2000.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $8,855,000 for the U.S. Parole Commission, as

proposed in the House bill, instead of the $7,380,000 as proposed in the Senate-reported amendment. The conference agreement adopts by reference the recommendation in the Senate report on detailing attorneys.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

The conference agreement includes $535,771,000 for General Legal Activities, instead of $523,228,000 as proposed in the House bill, and $494,310,000 as proposed in the Senate-reported amendment.

The recommendation includes base adjustments for all divisions, but does not include an undefined base restoration. The distribution of funding provided is as follows:

Office of the Solicitor General	$7,118,000
Tax Division	70,991,000
Criminal Division	110,851,000
Civil Division	154,092,000
Environment and Natural Resources	68,703,000
Office of Legal Counsel	4,967,000
Civil Rights Division	92,166,000
Interpol—USNCB	7,686,000
Legal Activities Office Automation	18,877,000
Office of Dispute Resolution	320,000
Total	535,771,000

The conference agreement includes a $3,000,000 increase for the Civil Rights Division, including funding for civil enforcement for police misconduct, and other highest priority initiatives.

The conference agreement provides $18,877,000 to remain available until expended for office automation costs as proposed in the House bill, instead of $18,571,000 as proposed in the Senate-reported amendment. The conference agreement adopts language included in the Senate-reported amendment which limits the use of these funds to automation costs and allows such funds to be used for the United States Trustees Program. The conference agreement adopts by reference the Senate report language regarding the Office of Special Investigations, and the House report language regarding extradition reporting and extradition treaties.

THE NATIONAL CHILDHOOD VACCINE INJURY ACT

The conference agreement includes a reimbursement of $4,028,000 for fiscal year 2001 from the Vaccine Injury Compensation Trust Fund to the Department of Justice, as proposed in the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES, ANTITRUST DIVISION

The conference agreement provides $120,838,000 for the Antitrust Division as proposed in the Senate-reported amendment, instead of $113,269,000 as proposed in the House bill. The conference agreement assumes that of the amount provided, $95,838,000 will be derived from current year fee collections and $25,000,000 from estimated unobligated fee collections available from prior years, resulting in a net direct appropriation of $0. The use of any remaining unobligated fees balances from prior years is subject to the reprogramming requirements outlined in section 605 of this Act.

Appropriations for both the Division and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to include a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

The conference agreement includes $1,250,382,000 for the U.S. Attorneys, instead of $1,247,416,000 as proposed in the House bill, and $1,159,014,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement provides a net increase of $59,896,000 for pay and inflationary adjustments to enable the U.S. Attorneys to maintain the current operating level. The conference agreement does not include $7,425,000 requested as base adjustments to substitute direct appropriations for activities previously supported from the Health Care Fraud and Abuse Control (HCFAC) account. The Department of Justice is directed to continue to provide funding for not less than 177 positions and 177 FTE to the U.S. Attorneys from the HCFAC account to support health care fraud activities.

The conference agreement also includes the following program increases:

Firearms Prosecutions.—$15,259,000, 163 positions and 82 FTE, including 113 attorneys, to augment prosecutions under existing firearms statutes. This amount, when combined with base resources of $7,125,000, will provide a total of $22,384,000 for intensive firearms prosecution projects. The direction included in the House report regarding the criteria and process for allocation of these funds is adopted by reference. Further, the Executive Office of U.S. Attorneys is directed not to set aside any portion of these funds for headquarters priorities, but rather is to allocate these funds in accordance with the priorities identified by the local districts which will result in a direct increase in prosecutions under existing gun laws. In addition, the conference agreement adopts the Senate direction requiring the annualization of funds provided in fiscal year 2000 for firearms prosecutions, and the reporting requirement regarding panel attorney costs.

Cyber Crime and Intellectual Property.—$3,974,000, 50 positions and 25 FTE, including 28 attorneys, to augment the investigation and prosecution of computer and intellectual property crimes, including crimes identified in the No Electronic Theft (NET) Act, the National Information Infrastructure Assurance Act, and the Economic Espionage Act. The direction included in the Senate report regarding submission of a report on copyright enforcement is adopted by reference.

Immigration.—$1,974,000, 24 positions and 12 FTE, including 13 attorneys, to address the growing criminal immigration caseload along the Southwest Border, with particular emphasis to be placed on prosecutions of individuals involved in alien smuggling, document fraud, and illegal aliens with multiple deportations. The conference agreement adopts by reference the direction included in the House report regarding submission of a spending plan for these resources.

Indian Country.—$5,000,000, 60 positions and 30 FTE, including 33 attorneys, to enhance Federal investigation and prosecution activities in Indian Country to meet Federal statutory responsibilities related to Indian Country.

Legal Education.—$2,300,000 to continue establishment of a distance learning facility at the National Advocacy Center (NAC). This amount, when combined with $15,316,000 in base resources, provides a total of $17,616,000 under this account for legal education at the National Advocacy Center (NAC). These funds are to be spent in accordance with the direction included in the Senate report.

Within the total amount available to the U.S. Attorneys, the conference agreement includes $2,612,000 for technology demonstration projects, and adopts by reference the direction included in the Senate report regarding distribution of these resources. In addition, $1,000,000 is included from within base resources to continue a violent crime task force demonstration project, as proposed in the Senate-reported amendment. The conference agreement also adopts by reference the direction included in the House and Senate reports regarding the unstaffed offices report, as well as the direction included in the Senate report regarding an office in Western Kentucky. In addition, the Senate report language regarding property flipping, computer network privatization, and a fiscal year 1995 quarterly reporting requirement are adopted by reference.

The conference agreement does not adopt the recommendations included in the Senate report regarding the reallocation of existing staffing to the Southwest border and within the Missouri River Valley, spending freezes among object classifications, elimination of base funds for office relocations, limitations on expansion of gun prosecution initiatives, or pre-trial sentencing guidelines.

In addition to identical provisions that were included in both the House bill and Senate-reported amendment, the conference agreement includes the following provisions: (1) providing for 9,439 positions and 9,557 workyears for the U.S. Attorneys, instead of 9,381 positions and 9,529 workyears as proposed in the House bill, and 9,120 positions and 9,398 workyears as proposed in the Senate-reported amendment; (2) allowing not to exceed $2,500,000 for the National Advocacy Center as proposed in the Senate-reported amendment; and (3) providing $1,000,000 for violent crime task forces to remain available until expended as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate bill withholding 50 percent of funds available to U.S. Attorneys until the Attorney General establishes certain rules and penalties in accordance with the Senate version of the fiscal year 2000 appropriations bill.

UNITED STATES TRUSTEE SYSTEM FUND

The conference agreement provides $125,997,000 for the U.S. Trustees for fiscal year 2001, to be entirely funded from offsetting collections, instead of $126,242,000 proposed in the House bill and $127,212,000 proposed in the Senate-reported amendment. The conference agreement does not provide amounts the budget request assumed would carry forward to fiscal year 2002. The conference agreement adopts by reference the Senate report language on the National Advocacy Center (NAC). The conference agreement also adopts House report language on the reprogramming of offsetting collections.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

The conference agreement provides $1,107,000 for the Foreign Claims Settlement Commission, instead of $1,000,000 as proposed in the House bill and $1,214,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conference agreement includes $572,695,000 for the U.S. Marshals Service Salaries and Expenses account, instead of $560,438,000 as proposed in the House bill and $550,472,000 as proposed in the Senate-reported amendment. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The amount included in the conference agreement includes a $4,713,000 net increase in base adjustments, as follows: $19,774,000 for pay and inflationary increases, offset by

decreases of $4,852,000 for one-time equipment purchases and $10,209,000 from the transfer of the Seized Assets Management Program to the Assets Forfeiture Fund. Within the amount provided, a total of $1,735,000 is included for the Warrant Information Network and other networks and on-line services, and $725,000 is for recurring costs of the Electronic Surveillance Unit as directed in the Senate report. The conference agreement does not adopt the recommendation included in the Senate-reported amendment to transfer funding from this account for U.S. Marshals Service costs associated with the Justice Prisoner Alien Transportation System (JPATS), but instead provides $25,503,000 for U.S. Marshals Service requirements under this account.

In addition, the conference agreement includes $27,389,000 in program increases for the following:

Courthouse Security Staffing and Equipment.—$21,211,000, for courthouse security personnel and equipment. Of this amount, $6,711,000, 89 positions and 45 FTE are provided for courthouse security personnel at new and expanded courthouses expected to open in fiscal year 2001. Language included in the House report regarding the submission of a spending plan and allocation of resources in excess of requirements is adopted by reference.

In addition, $14,500,000 is provided for courthouse security equipment, as follows:

USMS Courthouse Security Equipment

[In thousands of dollars]

New Courthouses	$8,173
Las Vegas, NV	*(1,023)*
Cleveland, OH	*(1,012)*
Columbia, SC	*(1,122)*
Greenville, TN	*(353)*
Corpus Christi, TX	*(1,078)*
Laredo, TX	*(989)*
Providence, RI	*(920)*
Helena, MT	*(658)*
Wheeling, WV	*(245)*
Denver, CO	*(773)*
Other Security Requirements	5,684
Nationwide Equipment Maintenance Requirement	643
Total, USMS Security Equipment	14,500

The Marshals Service is directed to use the $5,684,000 provided for Other Security Requirements to address the highest priority security equipment needs for existing courthouses and new courthouses with the greatest deficiencies, and to submit a spending plan for these funds no later than December 1, 2000.

Electronic Surveillance Unit.—$3,150,000, and up to 6 positions and 3 FTE, for personnel and equipment for the Electronic Surveillance Unit.

Special Assignments.—$2,500,000 for security at high threat and/or high profile trials and for protective details for judicial personnel involved in these trials, including the World Trade Center bombing trial. The Marshals Service is directed to annualize this increase in fiscal year 2002. Concerns have been expressed regarding the exclusion of the Marshals Service from the threat assessment and decision-making process regarding certain special and other protective assignments. In addition, the level of protection at Federal facilities by the General Services Administration (GSA) is inadequate relative to the amount the Marshals Service and other agencies are charged by GSA for these services. The Department is directed to report to the Committees on Appropriations no later than December 15, 2000, on the role afforded to the Marshals Service in the threat assessment and decision-making process for special and other protective assignments, and to provide recommendations to augment the Marshals Service's role in this activity. Further, the Department is directed to provide a report on the adequacy of support provided by GSA for facility protection, relative to the amount GSA is charging for these services.

Financial Management.—$378,000, 8 positions and 4 FTE to improve financial management.

Cost Saving Initiatives.—$150,000 for implementation and support of a variety of cost saving initiatives as directed in the Senate report. Should additional funds become available through savings achieved, the Marshals Service may use those funds for additional staff only in accordance with Section 605 of this Act.

The conference agreement adopts by reference the concerns expressed in the Senate report regarding the Special Operations Group (SOG) and directs the Marshals Service to provide a report to the Committees on Appropriations no later than January 15, 2001, on the utilization of the SOG, as well as the resource requirements necessary to ensure that the SOG can fulfill its intended mission.

The conference agreement includes language providing not to exceed 4,034 positions and 3,895 FTE for the Marshals Service, instead of 4,168 positions and 3,892 FTE as proposed in the House bill. The Senate-reported amendment did not include a similar provision. The conference agreement does not include a provision proposed in the Senate-reported amendment prohibiting the Marshals Service from providing a protective vehicle for the Director of the Office of National Drug Control Policy (ONDCP) unless certain conditions are met. A similar provision was not included in the House bill. However, the Marshals Service is directed to provide a report to the Committees on Appropriations no later than January 15, 2001, on the usage of a protective vehicle by the Director of ONDCP.

CONSTRUCTION

The conference agreement includes $18,128,000 in direct appropriations for the U.S. Marshals Service Construction account, instead of $6,000,000 as proposed in the House bill, and $25,100,000 as proposed in the Senate-reported amendment. The conference agreement includes the following distribution of funds:

USMS Construction

[In thousands of dollars]

Birmingham, AL	$472
Fort Smith, AR	400
Hartford, CT	200
Wilmington, DE	100
Bowling Green, KY	300
Boston, MA	650
Ann Arbor, MI	200
Detroit, MI	650
Wilmington, NC	775
Buffalo, NY	150
Tulsa, OK	300
Philadelphia, PA	400
Hato Rey, PR	793
Spartanburg, SC	1,441
Greenville, MS	1,187
Other Renovation Projects	9,500
Security Specialists/Construction Engineers	610
Total, Construction	18,128

The Marshals Service is directed to use the $9,500,000 provided for Other Renovation Projects for the highest priority security construction needs in locations with a security score of 50 or less, and to submit a spending plan for these funds no later than December 1, 2000.

JUSTICE PRISONER AND ALIEN TRANSPORTATION SYSTEM FUND

The conference agreement includes language, as proposed in the House bill, to continue the operations of JPATS on a revolving fund basis through reimbursements from participating agencies, instead of through a direct appropriation under this account as proposed in the Senate-reported amendment. The conference agreement does include a direct appropriation of $13,500,000 for a one-time capitalization of the Fund to procure two Sabreliner-class aircraft as proposed in the Senate-reported amendment.

FEDERAL PRISONER DETENTION

The conference agreement provides $597,402,000 for Federal Prisoner Detention as proposed in both the House bill and the budget request, instead of $539,022,000 as proposed in the Senate-reported amendment, an increase of $72,402,000 over the fiscal year 2000 direct appropriation. The increase has been provided as follows: (1) $63,180,000 is for increased jail days; (2) $675,000 is for increased medical costs; and (3) $500,000 is for prisoner medical guard services.

The conference agreement does not include language in this section proposed in both the House bill and Senate-reported amendment regarding contracts with private entities for the confinement of Federal detainees, but instead addresses this matter as a new general provision under Title I of this Act. Language is included, as proposed in the House bill, permanently making available amounts appropriated under this account to be used to reimburse the Federal Bureau of Prisons for certain costs associated with providing medical care to certain pre-trial and pre-sentenced detainees. The Senate-reported amendment addressed this matter elsewhere under Title I of this Act.

FEES AND EXPENSES OF WITNESSES

The conference agreement includes $125,573,000 for Fees and Expenses of Witnesses, instead of $95,000,000 as proposed in the House bill, and $156,145,000 as proposed in the Senate-reported amendment.

Language is included allowing not to exceed $5,000,000 to be made available for secure telecommunications equipment and networks related to protected witnesses, as proposed in the House bill. The conference agreement does not include a provision allowing up to $77,067,000 to be transferred from this account to the Federal Prisoner Detention account as proposed in the Senate-reported amendment.

COMMUNITY RELATIONS SERVICE

The conference agreement includes $8,475,000 for the Community Relations Service as proposed in the Senate-reported amendment, instead of $7,479,000 as proposed in the House bill. The conference agreement adopts the funding increases provided in the Senate report. In addition, the conference agreement includes a provision allowing the Attorney General to transfer up to $1,000,000 of funds available to the Department of Justice to this program, as proposed in the House bill. The Attorney General is expected to report to the Committees on Appropriations of the House and Senate if this transfer authority is exercised. In addition, a provision is included allowing the Attorney General to transfer additional resources, subject to reprogramming procedures, upon a determination that emergent circumstances warrant additional funding, as proposed in both the House bill and the Senate-reported amendment.

ASSETS FORFEITURE FUND

The conference agreement provides $23,000,000 for the Assets Forfeiture Fund as proposed in Senate-reported amendment, instead of no funding as proposed in the House bill.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

The conference agreement includes $2,000,000 for administrative expenses for fiscal year 2001, the full amount requested and the same amount proposed in both the House bill and the Senate-reported amendment. The conference agreement adopts the bill language in the House bill.

PAYMENT TO RADIATION COMPENSATION EXPOSURE TRUST FUND

The conference agreement provides $10,800,000 for the compensation trust fund, instead of $3,200,000 provided in the House bill and $14,400,000 in the Senate-reported amendment. The conference agreement includes bill language from the Senate-reported amendment allowing claimants who qualify under the original statute to be paid and does not provide funding for the expansion of the program authorized under Public Law 106–245.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

The conference agreement provides a total of $328,898,000 for Interagency Crime and Drug Enforcement as proposed in the House bill, of which $325,898,000 is derived from direct appropriations, and $3,000,000 is from prior year carryover. The House bill included $328,898,000 in direct appropriations, while the Senate-reported amendment proposed $316,792,000. The distribution of the total available funding is as follows:

Reimbursements by Agency

[In thousands of dollars]

Drug Enforcement Administration	$108,190
Federal Bureau of Investigation	112,468
Immigration and Naturalization Service	15,808
Marshals Service	1,984
U.S. Attorneys	86,582
Criminal Division	814
Tax Division	1,380
Administrative Office	1,672
Total	328,898

The conferees note that the report requested in fiscal year 2000 has not yet been delivered to the Committees on Appropriations.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

The conference agreement includes a total of $3,235,600,000 for the Federal Bureau of Investigation (FBI) Salaries and Expenses account, instead of $3,229,505,000 as proposed in the House bill, and $3,077,581,000 as recommended in the Senate-reported amendment. Of this amount, the conference agreement provides that not less than $437,650,000 shall be used for counterterrorism investigations, foreign counterintelligence, and other activities related to national security, instead of $400,650,000 as proposed in the Senate-reported amendment, and $159,223,000 as proposed in the House bill. The following narrative reflects how the funds provided in the conference agreement are to be spent.

The conference agreement includes a net increase of $136,080,000 for adjustments to base as follows: increases totaling $137,219,000 for pay and inflationary increases, including $27,711,000 for increased costs associated with the transfer of Civil Service Retirement System (CSRS) employees to the Federal Employee Retirement System (FERS), increased Federal health insurance premium costs, and continued direct funding for the National Instant Check System; offset by decreases totaling $1,139,000 for non-recurring equipment purchases.

The conference agreement adopts the concerns and direction included in the House report regarding the FBI's inability to execute its budget within the funding levels provided. The conference agreement provides the full amount requested for base adjustments to support the FBI's current staffing and operating level as reflected in the budget request. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement. The FBI is directed to continue to provide quarterly reports to the Committees on Appropriations which delineate by direct and reimbursable the funded and actual agent and non-agent staffing level for each decision unit, with the first report to be provided no later than January 15, 2001.

The following distribution represents the conference agreement:

FBI SALARIES AND EXPENSES, FISCAL YEAR 2001

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Criminal, Security and Other Investigations:			
Organized Criminal Enterprises	3,984	3,993	450,678
White Collar Crime	4,284	4,184	483,273
Other Field Programs	10,551	10,304	1,307,024
Subtotal	18,819	18,481	2,240,975
Law Enforcement Support:			
Training, Recruitment, and Applicant	1,003	984	120,454
Forensic Services	692	680	156,004
Information, Management, Automation & Telecommunications	569	562	166,121
Technical Field Support & Services	232	229	141,642
Criminal Justice Services	2,171	2,182	216,957
Subtotal	4,667	4,637	801,178
Program Direction: Management and Administration	2,083	2,024	193,447
Total, Direct Appropriations	25,569	25,142	3,235,600

The FBI is reminded that changes in this distribution are subject to the reprogramming requirements in section 605 of this Act.

In addition, the conference agreement includes a total of $59,712,000 in program enhancements for the FBI, of which $58,348,000 is for initiatives to enhance the FBI's ability to investigate threats related to domestic terrorism and cyber crime, as follows:

$25,000,000 is for Digital Storm and digital collection for foreign counter-intelligence. The FBI is directed to provide a spending plan to the Committees on Appropriations, no later than December 15, 2000, for Digital Storm.

$2,000,000 is for Joint Terrorism Task Forces. The FBI is directed to provide a report and spending plan to the Committees on Appropriations, no later than December 15, 2000, on this program.

$10,000,000 is for intelligence gathering and analysis, of which $1,305,000 (24 positions and 12 FTE) is for FISA preparation; $5,606,000 is for contract translation services; and $3,089,000 (55 positions and 28 FTE) is for intelligence research specialists. The conference agreement does not adopt the recommendation included in the Senate report to require the conversion of special agents to 55 intelligence research specialists. While the conference agreement does provide an enhancement for this activity, the FBI is directed to use attrition to convert support positions to intelligence research specialist positions to meet additional requirements in this area.

$20,000,000 is for other activities, of which the FBI may spend up to $1,364,000 for National Integrated Ballistics Network (NIBIN) Connectivity; $3,700,000 (26 positions and 13 FTE) for a counterintelligence initiative; $3,936,000 for the Automated Computer Examination System (ACES) and Computer Analysis and Response Team equipment; $5,500,000 for the Special Technologies and Applications Unit; and $5,500,000 for Digital Storm. Should the FBI require additional resources to address personnel requirements, the Committees would be willing to entertain a reprogramming under Section 605 from funding provided for these enhancements.

$612,000 (8 positions and 4 workyears, including 2 agents) is for the Intellectual Property Rights Center, as provided for in the House report, to improve intelligence and analysis related to intellectual property. The reporting requirement included in Senate report regarding copyright enforcement is adopted by reference.

$2,100,000 is for implementation of the Communications Assistance for Law Enforcement Act (CALEA), for a total of not less than $17,300,000 within the FBI to be used for this purpose. The conference agreement adopts the direction in the House report that the Department and the FBI remain focused on the timely implementation of CALEA, and therefore the Department of Justice is directed to submit a reorganization proposal to address coordination of CALEA implementation and other related electronic surveillance issues no later than November 15, 2000. This reorganization is expected to ensure continued coordination between the Department and the FBI on all matters involving CALEA implementation, as well as to ensure prioritization of financial and personnel resources required for a continued and sustained implementation effort.

National Instant Check System (NICS).—The conference agreement includes $67,735,000 in direct appropriations to continue operations of the NICS, as well as to provide system enhancements, including funds for ''hot'' backup for the Interstate Identification Index (III) and other system availability improvements.

The fiscal year 2001 budget request for the FBI included no direct funding for the NICS, and instead proposed to finance the costs of this system through a user fee. The conference agreement includes a provision under Title VI of this Act which prohibits the FBI from charging a fee for NICS checks, and instead provides funding to the FBI for its costs to operate the NICS.

FBI Technology Upgrade Plan.—The conference agreement includes total funding of $100,700,000, 14 positions and 7 FTE, for this initiative (previously referred to as the Information Sharing Initiative/e-FBI). This amount is to be derived from $80,000,000 made available in prior years, and $20,700,000 in fiscal year 2001 base funding. The House bill proposed a total of $139,344,000 for this initiative, to be derived from $80,000,000 in prior year funds, $20,000,000 in fiscal year 2001 base funds, and $39,344,000 in fiscal year 2001 program increases. The Senate-reported amendment proposed a total of $40,000,000 for this initiative, to be derived from prior year funds, and eliminated $20,000,000 in fiscal year 2001 base funding for this activity. The conference agreement does not include the rescission of $40,000,000 in prior year funds for these activities as proposed under Title VII of the Senate-reported amendment.

The conference agreement approves the plan dated September 2000, entitled ''FBI Technology Upgrade Plan, Reprioritized Three Year Implementation Plan.'' Therefore, the conference agreement includes the full amount necessary for year one costs as identified on page 47 of the September 2000 implementation plan. The FBI is directed to provide quarterly status reports to the Committees on implementation of this plan, including funding obligations, with the first such report due no later than February 15, 2001.

National Infrastructure Protection/Computer Analysis Response Teams (CART).—The FBI is directed to convert 14 part-time positions for Computer Analysis Response Teams (CART) examiners to full-time positions from personnel not currently assigned to computer intrusion/infrastructure protection squads, similar to direction included in the Senate report. The conference agreement also adopts the direction included in the Senate report regarding training, promotion and retention of CART members and computer intrusion/infrastructure protection squads. The Senate direction regarding development of a cadre of computer experts from other agencies and the private sector is adopted by reference.

Victim/Witness Specialists.—The conference agreement includes a new general provision under Title I of this Act authorizing funds to be provided to the FBI to improve services for crime victims from the Crime Victims Fund. These services are to be limited to victim assistance as described in the Victims of Crime Act and shall not cover non-victim witness activities such as witness protection or non-victim witness management services, paralegal duties or community outreach. The FBI is further directed to work with the Office of Victims of Crime (OVC) in developing position descriptions, grade level and hiring requirements, training and annual reporting requests for these specialists. The conference agreement assumes $7,400,000 will be needed to support 112 victim/witness specialists to be distributed as directed in the Senate report. The Committees on Appropriations expect to be notified of the final distribution of these specialists.

Other.—The Senate report language regarding copyright enforcement, continued collaboration with the Southwest Surety Institute, the Northern New Mexico anti-drug initiative, mitochondrial DNA, crimes against children, and background checks for school bus drivers is adopted by reference. The conference agreement also adopts by reference the House report language regarding the Housing Fraud Initiative, the Jewelry and Gem program, and submission of a comprehensive information technology report.

In addition, the FBI is directed to fully reimburse the private ambulance providers for their costs in support of Hostage Rescue Team operations in St. Martin Parish, Louisiana, in December, 1999.

In addition to identical provisions that were included in both the House bill and the Senate-reported amendment, the conference agreement includes a provision, modified from language proposed in the House bill, providing not to exceed 25,569 positions and 25,142 FTE for the FBI from funds appropriated in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes $16,687,000 in direct appropriations for construction for the Federal Bureau of Investigation (FBI), instead of $1,287,000 as proposed in the House bill, and $42,687,000 as proposed in the Senate-reported amendment. The agreement provides an increase of $15,400,000 over the fiscal year 2000 level for the FBI Academy firearms range modernization project, as follows: $1,900,000 for relocation and consolidation of an ammunition storage facility and for lead abatement at existing outdoor ranges; and $13,500,000 for completion of Phase I and Phase II of this project.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $1,363,309,000 for the Drug Enforcement Administration (DEA) Salaries and Expenses account, instead of $1,362,309,000 as proposed in the House bill, and $1,345,655,000 as proposed in the Senate-reported amendment. In addition, $83,543,000 is derived from the Diversion Control Fund for diversion control activities. The following narrative reflects how the funds provided in the conference agreement are to be spent.

Budget and Financial Management.—The conference agreement adopts by reference the concerns and direction included in both the House and Senate reports regarding budget and financial management. The conference agreement also includes a provision that identifies the funded position and FTE levels provided in the bill, which are consistent with the full base funding requested and program increases provided in the conference agreement.

The following table represents funding provided under this account:

DEA SALARIES AND EXPENSES

[In thousands of dollars]

Activity	Pos.	FTE	Amount
Enforcement:			
Domestic Enforcement	2,252	2,183	$407,261
Foreign Cooperative Investigation	732	699	206,644
Drug and Chemical Diversion	142	143	16,156
State and Local Task Forces	1,678	1,675	242,257
Subtotal	4,804	4,700	872,318
Investigative Support:			
Intelligence	883	900	112,904
Laboratory Services	381	378	44,463
Training	99	98	20,309
RETO	355	353	85,190
ADP	133	130	140,479
Subtotal	1,851	1,859	403,345
Management and Administration	865	853	87,646
Total, DEA	7,520	7,412	1,363,309

DEA is reminded that any deviation from the above distribution is subject to the reprogramming requirements of section 605 of this Act.

The conference agreement provides a net increase of $43,616,000 for base adjustments, as follows: increases totaling $48,293,000 for pay and other inflationary costs to maintain current operations, offset by decreases totaling $4,677,000 for costs associated with one-time and non-recurring equipment purchases, GSA rent decreases, and the transfer of funding for a demand reduction project to the Office of Justice Programs.

In addition, the conference agreement includes program increases totaling $64,200,000, as follows:

Investigative and Intelligence Requirements.—$48,100,000 is provided for the following investigative and intelligence enhancements:

$3,100,000, 19 positions (11 agents) and 9 FTE within Domestic Enforcement for the Special Operations Division (SOD) to expand support for the Southwest Border Initiative and to address money laundering and financial investigations.

$43,000,000, 2 positions and 1 FTE within Automated Data Processing to continue deployment of Phase II of FIREBIRD. When combined with $44,870,000 in existing base resources, a total of $87,870,000 is available for this program in fiscal year 2001 to enable FIREBIRD to be fully deployed to all domestic offices and Western Hemisphere offices. Of this amount, $28,000,000 is for deployment, $10,477,000 is for technology renewal, and $49,393,000 is for operations and maintenance and telecommunications costs. DEA is directed to continue to provide quarterly FIREBIRD status and obligation reports to the Committees on Appropriations.

$2,000,000 within Intelligence, of which $1,800,000 is for enhancements to the El Paso Intelligence Center (EPIC), and $200,000 is to meet expanded participation in the National Drug Pointer Index (NDPIX) information system. The House direction regarding a comprehensive report on participation and utilization of EPIC is adopted by reference.

Domestic Enhancements.— $14,600,000 is provided for the following domestic counter-drug enhancements:

$4,600,000, 25 positions (15 agents) and 13 FTE within Domestic Enforcement to establish an additional Regional Enforcement Team (RET). This amount, when combined with existing base resources, provides a total of $24,195,000 for RETS in fiscal year 2001.

$1,500,000, 14 positions (9 agents) and 7 FTE within Domestic Enforcement to enhance heroin enforcement, providing a total of $30,291,000 in fiscal year 2001 for this effort, as recommended in the Senate report. The Senate direction regarding black tar heroin is adopted by reference.

$1,500,000 within Domestic Enforcement to enhance methamphetamine enforcement, providing a total of $27,459,000 in fiscal year 2001 for this effort, as recommended in the Senate report.

$1,000,000 within State and Local Task Forces to enhance State and local methamphetamine training activities, as recommended in the Senate report.

$6,000,000 within Research, Engineering and Technical Operations (RETO) to procure three additional single-engine helicopters for drug enforcement activities along the Southwest border.

In addition, the conference agreement includes a total of $20,000,000 under the Community Oriented Policing Services Methamphetamine/Drug ''Hot Spots'' program to assist State and local law enforcement agencies with the costs associated with methamphetamine clean-up.

Budget and Financial Management.—$1,500,000, 8 positions and 4 FTE within Program Management and Administration to improve DEA's financial and resource management oversight, including funds to support DEA's Federal Financial System and for additional staffing for Finance and Resource Management.

Other.—The conference agreement includes a total of $20,000,000 for the special investigative unit (SIU) program. Within the amount available, DEA may establish a joint Haitian/Dominican Republic SIU on the island of Hispaniola. DEA is reminded that the Committees on Appropriations are to be notified in accordance with section 605 of this Act prior to the expansion of this program to any additional countries. There are continued concerns about endemic corruption within the Mexico SIU program which has severely limited its effectiveness. DEA is directed to report to the Committees on Appropriations no later than February 1, 2001, on progress made in resolving these problems and recommendations to make the Mexico program effective.

The conference agreement adopts by reference the direction included in the House report regarding continued participation in the HIDTA program, quarterly reports on source and transit countries, quarterly reports on implementation of the Caribbean initiative, and a report on requirements in the region. The conference agreement does not include funding under DEA for continuation of the demand reduction initiative recommended in the House report, but has instead transferred base funding for this program from DEA Domestic Enforcement to the Office of Justice Programs. DEA is also directed to better coordinate its operations with other Federal agencies, including INS and the FBI, along the Southwest Border, and to pursue co-location of offices whenever practical. The direction included in the Senate report regarding DEA's presence in Chile is adopted by reference. Within the amounts

provided under this account, DEA may use up to $500,000 for a study on methods to eliminate the effectiveness of anhydrous ammonia in methamphetamine production, as authorized.

Drug Diversion Control Fee Account.—The conference agreement provides $83,543,000 for DEA's Drug Diversion Control Program for fiscal year 2001, as provided in the House bill and the Senate-reported amendment. This amount includes an increase of $3,213,000 for adjustments to base, including the annualization of 25 positions provided in fiscal year 2000 for customer service improvements and drug data analysis. The conference agreement assumes that the level of balances in the Fee Account are sufficient to fully support diversion control programs in fiscal year 2001. As was the case in fiscal years 1999 and 2000, no funds are provided in the DEA Salaries and Expenses appropriation for this account in fiscal year 2001.

The conference agreement includes bill language, modified from language proposed in the House bill, providing not to exceed 7,520 positions and 7,412 FTE for DEA from funds provided in this Act. The Senate-reported amendment did not include a similar provision.

CONSTRUCTION

The conference agreement includes no new funding for this account as proposed in the Senate-reported amendment, instead of $5,500,000 as proposed in the House bill. A total of $19,500,000 in prior year carryover balances is available to fund planned fiscal year 2001 expenditures.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes $3,125,876,000 for the salaries and expenses of the Immigration and Naturalization Service (INS), instead of $3,121,213,000 as provided in the House bill, and $2,895,397,000 as provided in the Senate-reported amendment. In addition to the amounts appropriated, the conference agreement assumes that $1,549,480,000 will be available from offsetting fee collections instead of $1,438,812,000 as proposed by the House and $1,524,771,000 as proposed by the Senate. Thus, including resources provided under the Construction account, the conference agreement provides a total operating level of $4,808,658,000 for INS, instead of $4,670,689,000 as proposed by the House and $4,553,470,000 as proposed by the Senate, representing a $548,242,000 (13%) increase over fiscal year 2000. The following narrative reflects how funds provided in the conference agreement are to be spent.

INS Organization and Management.—The conference agreement incorporates concerns expressed in the House report that a lack of resources is no longer an acceptable response to INS's inability to adequately address its mission responsibilities. The conference agreement includes the establishment of clearer chains of command—one for enforcement activities and one for services to noncitizens—as one step towards making the INS a more efficient, accountable, and effective agency. Consistent with the concept of separating immigration enforcement from services, the conference agreement continues to provide for a separation of funds, as in the fiscal year 1999 and 2000 Appropriations Acts. The conference agreement separates funds into two accounts, as requested in the budget and proposed in the House bill: Enforcement and Border Affairs, and Citizenship and Benefits, Immigration Support and Program Direction. INS enforcement funds are provided in the Enforcement and Border Affairs account. All immigration-related benefits and naturalization, support and program resources are provided in the Citizenship and Benefits, Immigration Support and Program Direction account. Neither account includes revenues generated in various fee accounts to fund program activities for both enforcement and services functions, which are in addition to the appropriated funds and are discussed below. Funds for INS construction projects continue to be provided in the INS Construction account.

The conference agreement includes bill language which provides authority for the Attorney General to transfer funds from one account to another in order to ensure that funds are properly aligned. Such transfers may occur notwithstanding any transfer limitations imposed under this Act but such transfers are still subject to the reprogramming requirements under Section 605 of this Act. It is expected that any request for transfer of funds will remain within the activities under those headings.

The conference agreement includes $2,547,057,000 for Enforcement and Border Affairs, and $578,819,000 for Citizenship and Benefits, Immigration Support and Program Direction.

Base adjustments.—The conference agreement provides a total increase of $101,008,000 and 641 FTE for adjustments to base for INS salaries and expenses, offset by a $89,000,000 and 404 FTE transfer to the INS Exams Fees account for the naturalization and backlog reduction initiatives, as proposed in the budget request. The conference agreement does not include transfers to the Exams Fees account, the Breached/Bond Detention account, and the Justice Prisoner Alien Transportation System (JPATS) Fund, as proposed in the Senate-reported amendment.

For the Enforcement and Border Affairs account, the conference agreement provides an increase of $86,255,000 and 889 FTE for pay and inflationary adjustments for Border Patrol, Investigations, Detention and Deportation, and Intelligence. This represents the full amount requested less $11,770,000 for the annualization of border patrol agents not yet hired, and $3,343,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. Funds have not been included for the proposed increase in the journeyman level for border patrol agents and immigration inspectors.

For the Citizenship and Benefits, Immigration Support and Program Direction account, the conference agreement includes an increase of $14,752,000 for pay and inflationary adjustments for the existing activities of Citizenship and Benefits, Immigration Support, and Management and Administration; offset by a transfer of $89,000,000 in naturalization and backlog reduction activities to the Exams Fees account, as proposed in the budget. The amount provided for base adjustments represents the full amount requested less $690,000 for the portion of the fiscal year 2000 annualized pay raise which has already been paid in the current fiscal year. In addition, $35,000,000 is continued within the base to support naturalization and other benefits processing backlog reduction activities.

None of these amounts include offsetting fees, which are used to fund both enforcement and services functions.

In addition, program increases totaling $222,768,000 are provided, as follows:

Border Control and Management.—$100,612,000 is provided for additional border patrol staffing, technology, land border inspections, and Joint Terrorism Task Forces, as follows:

$52,000,000, 430 positions and 215 FTE, are for new border patrol agents. It is noted that again in fiscal years 1999 and 2000, the INS has failed to hire the 1,000 new border patrol agents provided in each of those years. Should the INS be unable to recruit the required agents again in fiscal year 2001, the INS is to submit a reprogramming in accordance with section 605 of this Act, prior to expenditure of the funds provided for the hiring of border patrol agents for any other purpose.

While some level of border control is being witnessed on parts of the Southwest border, particularly in San Diego, as a result of increased border patrol agents and technology, in other areas of the country border control remains a growing problem, particularly in the Northwest, Southeast, and other areas of the Southwest border. The House report language regarding consultation and submission of a deployment plan for new border patrol agents and direction in the House report regarding quarterly hiring status reports are adopted by reference. Senate report language prohibiting the transfer of any border patrol agents or technology from the Northwest border to the Southwest border is also adopted by reference.

$33,835,000 is for additional border patrol equipment and technology, for the following activities:

- $598,000 is for replacement patrol boats to combat alien smuggling on the Great Lakes, the Detroit River, Lake St. Clair, and the St. Lawrence Seaway.
- $17,500,000 is for the deployment of additional Integrated Surveillance Intelligence Systems (ISIS) along the Northern and Southern borders. When combined with existing base funds, a total of $35,500,000 is available for ISIS. INS is directed to consult with the Committees on Appropriations and provide a deployment plan for these systems no later than December 15, 2000, which reflects the highest priority locations on both the Northern and Southern borders.
- $15,737,000 is for additional border patrol equipment and technology. The conference agreement includes a total of $30,737,000 for additional border patrol equipment and technology, of which $15,737,000 is provided as a program increase and $15,000,000 is to be derived from within existing base resources. Funding provided is to be used for high priority equipment, including fiber optic scopes, hand-held search lights, vehicle infrared cameras, Global Positioning Systems, infrared scopes, night vision goggles, hand-held range-finder night vision binoculars, and pocket scopes. INS is directed to provide a spending plan for these funds to the Committees on Appropriations no later than December 15, 2000.

$6,277,000, 72 positions and 36 FTE are for additional inspectors at land border Ports of Entry (POE). INS is directed to consult with the Committees on Appropriations and provide a deployment plan no later than December 15, 2000 which reflects the highest priority locations for distribution of these resources.

$7,000,000, 58 positions and 29 FTE are for additional investigators and operational costs associated with INS participation in Joint Terrorism Task Forces to address immigration-related issues in terrorism cases.

Additionally, the conference agreement includes a $1,500,000 increase for the Law Enforcement Support Center (LESC), providing a total of $12,500,000 for the LESC in fiscal year 2001.

The conference agreement adopts by reference the House report language regarding the relocation of Tucson Sector helicopter operations and related housing costs, a joint plan on combating illegal immigration through Federal lands and parks, and establishment of a joint task force to study emergency medical services for illegal aliens.

Interior Enforcement/Removal of Deportable Aliens.—$120,856,000 is provided for interior enforcement, including the tracking, detention, and removal of aliens, as follows:

$87,306,000, 120 positions and 60 FTE are for an additional 1,167 detention beds, including 1,000 beds in State and local facilities, and 120 juvenile detention beds, as proposed in the House report.

$15,550,000 is for additional JPATS movements, as proposed in the House report. The conference agreement does not include the proposed transfer of funds from INS to the JPATS Fund for this activity which was recommended in the Senate report.

$11,000,000, 100 positions and 50 FTE are for 23 additional Quick Response Teams, as proposed in the House report. The House report language regarding consultation and submission of a deployment plan and direction regarding quarterly status reports are adopted by reference.

In addition, the conference agreement includes an additional $3,000,000 under the Community Oriented Policing Services program to expand the program to provide video-teleconferencing equipment and technology to allow State and local law enforcement to confirm the status of an alien suspected of criminal activity.

$3,000,000, 28 positions and 14 FTE are for expansion of the on-going Criminal Alien Apprehension Program (CAAP), pursuant to Public Law 105–141. The Senate report language regarding Salt Lake City is adopted by reference, and INS is directed to report its intention regarding this matter to the Committees on Appropriations no later than December 1, 2000. The House report language regarding consultation and submission of a deployment plan is adopted by reference.

$4,000,000, 26 positions and 13 FTE are for INS to enter INS criminal alien records into the National Criminal Information Center (NCIC) in order to address the current backlog and to ensure that INS does not lose its NCIC privileges. The direction included in the House report regarding development of a comprehensive plan to address this problem is adopted by reference.

Concerns have been expressed regarding the adequacy of the current training course for Detention Enforcement Officers (DEO) in light of the increasingly violent detainee population and other factors. INS is directed to complete a comprehensive assessment of its current DEO training course and provide a report to the Committees on Appropriations no later than July 1, 2001, with recommendations for improvements.

The conference agreement reflects concerns regarding INS' failure to vigorously pursue an effective interior enforcement strategy, and adopts by reference the direction included in the House report regarding quarterly reporting on detention and removal orders. The Senate report language regarding tuberculosis monitoring is also adopted by reference.

Professionalism and Infrastructure.—The conference agreement includes an increase of $1,300,000 for the Debt Management Center, as proposed in the Senate report. INS is expected to follow the direction included in the Senate report regarding annualization of this increase in fiscal year 2002.

IAFIS/IDENT.—The conference agreement adopts the recommendation included in the House report directing that $5,000,000 from within existing INS base funds available for IDENT be transferred to the Justice Management Division to continue the planned IAFIS/IDENT integration project, including systems design and development work and additional operational testing. INS is directed to comply with the direction in the House report regarding further deployment of IDENT.

Within the total amount available to INS, $2,103,000 is to be used to establish the task force required by Public Law 106–215.

Services/Benefits.—The Congress has provided significant additional resources to the INS over the past three years to address the naturalization backlog, improve the integrity of the naturalization process, and improve services. The conference agreement provides a total of $1,004,851,000 for these activities, $70,134,000 (7%) over the amount requested in the budget, and $135,222,000 (16%) over the fiscal year 2000 level. However, serious concerns remain about the INS' failure to manage its resources, and the Committees continue to receive complaints from Members of Congress and their constituents about the problems of backlogs in application processing and casework, and deficiencies in other services. Again this year, the conference agreement includes significant additional resources, over and above the President's budget request, for benefits and services. Therefore, INS is directed to conduct a complete review of staffing and resource needs to improve benefits and services in all current INS offices, as well as the need for additional offices, particularly in rural areas. INS is directed to complete this review and report its findings to the Committees on Appropriations, including a proposal to reallocate resources as warranted, no later than December 15, 2000. As part of this review, the INS is directed to pay particular attention to the following areas: Fort Smith, Arkansas; Adak, Alaska; San Francisco, California; Ventura, California; Washington, D.C.; Des Moines, Iowa; Louisville, Kentucky; the Bronx, New York; New York, New York; Omaha, Nebraska; Northern New Jersey; Las Vegas, NV; Greer, South Carolina; Nashville, Tennessee; Roanoke, Virginia; and Milwaukee, Wisconsin. In addition, the conferees are concerned with the diversion of resources from smaller rural offices and direct INS to notify the Committees prior to the reallocation of resources, including the temporary reassignment of personnel, from the area identified in the Senate report.

The conference agreement adopts by reference the direction included in the House report regarding monthly reports on the status of processing immigration benefits applications, continuation of the San Jose customer service pilot, and a report on unreviewed Citizenship USA cases, which is to be submitted no later than November 1, 2000.

In addition to identical provisions included in both the House bill and the Senate-reported amendment, the conference agreement includes the following additional provisions, as follows: (1) a limitation of $30,000 per individual employee for overtime payments, as proposed in the House bill, instead of $20,000 as proposed in the Senate-reported amendment; (2) a limitation on funding and staffing available to the Offices of Legislative and Public Affairs, as proposed in the House bill; (3) a prohibition on the use of funds to operate the San Clemente and Temecula traffic checkpoints unless certain conditions are met, as proposed in the House bill; and (4) limitations on the number of positions and FTE provided to INS in this Act, modified from language proposed in the House bill.

OFFSETTING FEE COLLECTIONS

The conference agreement assumes $1,549,480,000 will be available from offsetting fee collections, instead of $1,438,812,000 as proposed in the House bill and $1,524,771,000 as proposed in the Senate-reported amendment, to support activities related to the legal admission of persons into the United States. These activities are funded entirely by fees paid by persons who are either traveling internationally or are applying for immigration benefits. The following levels are recommended:

Immigration Inspections User Fees.—The conference agreement includes $494,384,000 of spending from offsetting collections in this account, the same amount proposed in Senate report, and $15,505,000 above the amount included in the House report. This amount represents a $38,999,000 increase over fiscal year 2000 spending, and does not assume the addition of any new or increased fees on airline or cruise ship passengers. The conference agreement includes $18,489,000 for adjustments to base, the full amount requested. In addition, program increases are provided as follows: $12,186,000, 154 positions and 77 FTE to increase primary inspectors at new airport terminals; and $8,324,000 to address additional staffing and other requirements. Funding is not included for the proposed change in the journeyman level for inspectors. INS is directed to consult with Committees on Appropriations and to submit a spending and deployment plan no later than December 1, 2000, which allocates these additional resources to the highest priority locations. Should additional fees become available, the INS may submit a reprogramming in accordance with section 605 of this Act.

Immigration Examinations Fees.—The conference agreement includes a total of $1,004,851,000 to support the adjudication of applications for immigration benefits, instead of $918,717,000 as proposed in the House bill, $841,017,000 as proposed in the Senate-reported amendment, and $934,617,000 as requested in the budget. These funds are derived from offsetting collections in the Examinations Fees account from persons applying for immigration benefits, including collections from a new voluntary premium processing fee as proposed in the House bill and the budget request, and $35,000,000 in continued direct appropriations under the Citizenship and Benefits, Immigration Support, and Program Direction account. The conference agreement reflects the INS' revised revenue estimates for collections from existing fees which is $107,534,000 higher than the amount assumed in the budget request, and $144,534,000 above the amount available in fiscal year 2000. When combined with additional revenues estimated from the new voluntary premium processing fee, the total amount of collections available in the Examinations Fees account for adjudication of immigration benefits is $224,534,000 over the amount available in fiscal year 2000. When combined with direct appropriations, the total amount included in the conference agreement for benefits processing, adjudication, and backlog reduction is an increase of $70,134,000 (7%) above the budget request and $135,222,000 (16%) above the amount provided in fiscal year 2000. Therefore, the conference agreement does not include the reinstatement of section 245(i) as proposed in the Senate-reported amendment. In addition, the conference agreement does not adopt the transfer of $49,741,000 from Examinations Fees funding to the Executive Office of Immigration Review (EOIR); and the transfer of $50,000,000 in non-adjudication related activities from the Salaries and Expenses account to the Examinations Fees account which were proposed in the Senate-reported amendment.

Within the Examinations Fees account, the conference agreement provides the following: $25,676,000 for adjustments to base; and program enhancements totaling $94,841,000, as proposed in the House report, for the following activities: (1) $16,000,000 for implementing premium business service processing; (2) $7,500,000 for anti-fraud investigations related to business-related visa applications and marriage fraud; (3) $13,000,000 for the telephone customer service center, for a total of $43,000,000, the full amount requested; (4) $4,200,000 for the indexing and conversion of INS microfilm images, for a

total of $7,200,000; and (5) $53,641,000 for replacement of the case tracking system and hardware in field offices and continued development and installation of digital photography and signature capabilities in the Application Support Centers. Included within these amounts is $6,000,000 for installation of the CLAIMS 4 system in the Los Angeles, California district office which will complete nationwide deployment of the system. INS is directed to submit a spending plan in accordance with the reprogramming procedures set forth in section 605 of this Act which allocates the remaining $51,134,000 in additional resources made available in the Exams Fees account, and the $35,000,000 in continued direct appropriations provided for backlog reduction initiatives.

The INS is directed to make available to EOIR from the INS Examinations Fees account not less than $1,000,000 to be applied toward expenditures related to EOIR's acquisition of contract court interpreter services for immigration court proceedings.

Land Border Inspections Fees.—The conference agreement includes $1,670,000 in spending from the Land Border Inspection Fund, as proposed in the Senate report, instead of $1,641,000 as proposed in the House report. The current revenues generated in this account are from Dedicated Commuter Lanes in Blaine and Port Roberts, Washington, Detroit Tunnel and Ambassador Bridge, Michigan, and Otay Mesa, California, and from Automated Permit Ports that provide pre-screened local border residents' border crossing privileges by means of automated inspections.

Immigration Breached Bond/Detention Fund.—The conference agreement includes $80,600,000 in spending from the Breached Bond/Detention Fund, as proposed in the House report, instead of $130,634,000 as proposed in the Senate report, and reflects the current estimate of revenues available in the Fund in fiscal year 2001 based upon current law. The conference agreement does not assume the reinstatement of Section 245(i), which was proposed in the Senate-reported amendment and the budget request. Instead, the conference agreement provides a $37,480,000 increase in the INS Salaries and Expenses account to fully fund the detention requirements requested in the Fund, but for which revenues are insufficient in fiscal year 2001. The agreement does not include the base transfer to the Breached Bond/Detention Fund account, as proposed in the Senate report.

Immigration Enforcement Fines.—The conference agreement includes $1,850,000 in spending from Immigration Enforcement fines, the amount requested and proposed in the House report, instead of $5,593,000 as proposed in the Senate report.

H–1B Fees.—The conference agreement includes $1,125,000 in spending from the H–1B Fee account, the amount requested and the amount proposed in the House report, instead of $1,473,000 as proposed in the Senate report.

CONSTRUCTION

The conference agreement includes $133,302,000 for construction for INS, as proposed in the Senate-reported amendment, instead of $110,664,000 as proposed in the House bill. This amount fully funds the Administration's request, funds $5,000,000 in habitability, life safety, and other improvements at the Charleston Border Patrol Academy, and provides increases over the requested amount of $7,353,000 for one-time build out and $9,814,000 for maintenance, repair, and alteration to accelerate these programs.

The conference agreement includes language, as proposed in the House bill and carried in prior Appropriations Acts, prohibiting funds from being used for site acquisition, design, or construction of a checkpoint in the Tucson Sector. The Senate-reported amendment did not include a similar provision.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conference agreement includes $3,476,889,000 for the salaries and expenses of the Federal Prison System, instead of $3,430,596,000 as proposed in the House bill and $3,573,729,000 as proposed in the Senate-reported amendment. The agreement assumes that, in addition to the amounts appropriated, $31,000,000 will be available for necessary operations from unobligated carryover balances from the prior year.

The conference agreement includes funding to begin and or complete the activation of the following facilities:

Victorville, CA	$5,882,000
Houston, TX	637,000
Brooklyn, NY	8,131,000
Philadelphia, PA	5,718,000
Butner, NC	11,808,000
Loretto, PA expansion	613,000
Pollock, LA	33,511,000
Atwater, CA	22,316,000
Coleman, FL	10,235,000
Honolulu, HI	14,119,000
Ft. Dix, NJ expansion	4,893,000
Yazoo City, MS expansion	674,000
Lompoc, CA expansion	907,000
El Paso, TX expansion	2,357,000
Seagoville, TX expansion	1,208,000
Jesup, GA expansion	200,000

The conference agreement provides an additional $500,000 for the National Institute of Corrections (NIC) to study whether the location of illegal alien holding facilities along the Southern border of the United States contributes to the illegal immigration problems in this country. The conference agreement includes $4,000,000 for the NIC to address issues related to children of prisoners, as described in the Senate report. Of the amounts provided, up to $1,000,000 shall be for the NIC to address the issue of staff sexual misconduct involving female inmates as described in the Senate report.

The conference agreement provides $100,000 for implementation of a pilot internship program at the Federal Correctional Institution in Yazoo City, MS as described in the Senate report. The conference agreement adopts the Senate report language directing BOP to continue to assess the feasibility of construction of a high security facility in Yazoo City, MS as described in the Senate report.

The conference agreement includes a $3,000,000 enhancement for education programming instead of the $7,433,000 requested. If additional resources become available either through prior year unobligated balances or as a result of savings in fiscal year 2001, BOP is expected to fund these additional costs.

BUILDINGS AND FACILITIES

The conference agreement includes $835,660,000 for construction, modernization, maintenance and repair of prison and detention facilities housing Federal prisoners, the same level as provided in the House bill, instead of $724,389,000 as provided in the Senate-reported amendment. The conference agreement provides $681,271,000 for construction of new facilities as outlined below:

[In thousands of dollars]

Facility	*Amount*
Facilities with prior funding:	
FCI Forrest City, AR	$95,814
FCI Yazoo City, MS	86,884
USP Lompoc, CA	118,111
FCI Butner, NC	83,111
FCI Victorville, CA	116,838
FCI Herlong/Sierra, CA	116,861
Facilities with no prior funding:	
USP Western	11,930
USP Southeastern	11,931
FCI Southeastern	5,430
FCI Mid-Atlantic	5,430
FCI Midwestern	5,431
FCI Western	6,000
FCI South Central	5,000
FCI Northeast	5,000
FCI Mid-Atlantic	5,000
Mid-Atlantic Female	2,000
Alaska Prison Study	500
Total	681,271

After reviewing numerous sites in South Carolina, the Bureau of Prisons (BOP) narrowed its focus on four potential locations that would be suitable for the construction of correctional facilities. Following a comprehensive Environmental Impact Study completed in April, 2000, the BOP identified two preferred sites in Williamsburg and Marlboro Counties. A Record of Decision (ROD) for the Salters site, Williamsburg County was signed by the Director, BOP on July 19, 2000. On the same date, the ROD was signed for the Bennetsville site, Marlboro County. The BOP is in the process of procuring a design/build contract for the Salters site and is proceeding with the second preferred site, consistent with the ROD and the fiscal year 2001 request.

The Senate provided $7,954,000 to plan and design a prison in Alaska while the House included no such funding. The managers note that there is no Federal prison in Alaska and State prisons are severely overcrowded and are operating under a court order requiring some prisoners to be transported to lower 48 State prisons. Likewise, Federal prisoners in Alaska must be transported by commercial air to Federal facilities thousands of miles away at a huge cost to taxpayers.

The Director of the Bureau of Prisons is directed to prepare a feasibility study on the need for a new prison in Alaska including the number of Federal prisoners who would be housed, the types of detention, rehabilitation, vocational and educational facilities that would be required, and the potential to lease surplus beds to the State of Alaska to reduce its prison overcrowding. The report should also analyze the costs of construction, the cost savings that would be realized from reduced prisoner transportation costs, and potential financing options, including State contributions and private financing and operation. The managers have provided $500,000 for the study which should be conducted in consultation with the U.S. Marshal for Alaska, the Chief Judge of the United States District Court, the Alaska Commissioner of Corrections and private parties or non-profit corporations with an interest in prison issues. The report should be submitted to the House and Senate Committees on Appropriations by March 15, 2001.

FEDERAL PRISON INDUSTRIES, INCORPORATED

(LIMITATION ON ADMINISTRATIVE EXPENSES)

The conference agreement includes a limitation on administrative expenses of $3,429,000, as requested and as proposed in both the House bill and the Senate-reported amendment.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

The conference agreement includes $418,219,000 for Justice Assistance, instead of $307,611,000 as proposed in the House bill and $426,403,000 as proposed in the Senate-reported amendment. The conference agreement includes the following:

National Institute of Justice	$70,000,000
Defense/Law Enforcement Technology Transfer	*(12,277,000)*
Bureau of Justice Statistics	28,755,000
Missing Children	23,048,000
Regional Information Sharing System	25,000,000
National White Collar Crime Center	9,250,000
Management and Administration	41,186,000
Subtotal	197,239,000
Counterterrorism Programs:	
Equipment	109,400,000
Nunn-Lugar-Domenici Program	20,980,000
Training	45,500,000
Exercises	7,000,000
Technical Assistance	2,000,000
Counterterrorism Research and Development	36,100,000
Subtotal	220,980,000
Total, Bureau of Justice Assistance	418,219,000

National Institute of Justice (NIJ).—The conference agreement provides $70,000,000 for the National Institute of Justice, instead of $41,448,000 as proposed in the House bill and $46,000,000 as proposed in the Senate-reported amendment. Additionally, $5,200,000 for NIJ research and evaluation on the causes and impact of domestic violence is provided under the Violence Against Women Grants program; $17,500,000 is provided from within technology funding in the Community Oriented Policing Services account to be available to NIJ to develop new, more effective safety technologies for safe schools; and $20,000,000 is provided to NIJ, as was provided in previous fiscal years, within the Local Law Enforcement Block Grant for assisting local units to identify, select, develop, modernize and purchase new technologies for use by law enforcement.

The conference agreement adopts by reference the following recommendations in the House report which are within the overall amounts provided to NIJ. The Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on its intentions regarding: a grant at the current year level for information technology applications for High Intensity Drug Trafficking Areas; a grant for the Snohomish County Medical Examiner's Office to assist in the development of a new death investigation module for the FBI's ViCAP system; and a $1,800,000 grant for facial recognition.

The conference agreement adopts the following recommendations in the Senate report that provides that within the overall amount provided to NIJ, the Office of Justice Programs is expected to review proposals, provide grants if warranted, and report to the Committees on Appropriations on its intentions regarding: a $400,000 grant for continued research into non-toxic drug detection and identification aerosol technology; a $300,000 grant for Washington State Breaking the Cycle; and a $100,000 grant for perfluorocarbon tracer.

Within the amount provided, the conference agreement directs that increased amounts over fiscal year 2000 be made available for computerized identification systems and the DNA Research Technology and Development Program, as proposed in the Senate report.

The conference agreement provides $15,000,000 for an education and development initiative to promote criminal justice excellence at Eastern Kentucky University in conjunction with the University of Kentucky.

The conference agreement includes $600,000 for NIJ to develop, test, and validate a prototype national Vulnerability Assessment (VA) methodology for assessing the security of chemical facilities against terrorist and criminal attacks, consistent with the requirements of Public Law 106–40. This report is expected to include recommendations for the Attorney General on the appropriate security classification and public release of information likely to be generated by a national VA of chemical facilities, including an analysis of expected risks and benefits. One year after enactment of this Act, the Attorney General shall provide to the Committees on Appropriations a comprehensive report on the findings derived from the development of the VA methodology. The information contained in this report will be used only to describe and validate conditions at chemical facilities in general and will contain no identifications of specific chemical facilities.

Defense/Law Enforcement Technology Transfer.—Within the total amount provided to NIJ, the conference agreement includes $12,277,000 to assist NIJ, in conjunction with the Department of Defense, in converting non-lethal defense technology to law enforcement use. Within the amount provided is funding for the continuation of the law enforcement technology center network, which provides States with information on new equipment and technologies, as well as assisting law enforcement agencies in locating high cost/low use equipment for use on a temporary or emergency basis. The current year level is provided for the technology commercialization initiative at the National Technology Transfer Center and other law enforcement technology centers. The current year level is provided for the Center for Rural Law Enforcement Technology and Training to evaluate and assist in providing technology needs of rural State and local law enforcement officers, as part of the National Law Enforcement and Corrections Technology Center (NLECTC) system. $1,500,000 is also provided to develop plans to establish a National Law Enforcement and Corrections Technology Center in Alaska as described in the Senate report.

The conference agreement includes an $8,000,000 increase for smart gun technology research and development.

Bureau of Justice Statistics (BJS).—The conference agreement provides $28,755,000 for the Bureau of Justice Statistics, instead of $25,505,000 as proposed in the House bill and $27,305,000 as proposed by the Senate-reported amendment. The recommendation includes $500,000 for inflationary cost increases, $725,000 to collect Computer Crime and Cyber-Fraud Statistics as described in the Senate report and $2,000,000 for tribal criminal justice statistics.

Missing Children.—The conference agreement provides $23,048,000 for the Missing Children Program instead of $25,473,000 as proposed in the Senate-reported amendment and $19,952,000 as proposed in the House bill. Within the amounts provided the conference agreement assumes the following:

(1) $9,298,000 for the Missing Children Program within the Office of Justice Programs, Justice Assistance, including the following: $6,500,000 for State and local law enforcement to continue specialized cyberunits and to form new units to investigate and prevent child sexual exploitation which are based on the protocols for conducting investigations involving the Internet and online service providers that have been established by the Department of Justice and the National Center for Missing and Exploited Children.

(2) $11,450,000 for the National Center for Missing and Exploited Children, of which $100,000 is provided for a case manager as described in the Senate report; $2,250,000 is for CyberTipline, Cyperspace training and continuation of a study regarding the victimization of children on the Internet as described in the Senate report. Additional funding is also provided for a legal and technical assistance section. OJP is directed to work with the National Center for Missing and Exploited Children to identify law enforcement agencies which currently utilize computers in their patrol vehicles and create a program to use computers to disseminate information on missing children as described in the Senate report.

(3) $2,300,000 for the Jimmy Ryce Law Enforcement Training Center for training of State and local law enforcement officials investigating missing and exploited children cases.

Regional Information Sharing System (RISS).—The conference agreement includes $25,000,000 for RISS, instead of $20,000,000 and a $5,000,000 transfer from the COPS program as proposed in the House bill and $30,000,000 as proposed in the Senate-reported amendment.

White Collar Crime Information Center.—The conference agreement includes $9,250,000 for the National White Collar Crime Center (NWCCC), as proposed in the House bill, instead of no funding as proposed in the Senate-reported amendment.

Counterterrorism Assistance.—The conference agreement includes a total of $220,980,000 to continue the initiative to prepare, equip, and train State and local entities to respond to incidents of chemical, biological, radiological, and other types of domestic terrorism, instead of $152,000,000 as proposed in the House bill and $257,000,000 as proposed in the Senate-reported amendment. Funding is provided as follows:

Equipment.—$109,400,000 is provided for grants to equip State and local first responders, including, but not limited to, firefighters and emergency services personnel, as follows:

- $97,000,000 for Domestic Preparedness Equipment Grants to be used to procure specialized equipment required by State and local first responders to respond to terrorist incidents involving chemical, biological, radiological, and explosive weapons of mass destruction (WMD). The conference agreement continues the direction included in the fiscal year 2000 Appropriations Act, allowing funds to be allocated only in accordance with an approved State plan, and adopts the direction included in the Senate report requiring 80 percent of each State's funding to be provided to local communities with the greatest need. Within the total amount provided for these grants, up to $2,000,000 shall be made available for continued support of the Domestic Preparedness Equipment Technical Assistance program at the Pine Bluff Arsenal;
- $5,000,000 is for equipment grants for State and local bomb technicians, instead of $10,000,000 as proposed in the House report; and
- $7,400,000 is for pre-positioned equipment, as proposed in the Senate report.

Nunn-Lugar-Domenici Program (NLD).—$20,980,000 is for the NLD Domestic Preparedness Program authorized under the National Defense Authorization Act, 1997, and previously funded by the Department of Defense, to provide training and other assistance to the 120 largest U.S. cities. On April 6, 2000, the President proposed the transfer of responsibility for completion of the NLD

program to the Department of Justice. The conference agreement provides the full amount necessary to complete the NLD program, of which $8,100,000 is for training and $6,880,000 is for exercises for the remainder of the 120 cities; $3,000,000 is for Improved Response Plans; and $3,000,000 is for management and administrative costs associated with this program. Within the amounts provided for Domestic Preparedness Equipment grants, the Office of Justice Programs may provide equipment to NLD cities if such equipment is necessary to fulfill the requirements of the program. The conference agreement includes a series of new programs to address training and exercise requirements on a national basis, and expects the Office of Justice Programs to provide any future training and exercises assistance through these programs. The Senate report language regarding administration of this program is adopted by reference.

Training.—$45,500,000 is for training programs for State and local first responders, to be distributed as follows:

- $33,500,000 is for the National Domestic Preparedness Consortium, of which $15,500,000 is for the Center for Domestic Preparedness at Ft. McClellan, Alabama, including $500,000 for management and administration of the Center; $5,250,000 is for the Texas Engineering Extension Service at Texas A&M; and $12,750,000 is to be equally divided among the three other Consortium members;
- $8,000,000 is for additional training programs to address emerging training needs not provided for by the Consortium or elsewhere. In distributing these funds, OJP is expected to consider the needs of firefighters and emergency services personnel, and State and local law enforcement;
- $3,000,000 is for continuation of distance learning training programs at the National Terrorism Preparedness Institute at the Southeastern Public Safety Institute to provide training through advanced distributive learning technology and other mechanisms; and
- $1,000,000 is for continuation of the State and Local Antiterrorism Training Program.

Exercises.—$7,000,000 is for exercise programs, of which $4,000,000 is for grants to assist State and local jurisdictions in planning and conducting exercises to enhance their response capabilities, and $3,000,000 is for planning, execution, and analysis of TOPOFF II. The direction included in the Senate report regarding distribution of exercises grants in accordance with approved State plans is adopted by reference.

Technical Assistance.—$2,000,000 is for technical assistance to States and localities, as proposed in the Senate report.

Counterterrorism Research and Development.—$36,100,000 is for counterterrorism research and development, of which $18,000,000 is for the Dartmouth Institute for Security Technology Studies (ISTS), $18,000,000 is for the Oklahoma City National Memorial Institute for the Prevention of Terrorism (MIPT), and $100,000 is for a pilot project to develop an RDT&E system similar to the Department of Defense System, as proposed in the Senate report. Within the amount provided for MIPT, up to $4,000,000 is to be used to support the development of performance standards in a biological and chemical environment for respirators and personal protective garments. The MIPT and the ISTS are directed to work with the Technical Support Working Group and the National Domestic Preparedness Office to develop and implement a process whereby WMD equipment is standardized.

The conference agreement includes language modified from language included in the House bill and the Senate-reported amendment providing funding for counterterrorism programs.

Management and Administration.—The conference agreement includes $41,186,000 for Management and Administration, instead of $39,456,000 as proposed by the House, and $40,125,000 as proposed by the Senate. The conference agreement adopts the House report language concerning the reorganization of the Office of Justice Programs and the submission of a report on the implementation of the reorganization by December 31, 2000.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

The conference agreement includes $2,848,929,000 for State and Local Law Enforcement Assistance, instead of $2,823,950,000 as proposed in the House bill, and $1,475,254,000 as proposed in the Senate-reported amendment. The conference agreement provides for the following programs:

Local Law Enforcement Block Grant	$523,000,000
Boys and Girls Clubs	*(60,000,000)*
Law Enforcement Technology	*(20,000,000)*
State Prison Grants	686,500,000
Cooperative Agreement Program	*(35,000,000)*
Indian Country Earmark	*(34,000,000)*
Alien Incarceration	*(165,000,000)*
State Environmental Impact Statements	*(2,000,000)*
State Criminal Alien Assistance Program	400,000,000
Indian Tribal Courts Program	8,000,000
Byrne Discretionary Grants	69,050,000
Byrne Formula Grants	500,000,000
Drug Courts	50,000,000
Juvenile Crime Block Grant	250,000,000
Violence Against Women Act Programs	288,679,000
State Prison Drug Treatment	63,000,000
Indian Country Alcohol and Crime Prevention	5,000,000
Missing Alzheimer's Patient Program	900,000
Law Enforcement Family Support Programs	1,500,000
Motor Vehicle Theft Prevention	1,300,000
Senior Citizens Against Marketing Scams	2,000,000
Total	2,848,929,000

Local Law Enforcement Block Grant.—The conference agreement includes $523,000,000 for the Local Law Enforcement Block Grant program, as proposed in the House bill, instead of $400,000,000, as proposed in the Senate-reported amendment, in order to continue the commitment to provide local governments with the resources and flexibility to address specific crime problems in their communities with their own solutions. Within the amount provided, the conference agreement includes language providing $60,000,000 to the Boys and Girls Clubs of America. In addition, the conference agreement extends the set-aside for law enforcement technology, as proposed in both the House bill and the Senate-reported amendment.

State Prison Grants.—The conference agreement includes $686,500,000 for State Prison Grants as proposed in the House bill, instead of $76,000,000 as proposed in the Senate-reported amendment. Of the amount provided, $450,500,000 is available to States to build and expand prisons, $165,000,000 is available to States for the reimbursement of the costs of incarceration of criminal aliens, $35,000,000 is available for the Cooperative Agreement Program, $34,000,000 is available for Indian tribes, and $2,000,000 is available for review of State environmental impact statements to determine compliance with Federal requirements and ensure that State projects are not delayed.

State Criminal Alien Assistance Program.—The conference agreement provides a total of $565,000,000 for the State Criminal Alien Assistance Program for payment to the States for the costs of incarceration of criminal aliens, instead of $50,000,000, as proposed in the Senate-reported amendment and $585,000,000 as proposed in the House bill. Of the total amount, the conference agreement includes $400,000,000 under this account for the State Criminal Alien Assistance Program and $165,000,000 for this purpose under the State Prison Grants program, as proposed by the House bill.

Indian Tribal Courts.—The conference agreement includes $8,000,000, instead of $5,000,000 as proposed in the Senate-reported amendment, and no funding in the House bill, to assist tribal governments in the development, enhancement, and continuing operation of tribal judicial systems by providing resources for the necessary tools to sustain safer and more peaceful communities.

Edward Byrne Grants to States.—The conference agreement provides $569,050,000 for the Edward Byrne Memorial State and Local Law Enforcement Assistance Program, of which $69,050,000 is for discretionary grants and $500,000,000 is provided for formula grants under this program.

Byrne Discretionary Grants.—The conference agreement provides $69,050,000 for discretionary grants under the Edward Byrne Memorial State and Local Assistance Program to be administered by Bureau of Justice Assistance (BJA), instead of $52,000,000 as proposed in the House bill and the Senate-reported amendment. Within the amount provided for discretionary grants, OJP is expected to review the following proposals, provide grants if warranted, and report to the Committees on Appropriations of the House and the Senate on its intentions:

- $2,000,000 for the Drug Abuse Resistance Education (DARE AMERICA) program;
- $1,600,000 for continued support for the expansion of Search Group, Inc. and the national Technical Assistance and Training Program to assist States, such as West Virginia, to accelerate the automation of fingerprint identification processes;
- $4,400,000 for the National Crime Prevention Council to continue and expand the National Citizens Crime Prevention Campaign, McGruff;
- $800,000 for the Haymarket Center;
- $5,000,000 for Project HomeSafe for safety packets which include a gun locking device and information on how to handle and store guns safely as described in the Senate report;
- $150,000 for the Ottawa County, MI, Sheriff's Department to support crime fighting technologies;
- $1,000,000 for the Tools for Tolerance Program;
- $500,000 for the Littleton Area Learning Center;
- $4,500,000 for the Executive Office of U.S. Attorneys to support the National District Attorneys Association's participation in legal education training at the National Advocacy Center;
- $2,000,000 for the Youth Safe Haven program;
- $1,900,000 for the Families and Schools Together (FAST) program;
- $1,500,000 for Project Return in New Orleans, LA;
- $2,000,000 for the Alaska Native Justice Center;
- $400,000 for the Ridge House in Reno, NV;
- $3,000,000 for a grant to the National Center for Justice and the Rule of Law at the

University of Mississippi School of Law to sponsor research and produce judicial education seminars and training for judges, court personnel, prosecutors, police agencies, and attorneys;

● $350,000 for a grant to Turtle Mountain Community College's Department of Justice for ''Project Peacemaker'';

● $300,000 for the Chattanooga Endeavors program;

● $750,000 for a grant to the University of Kentucky College of Law for teleconferencing equipment for prosecutor training;

● $1,000,000 for the Fels Center at the University of Pennsylvania for a demonstration fellowship project;

● $1,400,000 for rural alcohol interdiction, investigations, and prosecutions in the State of Alaska;

● $150,000 for the MUSC Innovative Alternatives for Women program;

● $750,000 for the Nevada National Judicial College;

● $3,000,000 for a grant for the National Fatherhood Initiative;

● $190,000 to the Hampshire County, MA, TRIAD project;

● $450,000 for the Gospel Rescue Mission;

● $2,250,000 the Washington Metropolitan Area Drug Enforcement Task Force and for expansion of the regional gang tracking system;

● $2,000,000 for the Rural Crime Prevention and Prosecution program;

● $1,000,000 for the Night Light program in San Bernardino, CA to assign probation officers to patrol with law enforcement during peak crime hours;

● $800,000 for the Illegal Firearms Reduction Program in Illinois;

● $850,000 for the DuPage County Children's Sexual Abuse Center;

● $1,000,000 for Operation NITRO (Narcotics Interdiction To Reduce Open-Air Drug Markets) in Newark, NJ;

● $1,800,000 for the Center for Rural Law Enforcement Technology and Training;

● $2,505,000 for Kentucky Child Advocacy Centers;

● $1,000,000 for a community court pilot project in Los Angeles, CA;

● $1,000,000 for a Neighborhood Policing Initiative for the Homeless in Clearwater, FL;

● $1,000,000 for the National Children's Advocacy Center in Huntsville, Alabama for a Child Abuse Investigation and Prosecution Enhancement Initiative;

● $1,100,000 for the National Training and Information Center;

● $1,000,000 for the Doe Fund's Ready, Willing and Able program;

● $30,000 for the Crimestoppers program in Lexington, KY, to expand its efforts to involve citizens in crime prevention;

● $1,000,000 for the Ben Clark Public Safety Training program for law enforcement officers;

● $3,000,000 for the Regional Mobile Gang Task Force Enforcement Team in Orange County, CA;

● $500,000 for the Local Initiative Support Corporation;

● $300,000 for the National Association of Town Watch's National Night Out crime prevention program;

● $2,000,000 for a Spokane County crime task force for costs associated with State and local investigations;

● $750,000 for Operation Child Haven;

● $150,000 for the Samantha Reid Foundation;

● $500,000 for the Sunflower House in Shawnee, KS; and

● $400,000 for the Domestic Violence Services for Women in Substance Abuse Treatment and Substance Abuse Treatment for Women in Domestic Violence Shelters project at the University of Northern Iowa.

The conference agreement adopts the Senate report language supporting the national motor vehicle title information system. Within available resources for Byrne discretionary grants, OJP is urged to review proposals, and provide grants if warranted, to the Alaska Federation of Natives and the Alaska court system for an alcohol law offenders program using Naltrexone and other drug therapies.

Byrne Formula Grants.—The conference agreement provides $500,000,000 for the Byrne Formula Grant program as proposed in the House bill, instead of $400,000,000 as proposed in the Senate-reported amendment.

Drug Courts.—The conference agreement includes $50,000,000 for drug courts, instead of $40,000,000 as proposed in the Senate-reported amendment and the House bill. Localities may also obtain funding for drug courts under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

The conference agreement recognizes that there are currently over 480 drug courts in the United States. These drug courts play an important role in controlling the behavior and drug addiction of drug-using offenders across the Nation. Among these courts, there are only three comprehensive drug court systems in the country, one of which is in Denver, Colorado. Denver's adult drug court was established in 1994 and recently a juvenile drug court was established. The conference agreement recognizes the Denver concept has demonstrated its efficacy and, with sufficient resources, could serve as a model for other drug courts.

Juvenile Accountability Incentive Block Grant.—The conference agreement provides $250,000,000 for the Juvenile Accountability Incentive Block Grant program to address the problem of juvenile crime as proposed in the House bill instead of $100,000,000 as proposed in the Senate-reported amendment.

Violence Against Women Act Grants.—The conference agreement includes $288,679,000 for grants to support the Violence Against Women Act, instead of $283,750,000 as proposed in the House bill, and $284,854,000 as proposed in the Senate-reported amendment. The conference agreement provides funding under this account as follows:

General Grants	$210,179,000
Civil Legal Assistance	*(31,625,000)*
National Institute of Justice	*(5,200,000)*
OJJDP-*Safe Start Program*	*(10,000,000)*
Violence on College Campuses	*(11,000,000)*
Victims of Child Abuse Programs:	
Court-Appointed Special Advocates	11,500,000
Training for Judicial Personnel	2,000,000
Grants for Televised Testimony	1,000,000
Grants to Encourage Arrest Policies	34,000,000
Rural Domestic Violence	25,000,000
Training Programs	5,000,000
Total	288,679,000

State Prison Drug Treatment.—The conference agreement includes $63,000,000 for substance abuse treatment programs within State and local correctional facilities, as proposed in the House bill and the Senate-reported amendment. The conference agreement prohibits funding in this program from being used for aftercare programs.

Indian Country Alcohol and Crime Prevention.—The conference agreement includes $5,000,000 for demonstration grants on alcohol abuse and crime in Indian country. No funding was proposed for this program in either the House bill or the Senate-reported amendment. These funds are only available for law enforcement activities.

Safe Return Program.—The conference agreement includes $900,000 as proposed in both the House bill and the Senate-reported amendment.

Law Enforcement Family Support.—The conference agreement includes $1,500,000 for law enforcement family support programs, as proposed in both the Senate-reported amendment and the House bill.

Senior Citizens Against Marketing Scams.—The conference agreement includes $2,000,000 for programs to assist law enforcement in preventing and stopping marketing scams against senior citizens, as proposed by both the House bill and the Senate-reported amendment. The conference agreement adopts by reference the Senate report language on the National Advocacy Center and coordinating with the Federal Trade Commission.

Motor Vehicle Theft Prevention.—The conference agreement includes $1,300,000 for grants to combat motor vehicle theft as proposed in the House bill.

The conference agreement adopts the House report language by reference concerning false residential and commercial alarms. The conference agreement also includes language proposed in the House bill providing for Guam to be considered a State under the Local Law Enforcement Block Grant program and the Juvenile Accountability Incentive Block Grant program.

WEED AND SEED PROGRAM

The conference agreement includes a direct appropriation of $34,000,000 for the Weed and Seed program, instead of $33,500,000 proposed by the House bill and $40,000,000 as proposed by the Senate-reported amendment. The conference agreement includes the expectation that an additional $6,500,000 will be made available from the Assets Forfeiture Super Surplus Fund.

COMMUNITY ORIENTED POLICING SERVICES

The conference agreement includes $1,032,325,000 for the Community Oriented Policing Services (COPS) program, instead of $812,025,000 in the Senate-reported amendment and $595,000,000 in the House bill. This conference agreement assumes that $5,000,000 will be available to the program in unobligated balances, providing for a total program level of $1,037,325,000.

Police Hiring Initiatives.—The conference agreement includes $470,000,000 for police hiring initiatives. Of this amount $180,000,000 is provided specifically for school resource officers and $35,000,000 is provided specifically for hiring police officers for Indian Country, with an additional $5,000,000 from unobligatedcarryover balances from fiscal year 2000 for Indian Country grants. Since fiscal year 1998, the COPS program has recovered over $100,000,000 per year in prior year funds. The conference agreement includes a provision requiring the COPS program office to submit a reprogramming request to the Committees on Appropriations before spending any funds made available through prior year deobligations, with an exception for program management and administration funding.

Safe Schools Initiative (SSI).—To address the issue of violence in our schools, the conference agreement includes $227,500,000 for the Safe Schools Initiative (SSI), including funds for technology development, prevention, community planning and school safety officers. Within this total, $180,000,000 is from the COPS hiring program to provide school resource officers who will work in partnership with schools and other community-based entities to develop programs to improve the safety of elementary and secondary school children and educators in and

around schools; $15,000,000 is from the Juvenile Justice At-Risk Children's Program and $15,000,000 is from the COPS program ($30,000,000 total) for programs aimed at preventing violence in schools through partnerships with schools and community-based organizations; and $17,500,000 is provided from the Crime Identification Technology Program to NIJ to develop technologies to improve school safety.

Indian Country.—The conference agreement includes a total of $40,000,000 to improve law enforcement capabilities on Indian lands, both for hiring uniformed officers and for the purchase of equipment and training for new and existing officers, as proposed by the Senate. Of the $40,000,000 for this program, $35,000,000 is from direct appropriations and $5,000,000 is from unobligated balances.

Management and Administration.—The conference agreement includes language that provides that not to exceed $31,825,000 shall be expended for management and administration of the program.

Non-Hiring Initiatives.—The COPS program reached its original goal of funding 100,000 officers in May of 1999. Accordingly, the conference agreement funds initiatives to ensure there is adequate infrastructure for the new police officers, similar to the focus that has been provided Federal law enforcement. This will enable police officers to work more efficiently, equipped with the protection, tools, and technology they need; to address crime in and around schools; to provide law enforcement technology for local law enforcement; to combat the emergence of methamphetamine in new areas and police ''hot spots'' of drug market activity; and to make more bullet proof vests available for local law enforcement officers and correctional officers. In addition, the conference agreement provides funding for Community and Gun Violence Prosecutors, law enforcement costs associated with Offender Reentry programs and Police Integrity training. The conference agreement includes funding for the following non-hiring grant programs:

1. COPS Technology Program.—The conference agreement includes $140,000,000 to be used for continued development of technologies and automated systems to assist State and local law enforcement agencies in investigating, responding to and preventing crime. In particular, it supports the sharing of criminal information and intelligence between State and local law enforcement to address multi-jurisdictional crimes.

Within the amounts made available under this program, the conference agreement includes the expectation that the COPS office will award grants for the following technology proposals:

$3,000,000 for a grant for the Law Enforcement On-Line Program (LEO). The conference agreement directs the Department of Justice to submit a report to the Committees on Appropriations by February 1, 2001, on the future of the LEO system. The report shall present the Department's vision for LEO, interoperability of LEO with other FBI and Departmental systems, and the relationship of LEO to the Global Justice Information Network. The report should also include funding requirements and a project time line for achieving the Department's vision and address whether management of LEO should remain with the FBI, or be transferred to JMD;

$500,000 for a grant to Delaware County, IN, for mobile data terminals for law enforcement vehicles;

$250,000 for a grant to Clackamas County, OR, for police communications equipment;

$1,000,000 for a grant to Jackson, MS, for law enforcement technologies and equipment;

$5,000,000 for a grant to the National Center for Missing and Exploited Children to continue the program created in fiscal year 2000 that provides targeted technology to police departments for the specific purpose of child victimization prevention and response. The technology available to help law enforcement find missing children is not at the level it needs to be. Most police departments across the United States do not have personal computers, modems, and scanners. The departments that do rarely have them in areas focusing on crimes against children;

Up to $3,000,000 for the acquisition or lease and installation of dashboard mounted cameras for State and local law enforcement on patrol. One camera may be used in each vehicle which is used primarily for patrols. These cameras are only to be used by State and local law enforcement on patrol;

$800,000 for a grant to the National Center for Victims of Crime—INFOLINK;

$3,000,000 for a grant to allow the Utah Olympic Public Safety Command to implement the public safety master plan for the 2002 Winter Olympic Games;

$300,000 for a grant to the Kansas City Community Security Initiative to continue developing community policing models in Kansas City neighborhoods;

$150,000 for a grant to establish a Computer Crime Unit within the Montana Board of Crime Control;

$1,500,000 for a grant to the New Hampshire Department of Safety to support Operation Streetsweeper;

$400,000 for a grant to the Western Missouri Public Safety Training Institute for classroom and training equipment to facilitate the training of public safety officers;

$3,500,000 for a grant to continue the Consolidated Advanced Technologies for Law Enforcement Program at the University of New Hampshire and the New Hampshire Department of Safety, in cooperation with the National Resource Center and the National Institute of Justice;

$400,000 for a grant to Mountain Village, CO, for public safety information management systems related to law enforcement;

$500,000 for a grant to Washington State for an electronic jail booking and reporting system;

$850,000 for a grant to the South Carolina Law Enforcement Division for a high technology crime investigative unit;

$500,000 for a grant to the National Center for Rural Law Enforcement in Little Rock, AR, to continue providing management education, research, forensics, computer, and technical assistance and training to rural law enforcement agencies, tribal police, and railroad police throughout the Nation;

$130,000 for a grant to Jackson County, MS, for public safety and automated system technologies related to law enforcement;

$750,000 for grants to the Bennington, Brattleboro, Newport, Montpelier, and Winooski, VT, for police technology systems and equipment;

$900,000 for a grant to Billings, MT, for patrol car mobile data terminals;

$100,000 for a grant to the Inglewood, CA, police department for technology systems;

$600,000 for a grant for telecommunications upgrades in rural areas of Montana to improve law enforcement response times;

$750,000 for a grant to the Macon, GA, Police Department for technology equipment and software;

$700,000 for a grant for a voice trunking system to assist law enforcement in eastern North Carolina;

$1,000,000 for a grant to the North Star Borough for centralized and computer aided dispatch equipment and a study of needs;

$60,000 for a grant to Monroe County, MI, for a data transmission mechanism for squad cars;

$600,000 for a grant to the State Police of Virginia for computers and related equipment;

$5,000,000 for a grant for the Utah Communications Agency Network (UCAN) for enhancements and upgrades of security and communications infrastructure to assist with the law enforcement needs arising from the 2002 Winter Olympics;

$250,000 for a grant to Lane County, OR, for an area information records system;

$550,000 for a grant to the Clearwater Economic Development Association to provide funding to sheriffs' offices in Clearwater, Idaho, Lemhi, Lewis and Nez Perce counties, ID, to buy radio communications equipment;

$200,000 for a grant to the Pawtucket, RI, Police Department for patrol car mobile data terminals;

$150,000 for a grant to Bolivar County, MS, for public safety equipment and automated system technologies to improve county law enforcement;

$500,000 for a grant to the Maine State Police to upgrade their police radio system;

$350,000 for a grant to Huntingdon County, PA, for rural law enforcement technology needs;

$2,200,000 for a grant to the Alaska Department of Public Safety for technology, policing, and enforcement initiatives;

$2,500,000 for a grant to the Virginia Department of State Police for law enforcement technologies;

$200,000 for a grant to the Easley, SC, Police Department for policing equipment upgrades and computer enhancements;

$110,000 for a grant to the Scotts Bluff County, NE, consolidated communications center to improve law enforcement response times;

$250,000 for a grant to the Vermont State Police for computer and radio system upgrades and integration;

$3,000,000 for a grant for the Southeastern Law Enforcement Technology Center's Coastal Plain Police Communications initiative for regional law enforcement communications equipment;

$1,300,000 for a grant to the Alaska Department of Public Safety for the law enforcement photo network to provide statewide access to the Alaska booking, driver, and ID photographic information throughout the State;

$100,000 for a grant to the Lawrence, MA, Police Department for a police identification management system;

$300,000 for a grant to Grand Rapids, MI, for computer equipment for police officer vehicles;

$3,000,000 for a grant to the Milwaukee, WI, police department for communications infrastructure equipment;

$500,000 for a grant to Nye County, NV, for computer upgrades and other technologies;

$750,000 for a grant to the Vermont Department of Public Safety for mobile communications technology upgrades for law enforcement;

$1,650,000 for a grant to the South Carolina Law Enforcement Division for emergency response technology equipment, including datamasters;

$100,000 for a grant to Deschutes County, OR, for mobile data and radio communications upgrades;

$750,000 for a grant to the City of Paducah and McCracken County, KY, for a Public Safety Mobile Data System to assist law enforcement;

$400,000 for a grant to the Arkansas Crime Information Center to address software and hardware requirements;

$500,000 for a grant to the City of Seattle and King County, WA, for technology upgrades and to assist with inter-jurisdictional investigations;

$1,800,000 for a grant to the State of Alaska for the training of Village Public Safety Officers and the purchase of emergency response equipment;

$500,000 for a grant to Madison, WI, for communications upgrades needed to address police radio transmitting capacity and interagency communications;

$150,000 for a grant to the Yellowstone County, MT, Sheriff's office for training technologies upgrades;

$1,500,000 for a grant to Baltimore, MD, for police training programs and equipment;

$2,000,000 for a grant to Clark County, NV, to upgrade mobile and in-vehicle computers;

$1,400,000 for a grant to the Virginia State Police's Bureau of Criminal Intelligence Division for technical equipment;

$500,000 for a grant to the Johnson County, KS, Sheriff's Department for a countywide public safety radio network;

$400,000 for a grant to the Montgomery, AL, Police Department for an integrated communications system;

$150,000 for a grant to the Bozeman, MT, police department for high risk activity training equipment;

$100,000 for a grant to St. Clair County, MI, to assist with law enforcement data needs;

$600,000 for a grant to the Alabama Department of Public Safety for technology and automated systems to assist law enforcement;

$3,000,000 for a grant for the continuation of the Southwest Border States Anti-Drug Information System, which will provide for the purchase and deployment of the technology network between all State and local law enforcement agencies in the four Southwest Border States;

$200,000 for a grant to Hall County, NE, for mobile data computers for law enforcement;

$100,000 for a grant to Burrillville, RI, for a communications system to assist law enforcement;

$200,000 for a grant to Irvington, NJ, for police technology needs;

$3,000,000 for a grant for videoteleconferencing equipment necessary to assist State and local law enforcement in contacting the Immigration and Naturalization Service to allow them to confirm the identification and status of illegal and criminal aliens in their custody;

$2,000,000 for a grant to Ventura County, CA, for an integrated justice information system;

$3,000,000 for a grant for the Southwest Alabama Justice Integration Project;

$5,000,000 for a grant for the Ohio WEBCHECK system;

$1,750,000 for a grant to the Missouri State Highway Patrol for an integration technology program;

$1,750,000 for a grant to the California Highway Patrol for a communications system;

$3,000,000 for a grant for SmartCOP in Alabama;

$3,000,000 for a grant for Project Hoosier SAFE–T;

$2,920,000 for a grant for the Access to Court Electronic Data for Criminal Justice Agencies project;

$600,000 for a grant to modernize and update law enforcement technologies and equipment in East Baton Rouge Parish, Livingston Parish and Ascension Parish, LA;

$1,000,000 for a grant to the Riverside, CA, police department for mobile data terminals;

$1,000,000 for a grant to Orange County, CA, for a seamless, integrated communications technology system;

$260,000 for a grant to Shively, KY, for police department communications improvements;

$1,500,000 for a grant for the Citrus Heights, CA, police force for computer networking and radios;

$250,000 for a grant for the Suffolk County, NY, Police Department Technology Crimes Initiative;

$750,000 for a grant for Riviera Beach, FL, for a police mobile radio system;

$750,000 for a grant for Clearwater, FL, for laptop computers and printers for police vehicles and network operations;

$750,000 for a grant for the cities of Arcadia, and Sierra Madre, CA, to improve crime technology and communications between the cities;

$600,000 for a grant for a computer-aided dispatch and records management system for the Bells Garden, CA, police department;

$3,000,000 for a grant for the Chattanooga, TN, Police Department to improve information sharing;

$3,000,000 for a grant for the purchase and installation of mobile data computers for the Huntsville, AL, police department;

$83,000 for a grant for the Long County, GA, police department for a communications system;

$3,500,000 for a grant for Pinellas County, FL, law enforcement agencies to demonstrate with the Florida Department of Motor Vehicles how facial recognition technology may be used by police;

$1,300,000 for a grant for vehicle-mounted cameras and equipment for the Jefferson County, KY, police department;

$3,000,000 for a grant for the Lexington, KY, police department for communications equipment to improve officer safety and effectiveness;

$350,000 for a grant for the Daviess County, KY, sheriff's department for a wireless mobile information system;

$250,000 for a grant for the City of Falls Church, VA, police department for a computer-aided dispatch and records management system;

$3,000,000 for a grant for Yuma, AZ, for telecommunications and technology infrastructure for law enforcement officers;

$152,000 for a grant for Mexico Beach, FL, to upgrade its dispatch communications service;

$1,500,000 for a grant for an integrated public safety records management and document imaging system for the Wichita Police Department (KS);

$500,000 for a grant for the East Valley Regional Community Analysis Center for a data warehousing project;

$7,500,000 for a grant for a regional law enforcement technology program in Kentucky;

$1,235,000 for a grant for the Virgin Islands for technology equipment and upgrades;

$1,500,000 for a grant for a justice tracking information system (JUSTIS) for San Francisco, CA;

$230,000 for a grant for Glendale, CA, for police training equipment and technologies;

$1,190,000 for a grant for Pasadena, CA, for a computerized geographic information system;

$152,000 for a grant for the New Jersey State Police's High-tech Crime Unit for technology equipment;

$50,000 for a grant for the Tuckahoe, NY, police department for technology upgrades;

$1,000,000 for a grant for the Greater Atlanta Data Center;

$300,000 for a grant for the Berkshire County Regional Strategic Response Team in Pittsfield, MA;

$500,000 for a grant for mobile data terminals for Louisville, KY, to improve information retrieval on-scene and greatly reduce time used to complete paperwork off-scene;

$750,000 for a grant for the Louisiana State Police for communications and computer system upgrades for the Public Safety Emergency Services Training Center;

$50,000 for a grant for the Bound Brook, NJ, police department for law enforcement technologies;

$500,000 for a grant for the Tampa, FL, police department for in-vehicle video cameras;

$750,000 for a grant for the North Carolina State Highway Patrol for mobile data terminals;

$1,000,000 for the Center for Criminal Justice Technology;

$500,000 for a grant for the San Joaquin County, CA, sheriff's office for technology enhancements; and

$1,000,000 for a grant for Minnesota for a radio system to improve law enforcement communications in rural Minnesota.

2. COPS Methamphetamine/Drug ''Hot Spots'' Program.—The conference Agreement provides $48,500,000 for State and local law enforcement programs to combat methamphetamine production, distribution, and use, and to reimburse the Drug Enforcement Administration for assistance to State and local law enforcement for proper removal and disposal of hazardous materials at clandestine methamphetamine labs. The monies may also be used for policing initiatives in ''hot spots'' of drug market activity. The House bill proposed $45,675,000 and the Senate-reported amendment proposed $41,700,000 for this purpose.

Within the amount provided, the conference agreement includes $20,000,000 to be reimbursed to the Drug Enforcement Administration as described above. The conference agreement expects the COPS office to award grants for the following programs:

$2,000,000 to the Washington State Methamphetamine Initiative for a comprehensive program to address methamphetamine enforcement, treatment, and cleanup efforts;

$2,500,000 to the Midwest (Missouri) Methamphetamine Initiative to train and provide related equipment to State and local law enforcement officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$2,000,000 to the Kansas Bureau of Investigation to combat methamphetamine and to train officers in those types of investigations;

$750,000 to the Indiana State Police for a methamphetamine program to address training, equipment, and removal requirements;

$250,000 to the State Police of Virginia for an intensified methamphetamine enforcement program;

$800,000 to Southern Utah law enforcement agencies to be used to purchase remote methamphetamine detection laboratories to identify infrastructure decay caused by the disposal of hazardous and toxic chemicals;

$1,000,000 for the Mississippi Bureau of Narcotics to combat methamphetamine and to train officers on the proper recognition, collection, removal, and destruction of methamphetamine;

$600,000 for the South Dakota Division of Alcohol and Drug Abuse to expand its Community Mobilization Project to include a methamphetamine prevention project;

$500,000 to the State of Illinois to combat methamphetamine and to train officers in those type of investigations;

$800,000 to the State of Idaho to train State and local law enforcement officers in the proper recognition, collection, removal, and destruction of methamphetamine;

$1,000,000 for the Iowa Methamphetamine Clandestine Lab Task Force;

$1,500,000 for the Arkansas Methamphetamine Law Enforcement Initiative, of which, $150,000 is for the Arkansas State Crime Lab to hire three additional chemists and $1,350,000 is for the Arkansas State Police for training, enforcement, and cleanup efforts;

$350,000 to the Nebraska Clan Lab Team for the Nebraska Methamphetamine Fighting Initiative;

$1,000,000 for the Western Wisconsin Methamphetamine Law Enforcement Initiative;

$1,000,000 for personnel, equipment, and training for Arizona law enforcement to combat methamphetamine;

$250,000 for the Nye County, NV, Methamphetamine Initiative;

$750,000 to the Alabama Department of Public Safety to combat methamphetamine production and distribution;

$250,000 for the Hawaii Department of Public Safety, Narcotics Enforcement Division to address methamphetamine diversion, production, distribution, and enforcement efforts;

$400,000 for the Vermont State Multi-Jurisdictional Drug Task Force;

$2,200,000 for the Tri-State Methamphetamine Training Program (IA/SD/NE) to train officers from rural areas on methamphetamine interdiction, covert operations, intelligence gathering, locating clandestine laboratories, case development, and prosecution;

$1,000,000 to form a Western Kentucky Methamphetamine training program and provide equipment and personnel;

$1,000,000 for the Eastern Appalachian Taskforce on Methamphetamine Eradication in Tennessee, including $100,000 to establish videoconferencing with the Hamilton County District Attorney's Office;

$250,000 for the Polk County, FL, sheriff's office to support additional law enforcement officers, intelligence gathering and forensic capabilities, training and community outreach programs for an expanded methamphetamine program;

$750,000 for Central Kentucky to assist local police and sheriffs' departments with costs associated with combating the production and distribution of methamphetamine;

$1,500,000 for the Oklahoma State Bureau of Investigation for costs associated with combating the production and distribution of methamphetamine; and

$300,000 for the Ascension Parish, LA, sheriff's office to support officer training and outreach programs.

The conference agreement expects the COPS office to review requests from the California Bureau of Narcotics Enforcement's Methamphetamine Strategy and Merced County, CA, and provide grants, if warranted.

3. COPS Safe Schools Initiative (SSI)/School Prevention Initiatives.—The conference agreement includes $15,000,000 to provide resources for programs aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community-based organizations to address crime and disorder problems, gangs, and drug activities, as proposed in the House bill and the Senate-reported amendment. Within the overall amounts recommended for this program, the conference agreement includes the expectation that the COPS office will examine each of the following proposals, provide grants if warranted, and submit a report to the Committees on its intentions for each proposal:

$3,000,000 for training by the National Center for Missing and Exploited Children for law enforcement officers selected to be part of the Safe Schools Initiative;

$541,000 for the Milwaukee schools' Summer Stars program;

$250,000 for the Sioux Falls, SD, school district to expand an alternative educational support program for at-risk youth;

$250,000 for the Safe Schools program at the University of Montana;

$500,000 for the School Security and Technology Center in New Mexico;

$375,000 for the Kenosha County, WI, Sheriff's Department to address school resource officer needs;

$350,000 for Berkeley, CA, for an intercom and surveillance safety system;

$250,000 for the King County, WA, school resource officer program;

$750,000 to the University of Louisville Center for the Study and Prevention of Violence in Urban Schools;

$350,000 for Bennington, VT, for a teen delinquency prevention project;

$1,500,000 for the Youth Advocacy Program;

$350,000 for the Alaska Community in Schools Mentoring program;

$750,000 for Compton, CA, for the Youth Center and After School Initiative;

$2,000,000 for the National Center for Rural Law Enforcement for the school violence research center;

$375,000 for the Waukesha, WI, Police Department to address school resource officer requirements;

$150,000 for the Nevada Foundation for Youth Development;

$495,000 for the Home Run Program;

$500,000 for the Safer School Initiative in Maricopa County, AZ;

$1,300,000 to setup the Aggressors, Victims and Bystanders Demonstration Project for Palm Beach County, FL, middle schools;

$120,000 for the Copiague School District School Safety Program; and

$80,000 for the Lindenhurst School Violence Program.

4. COPS Bullet-Proof Vests Initiative.—The conference agreement includes $25,500,000 to provide State and local law enforcement officers with bullet-proof vests. The House bill provided $25,000,000 for this program and the Senate-reported amendment provided $26,000,000.

5. Police Corps.—The conference agreement includes $29,500,000 for the Police Corps as proposed in the Senate-reported amendment instead of $15,000,000 as proposed in the House bill.

6. Crime Identification Technology Act Program [CITA].—As included in both the House bill and the Senate-reported amendment, the conference agreement provides $130,000,000 for the CITA program, to be used and distributed pursuant to the Crime Identification Technology Act of 1998, Public Law 105–251. Under that Act, eligible uses of the funds are (1) upgrading criminal history and criminal justice record systems; (2) improvement of criminal justice identification, including fingerprint-based systems; (3) promoting compatibility and integration of national, State, and local systems for criminal justice purposes, firearms eligibility determinations, identification of sexual offenders, identification of domestic violence offenders, and background checks for other authorized purposes; (4) capture of information for statistical and research purposes; (5) developing multi-jurisdictional, multi-agency communications systems; and (6) improvement of capabilities in forensic sciences, including DNA.

Jennifer's Law (P.L. 106–177) authorizes funds for States to apply for competitive grants to cover the costs associated with entering complete files on unidentified victims into the FBI's National Crime Information Center (NCIC). This law provides incentives for States to report to the NCIC information on unidentified, deceased persons and will give law enforcement officials the opportunity to identify missing children who are reported as ''unidentified''. The conference agreement notes that funding provided under CITA is authorized to fund these costs and encourages States to use CITA funds for this purpose.

Within the amounts provided, the Office of Justice Programs is directed to provide grants to the following:

$500,000 for Hamilton County, OH, for a juvenile case management system and integrated automated fingerprint information system;

$150,000 for Kalamazoo County, MI, to integrate its criminal justice system data online;

$100,000 for Ogden, UT, for public safety and automated system technologies;

$2,500,000 for the Missouri State Court Administrator for the Juvenile Justice Information System to enhance communication and collaboration between juvenile courts, law enforcement, schools, and other agencies;

$1,250,000 for the Alaska Department of Public Safety for an information network;

$150,000 for Logan County, OH, to support a regional planning criminal information infrastructure system;

$4,000,000 for the State Police of NH, for a VHF trunked digital radio system;

$4,700,000 for the State of Minnesota for a criminal justice integrated information system, of which $700,000 shall be allocated to Hennepin County;

$2,000,000 to automate the criminal records management system in San Diego, CA;

$1,500,000 to upgrade the Indianapolis Automated Fingerprint Identification System; and

$1,500,000 for an information technology project in Wayne County, MI, to improve communications and information sharing between local, State and Federal law enforcement.

Safe Schools Technology.—Within the amounts available for crime identification technology, the conference agreement includes $17,500,000 for Safe Schools technology to continue funding NIJ's development of new, more effective safety technologies such as less obtrusive weapons detection and surveillance equipment and information systems that provide communities quick access to information they need to identify potentially violent youth. The conference agreement adopts by reference the Senate report language regarding a competitive grant to a university based technology center.

Upgrade Criminal History Records (Brady Act).—Within the amounts available for crime identification technology, the conference agreement provides $35,000,000 for States to upgrade criminal history records so that these records can interface with other databases holding information on other categories of individuals who are prohibited from purchasing firearms under Federal or State statute. Additionally, the national sexual offender registry (NSOR) component of the Criminal History Records Upgrade Program has two principal objectives. The registry assists States in developing complete and accurate in-State registries. It will also assist States in sharing their registry information with the FBI system which identifies those offenders for whom special law enforcement interest has been noted.

DNA Backlog Grants/Crime Laboratory Improvement Program (CLIP).—Within the amounts available for crime identification technology, the conference agreement includes $30,000,000 for grants to reduce DNA backlogs and for the Crime Laboratory Improvement Program (CLIP). The CLIP/DNA Program supports State and local government crime laboratories to develop or improve the capability to analyze DNA in a forensic laboratory, as well as other general forensic science capabilities. Within the amounts provided under CITA, it is expected that the Office of Justice Programs will provide grants to the following programs: $400,000 to the Southeast Missouri Crime Laboratory; $450,000 to the Rhode Island State Crime Laboratory; $650,000 to the Georgia State Crime Laboratory; $950,000 to the Iowa Forensic Science Improvement Initiative; $2,500,000 to the South Carolina Law Enforcement Division's forensic laboratory; $2,000,000 to the Marshall University Forensic Science program; $4,000,000 to the West

Virginia University Forensic Identification Program; $500,000 to the Vermont Forensic Laboratory; $2,500,000 to the National Center for Forensic Science at the University of Central Florida; $500,000 to the National Academy for Forensic Computing and Investigation in Charlotte, NC; $500,000 to Ohio forensic science laboratory improvements; $150,000 to the Kansas Bureau of Investigations for a new latent fingerprint examination instrument; $650,000 to the Bellevue, WA, Police Department's Forensic Services Unit; $700,000 to the Arizona Department of Public Safety Southern Regional Crime Laboratory for forensic equipment; and $2,600,000 to the National Forensic Science Technology Center.

The conference agreement encourages the CLIP/DNA program to support within existing funds the Mississippi Crime Lab in improving its capacity to analyze and process forensic, DNA and toxicology evidence and in upgrading its technology.

The conference agreement adopts the Senate report language directing OJP to conduct a study of the funding requirements for the operation of forensic science laboratories given the caseload growth and backlog.

7. Community Prosecutors.—The conference agreement includes $100,000,000 for the Community Prosecutors program. The House bill and the Senate-reported amendment did not include funding for this program. Of the funds provided, $25,000,000 is for continuation of the current community prosecutors program and $75,000,000 is for community prosecutors in high gun violence areas. The $75,000,000 is to be used exclusively for community prosecutors to prosecute cases involving violent crimes committed with guns, and violations of gun statutes in cases involving drug trafficking and gang-related crime in high gun violence areas. The Department of Justice is directed to submit a report to the Committees on Appropriations by December 15, 2000, outlining how the $75,000,000 for community prosecutors in high gun violence areas will be spent. The report shall include but not be limited to the following information: (1) a definition of a high gun violence area; (2) the amount of funding per prosecutor that will be provided; and (3) an explanation of how local communities will be able to continue to employ the prosecutors that are hired after the grant has expired.

8. Offender Reentry.—In recognition of the public safety issues generated by the increasing number of offenders who have served their sentences and are returning from jails and prisons to our communities, the conference agreement includes $30,000,000 for the law enforcement costs related to establishing offender reentry programs. The House bill did not include funding for this program and the Senate-reported amendment included $7,000,000 for this program within State Prison Grants.

Offender reentry programs establish partnerships among institutional corrections, community corrections, social services programs, community policing and community leaders to prepare for more successful returns of inmates to their home neighborhoods. The $30,000,000 provided is intended to fund law enforcement participation and coordination of offender reentry programs. These funds are not provided to teach job training skills or provide alcohol or drug abuse treatment. The Department of Justice is directed to submit an implementation plan to the Committees on Appropriations by December 15, 2000, outlining how the funds will be spent. The report shall include the following: (1) a description of the law enforcement costs that will be funded; (2) an explanation of how the non-law enforcement costs such as job training, education, and drug treatment will be funded; (3) an explanation of how this program is being coordinated with the Departments of Labor and Health and Human Services; and (4) an explanation of how local communities will be able to fund the operational costs of this program after their grants expire.

9. Police Integrity Program.—The conference agreement provides $17,000,000 for police integrity training to provide training and technical assistance grants to develop and implement new policing methods and strategies. Neither the House bill nor the Senate-reported amendment included funding for this initiative.

JUVENILE JUSTICE PROGRAMS

The conference agreement includes $298,597,000 for Juvenile Justice programs, instead of $287,097,000 as proposed in the House bill and $279,697,000 as proposed in the Senate-reported amendment. The conference agreement includes the understanding that changes to Juvenile Justice and Delinquency Prevention Programs are being considered in the reauthorization of the Juvenile Justice and Delinquency Act of 1974. However, absent completion of this reauthorization process, the conference agreement provides funding consistent with the current Juvenile Justice and Delinquency Prevention Act. The conference agreement includes language that provides that funding for these programs shall be subject to the provisions of any subsequent authorization legislation that is enacted.

Juvenile Justice and Delinquency Prevention.—Of the total amount provided, $279,097,000 is for grants and administrative expenses for Juvenile Justice and Delinquency Prevention programs including:

1. $6,847,000 for the Office of Juvenile Justice and Delinquency Prevention (OJJDP) (Part A).

2. $89,000,000 for Formula Grants for assistance to State and local programs (Part B).

3. $50,250,000 for Discretionary Grants for National Programs and Special Emphasis Programs (Part C). Within the amount provided for Part C discretionary grants, OJJDP is directed to review the following proposals, provide a grant if warranted, and submit a report to the Committees on Appropriations of the House and the Senate on its intentions regarding:

$3,000,000 for Parents Anonymous, Inc., to develop partnerships with local communities to build and support strong, safe families and to help break the cycle of abuse and delinquency. The conference agreement directs Parents Anonymous to open up an active dialog with those organizations no longer associated with the program. With a concerted effort by all parties, problematic issues can be resolved which will ultimately benefit the cause of child abuse prevention;

$1,000,000 to continue the Achievable Dream after-school program for at-risk youth;

$3,000,000 to continue funding for the National Council of Juvenile and Family Courts which provides continuing legal education for family and juvenile law;

$1,900,000 for continued support of law-related education;

$1,500,000 for continuation of the Center for Research on Crimes Against Children which focuses on improving the handling of child crime victims by the justice system;

$1,500,000 for equipment and programming costs at the Brown County, SD, Juvenile Detention Center;

$750,000 for juvenile drug treatment services in Cook County, IL;

$250,000 to the Low Country Children's Center;

$1,500,000 to expand the Milwaukee Safe and Sound Program to other Milwaukee neighborhoods;

$150,000 to the Mel Blount Youth Home;

$300,000 to the New Mexico PAL program;

$250,000 to the juvenile assessment center in Billings, MT, for child and family intervention programs;

$150,000 to Sioux Falls, SD, Turning Point locations, including the Bowden Youth Center;

$300,000 to the New Mexico Cooperative Extension Service 4–H Youth Development Program;

$1,000,000 for Project Escape;

$400,000 to the Institute for Character Development, Civic Responsibility, and Leadership at Neumann College;

$750,000 to Utah State University's Youth and Families with a Promise program;

$120,000 to the South Dakota Unified Judicial System to continue the Intensive Juvenile Probation program;

$250,000 to the Hawaii Navigator Project;

$500,000 to the North Eastern Massachusetts Law Enforcement Council;

$150,000 to the Vermont Coalition of Teen Centers;

$250,000 to the Better Way program in Muncie, IN;

$350,000 to drug prevention programs in Shelby County, KY;

$150,000 to the South Dakota Network Against Family Violence and Sexual Assault;

$100,000 to the Alfred University Coordinating County Services for Families and Youth program;

$500,000 to the Kansas YouthFriends program;

$500,000 to perform a national demonstration of the Learning for Life Program which is then to be replicated by the Gulf Ridge Council and others;

$1,500,000 to the State of Alaska for a child abuse investigation program;

$1,250,000 to Aberdeen, SD, for a youth enrichment program;

$438,000 to the National Association of State Fire Marshals for implementing a national juvenile fire-setter intervention mobilization plan that will facilitate and promote the establishment of juvenile fire-setter intervention programs based on existing model programs at the State and local level;

$3,000,000 for the ''Innovative Partnerships for High Risk Youth'' demonstration;

$7,500,000 for the Youth ChalleNGe Program;

$300,000 to Prevent Child Abuse America for the programs of the National Family Support Roundtable;

$2,000,000 to continue the L.A.'s Best youth program;

$500,000 to the Culver City Juvenile Crime Diversion Initiative;

$275,000 to the Sports Foundation to work with at-risk youth;

$300,000 to the No Workshops * * * No Jump Shots program to provide case management, counseling and mandatory workshops for at-risk youth;

$1,000,000 to the Greater Heights program to provide at-risk youth with mentoring, positive activities, networking and alternatives to incarceration;

$500,000 to Our Next Generation;

$1,000,000 to the Youth Crime Watch of America;

$150,000 to Operation Quality Time;

$1,300,000 to the Suffolk University Center for Juvenile Justice;

$1,000,000 for Drug Free America;

$750,000 to New Mexico State University to establish an After School Services Pilot Program for at-risk youth;

$250,000 for the Culinary Education Training for At-Risk Youth in Miami-Dade, FL;

$1,000,000 to Mount Vernon, NY, to provide after-school services to at-risk youth;

$500,000 to the Lourdes Health Network in Pasco, WA, for extension of the school year

program for youth and adolescents at risk of delinquency;

$250,000 to the Ella H. Baker House to support its juvenile delinquency intervention and prevention programs;

$365,000 to Project Bridge to continue to assist at-risk youths in Riverside County, CA;

$500,000 to Wichita State University for a juvenile justice program;

$500,000 to the Wayne County Department of Community Justice for an at-risk youth program including prevention and intervention services;

$1,000,000 for the West Farms program to assist at-risk youth; and

$50,000 for the Maryhurst Youth Center.

The conference agreement recognizes Project CRAFT (Community Restitution and Apprenticeship-Focused Training) as a successful model and proven intervention technique in the rehabilitation and reduced recidivism of accused and adjudicated juvenile offenders. The OJP is encouraged to work in cooperation with the Department of Labor to replicate Project CRAFT in order to offer at-risk and adjudicated youth pre-apprenticeship training and job placement in the residential construction trades.

4. $12,000,000 to expand the Youth Gangs (Part D) program which provides grants to public and private nonprofit organizations to prevent and reduce the participation of at-risk youth in the activities of gangs that commit crimes.

5. $10,000,000 for Discretionary Grants for State Challenge Activities (Part E) to increase the amount of a State's formula grant by up to 10 percent, if that State agrees to undertake some or all of the ten challenge activities designed to improve various aspects of a State's juvenile justice and delinquency prevention program.

6. $16,000,000 for the Juvenile Mentoring Program (Part G) to reduce juvenile delinquency, improve academic performance, and reduce the drop-out rate among at-risk youth by bringing young people in high crime areas together with law enforcement officers and other responsible adults who are willing to serve as long-term mentors. OJJDP is directed to provide a $3,000,000 grant for the Big Brothers/Big Sisters of America program.

7. $95,000,000 for the At Risk Children's Program (Title V). Under Title V juvenile justice programs, the At Risk Children's Program provides funding to support comprehensive delinquency prevention plans formulated at the community level. The program targets truancy and school violence; gangs, guns, and drugs; and other influences that lead juveniles to delinquency and criminality.

Safe School Initiative (SSI).—The conference agreement includes $15,000,000 within Title V grants for the Safe School initiative as proposed in the Senate report. Within the amount provided, OJJDP is directed to review the following proposals, provide grants if warranted, and submit a report to the Committees on Appropriations on its intentions regarding:

$3,600,000 to the Hamilton Fish National Institute on School and Community Violence;

$1,250,000 to the Teens, Crime, and Community Program;

$200,000 to the Decatur Mentoring Project in Decatur, IL;

$250,000 to an Allegheny County, PA, youth development program;

$1,000,000 to establish and enhance after-school programs for at-risk youth in Baltimore, MD;

$750,000 to the University of South Alabama for Youth Violence Prevention Research;

$900,000 to the Stop Truancy Outreach program;

$58,000 to the Southern Kentucky Truancy Diversion program;

$1,000,000 to the ''I Have a Dream'' foundation for at-risk youth program;

$500,000 to the Family, Career, and Community Leaders of America (FCCLA), STOP the Violence—Students Taking On Prevention Project; and

$1,000,000 to the Little Rock School District to create a safe, secure and healthy school environment.

Tribal Youth Program.—The conference agreement includes $12,500,000 within the Title V grants for programs to reduce, control and prevent crime, as proposed in the Senate report.

Enforcing the Underage Drinking Laws Program.—The conference agreement includes $25,000,000 within the Title V grants for programs to assist States in enforcing underage drinking laws, as proposed in the Senate report. Within the amounts provided for underage drinking, OJP shall make awards of $700,000 to expand Oregon Partnership programs and $500,000 to the Sam Houston State University and Mothers Against Drunk Driving for the National Institute of Victims Studies.

Drug Prevention Program.—The conference agreement includes $11,000,000 as proposed in the House bill to develop, demonstrate and test programs to increase the perception among children and youth that drug use is risky, harmful, or unattractive.

Victims of Child Abuse Act.—The conference agreement includes $8,500,000 for the various programs authorized under the Victims of Child Abuse Act (VOCA), as proposed in the House bill. The following programs are included in the agreement:

$1,250,000 to Regional Children's Advocacy Centers, as authorized by section 213 of VOCA;

$5,000,000 to establish local Children's Advocacy Centers, as authorized by section 214 of VOCA;

$1,500,000 for a continuation grant to the National Center for Prosecution of Child Abuse for specialized technical assistance and training programs to improve the prosecution of child abuse cases, as authorized by section 214a of VOCA; and

$750,000 for a continuation grant to the National Network of Child Advocacy Centers for technical assistance and training, as authorized by section 214a of VOCA.

PUBLIC SAFETY OFFICERS BENEFITS

The conference agreement includes $35,624,000, instead of $33,224,000 as proposed in the House bill and the Senate-reported amendment. This includes $33,224,000 for the death benefits program and $2,400,000 for the disability benefits program. In addition to the $2,400,000 appropriated for disability benefits, it is estimated there will be $500,000 in available disability carryover balances for a total of $2,900,000 for disability payments in fiscal year 2001.

In addition, the conferees understand that there is an estimated $2,300,000 unobligated balance available for the Education Assistance to Dependents Program in fiscal year 2001. This amount is estimated to be sufficient to cover the cost of this program, which has recently been expanded to provide benefits to the children and spouses of Federal, State and local public safety officers permanently disabled in the line of duty as long ago as 1978.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following general provisions for the Department of Justice:

Section 101.—The conference agreement includes section 101, identical in the House bill and the Senate-reported amendment, which makes up to $45,000 of the funds appropriated to the Department of Justice available for reception and representation expenses.

Sec. 102.—The conference agreement includes section 102, modified from language proposed in the House bill and the Senate-reported amendment, which continues certain authorities for the Department of Justice contained in the Department of Justice Appropriation Authorization Act, fiscal year 1980, until enactment of subsequent authorization legislation.

Sec. 103.—The conference agreement includes section 103, as proposed in the House bill, which prohibits the use of funds to perform abortions in the Federal Prison System. The Senate-reported amendment did not include a similar provision.

Sec. 104.—The conference agreement includes section 104, as proposed in the House bill, which prohibits the use of funds to require any person to perform, or facilitate the performance of, an abortion. The Senate-reported amendment did not include a similar provision.

Sec. 105.—The conference agreement includes section 105, as proposed in the House bill, which states that nothing in the previous section removes the obligation of the Director of the Bureau of Prisons to provide escort services to female inmates who seek to obtain abortions outside a Federal facility. The Senate-reported amendment did not include a similar provision.

Sec. 106.—The conference agreement includes section 106, identical in both the House bill and the Senate-reported amendment, which allows the Department of Justice to spend up to $10,000,000 for rewards for information regarding acts of terrorism against a United States person or property at levels not to exceed $2,000,000 per reward.

Sec. 107.—The conference agreement includes section 107, as proposed in the House bill, which continues the current 5 percent and 10 percent limitations on transfers among Department of Justice accounts. The Senate-reported amendment included a minor technical difference in the language.

Sec. 108.—The conference agreement includes section 108, as proposed in the House bill, which sets forth the grant authority of the Assistant Attorney General for the Office of Justice Programs and makes these authorities permanent. The Senate-reported amendment included such authorities only for fiscal year 2001.

Sec. 109.—The conference agreement includes section 109, as proposed in the House bill, which continues a provision in the fiscal year 2000 Appropriations Act to allow assistance and services to be provided to the families of the victims of Pan Am 103. The Senate-reported amendment did not include a similar provision.

Sec. 110.—The conference agreement includes a new provision, numbered as section 110, which modifies section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) to reduce the fees charged to au pairs, camp counselors, and participants in summer work travel programs for collection of certain information. The Senate-reported amendment included a provision to repeal section 641 and section 110 of the IIRIRA, while the House bill did not address this matter.

Sec. 111.—The conference agreement includes section 111, modified from language proposed in the House bill, which relates to the payment of certain compensation from funds appropriated to the Department of Justice. A similar provision was included as section 113 of the Senate-reported amendment.

Sec. 112.—The conference agreement includes section 112, as proposed in the House bill, which establishes fees for genealogy

services and voluntary premium processing for Immigration and Naturalization Service activities. The Senate-reported amendment did not include a similar provision.

Sec. 113.—The conference agreement includes section 114, proposed as section 110 in the Senate-reported amendment, which allows funds to be provided to the FBI from the Crime Victims Fund to improve services to crime victims. Additional direction regarding implementation of this provision is included under the FBI Salaries and Expenses account. In addition, the conference agreement assumes that funding will continue to be provided to the U.S. Attorneys to support the current number of victim witness coordinators in fiscal year 2001, as was provided from the Fund in fiscal year 2000.

Sec. 114.—The conference agreement includes section 115, proposed as section 112 in the Senate-reported amendment, which permanently allows funds appropriated to the Federal Bureau of Prisons (BOP) to be used to place prisoners in privately operated prisons provided that the Director of BOP determines such placement is consistent with Federal classification standards. The House bill did not include a similar provision.

Sec. 115.—The conference agreement includes section 116, proposed as section 114 in the Senate-reported amendment, which makes available up to $1,000,000 for technical assistance from funds appropriated for part G of title II of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The House bill did not include a similar provision.

Sec. 116.—The conference agreement includes section 117, proposed as section 115 in the Senate-reported amendment, which makes available funds provided in fiscal year 2000 for certain activities. The House bill did not include a similar provision.

Sec. 117.—The conference agreement includes section 118, proposed as section 116 in the Senate-reported amendment, which permanently prohibits funds from being provided to any local jail that runs a ''pay to stay'' program. The House bill did not include a similar provision.

Sec. 118.—The conference agreement includes a new provision which allows the Attorney General to enter into contracts and other agreements for detention and incarceration space and facilities on any reasonable basis. The House bill and the Senate-reported amendment included similar language elsewhere in Title I of this Act.

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

The conference agreement includes $29,517,000 for the salaries and expenses of the Office of the United States Trade Representative (USTR) instead of $29,433,000 as proposed in the House bill and $29,600,000 as proposed in the Senate-reported amendment. The USTR is directed to provide the necessary space within its Geneva offices for use by Department of Commerce Import Administration personnel working with the USTR on issues related to antidumping and countervailing duties.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $48,100,000 for the salaries and expenses of the International Trade Commission (ITC) instead of $46,995,000 as proposed in the House bill and $49,100,000 as proposed in the Senate-reported amendment. The conference agreement incorporates by reference report language in both the Senate and House reports.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $337,444,000 in new budgetary resources for the operations and administration of the International Trade Administration (ITA) for fiscal year 2001, of which $3,000,000 is derived from fee collections, instead of $321,448,000 as proposed by the House bill, and $318,686,000 as proposed by the Senate-reported amendment. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding. ITA is, however, directed to adhere to the reprogramming procedures set forth in section 605 of this Act, and to submit a spending plan.

The following table reflects the distribution of funds by activity included in the conference agreement:

Trade Development	$64,747,000
Market Access and Compliance	25,555,000
Import Administration	40,645,000
U.S. & F.C.S	194,638,000
Executive Direction and Administration	11,859,000
Fee Collections	*(3,000,000)*
Total, ITA	334,444,000

Trade Development (TD).—The conference agreement provides $64,747,000 for this activity. Of the amounts provided, $50,992,000 is for the TD base program, $9,750,000 is for the National Textile Consortium, $3,000,000 is for the Textile/Clothing Technology Corporation, and $250,000 is for the requested export database. Existing members of the National Textile Consortium should receive funding at the fiscal year 2000 level and the remaining $750,000 is available for new members on a competitive basis. Further, the conference agreement includes $255,000 for the Access Mexico program and $500,000 for continuation of the international global competitiveness initiative as recommended in the House report.

Market Access and Compliance (MAC).—The conference agreement includes a total of $25,555,000 for this activity. Of the amounts provided, $18,755,000 is for the base program, $500,000 is for the strike force teams initiative as provided in the current year, and $6,300,000 is for the trade enforcement and compliance initiative, the full amount requested in the budget. Senate report language regarding the Mid-American Regional Council is incorporated by reference.

Import Administration.—The conference agreement provides $40,645,000 for the Import Administration. Requested program increases are included as follows: $1,250,000 for overseas compliance; $2,225,000 for China and Japan compliance; and $3,000,000 for import surge monitoring enforcement. Funding for a trade-law technical assistance center and a World Trade Organization initiative is not included. Senate report language on ITA and USTR work is included by reference.

U.S. and Foreign Commercial Service (US & FCS).—The conference agreement includes $194,638,000 for the programs of the US & FCS, the same amount provided in the House bill and $23,923,000 above the Senate-reported amendment. House report language regarding the Rural Export Initiative, the Global Diversity Initiative, and base resources is adopted by reference. Senate report language regarding the US & FCS's work on the Appalachian-Turkish Trade Project is adopted by reference.

Executive Direction and Administration.—The conference agreement includes $11,859,000 in direct appropriations and $847,000 in prior year carryover, providing total availability of $12,706,000 for the administrative and policy functions of the ITA. The conference agreement does not include Senate-reported amendment language regarding Executive Direction and Administration funding.

House report language regarding trade missions, buying power maintenance, and trade show revenues is included by reference.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

The conference agreement includes $64,854,000 for the Bureau of Export Administration (BXA) instead of $53,833,000 as proposed in the House bill and $61,037,000 as proposed in the Senate-reported amendment. The conference agreement assumes $425,000 will be available from prior year carryover. Of the amount provided, $31,328,000 is for Export Administration base, including Chemical Weapons Convention (CWC) implementation and $7,250,000 is for CWC inspections; $25,033,000 is for Export Enforcement, including $500,000 for computer export verification as in the current year and $1,000,000 for the Chemical Weapons Convention Treaty; $4,051,000 is for Management and Policy Coordination; and $4,867,000 is for the Critical Infrastructure Assurance Office (CIAO). The House report language regarding the final year of operation for the CIAO is incorporated by reference.

The conference agreement does not include under this heading, a provision proposed in the House bill regarding the processing of licenses for the export of satellites to the People's Republic of China. The conference agreement includes an identical provision under ''Department of State, Diplomatic and Consular Programs'', as proposed in the Senate-reported amendment.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $411,879,000 for Economic Development Administration (EDA) grant programs instead of $361,879,000 as proposed in the House bill and $218,000,000 as proposed in the Senate-reported amendment.

Of the amounts provided, $286,700,000 is for Public Works and Economic Development, $49,629,000 is for Economic Adjustment Assistance, $31,450,000 is for Defense Conversion, $24,000,000 is for Planning, $9,100,000 is for Technical Assistance, including University Centers, $10,500,000 is for Trade Adjustment Assistance, and $500,000 is for Research. EDA is expected to allocate the funding as directed in the House report. The conference agreement does not include set-aside funding for specific sectors or populations that was requested in the budget. The authorized, traditional programs provide support for all communities facing economic hardship. Within the funding for Economic Adjustment Assistance, EDA is expected to increase funding for assistance to the timber and coal industries above fiscal year 2000 levels. In addition, EDA is expected to provide resources for communities affected by economic downturns due to United States-Canadian trade-related issues, New England fisheries impacted by regulations, and communities impacted by NAFTA, as directed in the Senate report.

The conference agreement makes funding under this account available until expended, as proposed in both the House bill and the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $28,000,000 for salaries and expenses of the EDA instead of $26,499,000 as proposed in the House bill and $31,542,000 as proposed in the

Senate-reported amendment. This funding will allow EDA to increase its level of administrative operations to manage increased program funding levels. The EDA is directed to aggressively pursue all opportunities for reimbursement, deobligations, and use of non-appropriated resources to achieve efficient and effective control of EDA programs.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

The conference agreement includes $27,314,000 for the programs of the Minority Business Development Agency (MBDA), as proposed in the House bill, instead of $27,000,000 as proposed in the Senate-reported amendment. House report language regarding the Entrepreneurial Technology Apprenticeship Program is included by reference.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

The conference agreement includes $53,745,000 for salaries and expenses of the activities funded under the Economic and Statistical Analysis account, instead of $49,499,000 as proposed in the House bill and $53,992,000 as proposed in the Senate-reported amendment. Funding is included to begin the necessary task of updating and improving statistical measurements of the U.S. economy, international transactions, and the effects of e-business, as referenced in the Senate report. House report language regarding the Integrated Environmental-Economic Accounting initiative is included by reference.

BUREAU OF THE CENSUS

The conference agreement provides total spending of $733,633,000 for the Bureau of the Census for fiscal year 2001, instead of a direct appropriation of $670,867,000 as proposed in the House bill, and a direct appropriation of $693,610,000 as proposed in the Senate-reported amendment.

SALARIES AND EXPENSES

The conference agreement includes $157,227,000 for the Salaries and Expenses of the Bureau of the Census for fiscal year 2001, instead of $140,000,000 as proposed in the House bill, and $158,386,000 as proposed in the Senate-reported amendment. The agreement represents a $17,227,000 increase over the fiscal year 2000 level. The distribution of funding is as follows:

Current Economic Statistics	$103,228,000
Current Demographic Statistics	50,100,000
Survey Development and Data Surveys	3,899,000
Total	157,227,000

For current economic statistics programs, the conference agreement provides a total of $103,228,000, of which $11,295,000 is for adjustments to base, and $3,000,000 is for program enhancements for the following initiatives: $2,000,000 to begin the measurement of electronic businesses, and $1,000,000 to support efforts to improve the timeliness, quality and coverage of export trade statistics. The conference agreement fully funds base requirements for these programs to ensure that key reports on manufacturing, general economic and foreign trade statistics are maintained and issued on a timely basis. The conference agreement does not include additional funding requested to begin funding a specialized Survey of Minority Owned Business Enterprises under this account, because such action is inconsistent with the longstanding practice of requiring specialized surveys to be funded by an affected agency or entity. The conference agreement adopts the Senate report language requiring a report on reimbursements to be submitted with the fiscal year 2002 budget request.

The Bureau of the Census is directed to make the following changes beginning with the data collection on or after October 1, 2000, to the monthly report entitled ''Preliminary: U.S. Imports for Consumption of Steel Products'': (1) to delineate all products listed in such report into the following categories: alloy steel products, stainless steel products, and carbon steel products; (2) to add the following specialty steel categories to the report: alloy steel and silicon electrical steel; and (3) to divide in the report all steel line pipe products into the following categories: line pipe products 16 inches or less in diameter, and line pipe products over 16 inches in diameter.

Concerns have been expressed regarding recent actions taken by the Bureau of the Census to change the manner in which data are collected from the Shipper's Export Declaration, and the burden this may impose on some shippers. The Bureau is requested to provide a report on this matter to the Committees on Appropriations no later than December 15, 2000.

It is the Congress' understanding that the Office of Management and Budget (OMB) will not be designating or defining any changes to metropolitan areas during fiscal year 2001. In order to ensure public acceptance of revised standards for defining metropolitan areas, OMB will continue to work with the Congress to resolve outstanding issues before adopting revised standards. With respect to the titling of Combined Areas that may be defined in 2003, OMB is urged to adopt a standard as follows: (1) the name of the largest principal city of the largest Core Based Statistical Area should appear first in the Combined Area title; and (2) in accordance with local opinion, up to two additional names could be included in the Combined Area title, provided that the additional names are the names of principal cities in the Combined Area or suitable regional names; and the resulting title of the Combined Area would be distinct from the title of any Metropolitan Area, Micropolitan Area, or Metropolitan Division defined in 2003 or beyond. With respect to titling of Metropolitan Areas, OMB is urged to continue to work with the Congress to address local concerns.

PERIODIC CENSUSES AND PROGRAMS

The conference agreement provides a total spending level of $576,406,000 for periodic censuses and programs, of which $276,406,000 is provided as a direct appropriation, and $300,000,000 is from prior year unobligated balances, instead of a direct appropriation of $530,867,000 as proposed in the House bill, and a direct appropriation of $535,224,000 as proposed in the Senate-reported amendment.

Decennial Census Programs.—The conference agreement includes a total of $390,898,000 for completion of the 2000 decennial census, of which $130,898,000 is provided as a direct appropriation, and $260,000,000 is derived from prior year carryover, instead of a direct appropriation of $392,898,000 as proposed in the House bill, and a direct appropriation of $389,716,000 as proposed in the Senate-reported amendment. The following represents the distribution of total funds provided for the 2000 Census in fiscal year 2001:

Program Development and Management	$24,055,000
Data Content and Products	55,096,000
Field Data Collection and Support Systems	122,000,000
Address List Development	1,500,000
Automated Data Process and Telecommunications Support	115,038,000
Testing and Evaluation	55,000,000
Puerto Rico, Virgin Islands and Pacific Areas	5,512,000
Marketing, Communications and Partnerships	9,197,000
Census Monitoring Board	3,500,000
Total, Decennial Census	390,898,000

The Bureau is directed to continue to provide monthly reports on the obligation of funds against each framework. Reallocation of resources among the frameworks listed above is subject to the requirements of section 605 of this Act, as is allocation of any additional unobligated balances not allocated in this conference agreement.

The conference agreement includes language designating the amounts provided for each decennial framework, modified from language proposed in the House bill. Should the operational needs of the decennial census necessitate the transfer of funds between these frameworks, the Bureau may transfer such funds as necessary subject to the standard transfer and reprogramming procedures set forth in section 605 of this Act. In addition, the conference agreement includes language designating funding under this account for the expenses of the Census Monitoring Board as proposed in the House bill. The Senate bill did not include a similar provision.

Other Periodic Programs.—The conference agreement includes a total of $185,508,000 for other periodic censuses and programs, of which $40,000,000 is derived from prior year unobligated balances available from the decennial census, instead of a direct appropriation of $137,969,000 as proposed in the House bill, and $145,508,000 as proposed in the Senate-reported amendment. The following table represents the distribution of funds provided for non-decennial periodic censuses and related programs:

Economic Statistics Programs	$45,928,000
Economic Censuses	*(42,846,000)*
Census of Governments	*(3,082,000)*
Demographic Statistics Programs	96,380,000
Intercensal Demographic Estimates	*(5,583,000)*
Continuous Measurement	*(21,615,000)*
Demographic Survey Sample Redesign	*(4,769,000)*
Electronic Information Collection (CASIC)	*(6,000,000)*
Geographic Support	*(35,108,000)*
Data Processing Systems	*(23,305,000)*
Suitland Federal Center	43,200,000
Total	185,508,000

The Secretary of Commerce is directed to submit to the Congress, no later than September 30, 2001, a written report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens and their dependents living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. This report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

Suitland Federal Center.—The conference agreement includes a total of $43,200,000 for activities related to renovation of Census Bureau facilities at the Suitland Federal Center, of which $40,000,000 is provided from prior year unobligated balances and $3,200,000 is provided from direct appropriations. This amount represents the Census Bureau's costs

associated with renovation of this facility, as follows: $3,200,000 for planning and design work, and $40,000,000 for above-standard costs. The construction and tenant build-out costs for this facility are to be funded by the General Services Administration (GSA), not the Census Bureau, and the conference agreement includes new language prohibiting Census Bureau funds from being used for these purposes. Language is also included, as proposed in the Senate-reported amendment, requiring quarterly reports from the Census Bureau and GSA on this project.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $11,437,000 for the salaries and expenses of the National Telecommunications and Information Administration (NTIA) as provided in the Senate-reported amendment, instead of $10,975,000 as proposed in the House bill. The conference agreement includes, by reference, Senate report language regarding funding for the critical infrastructure program, and House report language regarding reimbursements.

PUBLIC TELECOMMUNICATIONS FACILITIES, PLANNING AND CONSTRUCTION

The conference agreement includes $43,500,000 for the Public Telecommunications Facilities, Planning and Construction (PTFP) program, instead of $31,000,000 as proposed in the House bill and $50,000,000 as proposed in the Senate-reported amendment. NTIA is expected to use this funding for the existing equipment and facilities replacement program, and to maintain an appropriate balance between traditional grants and those to stations converting to digital broadcasting. NTIA is directed to place emphasis on distance learning initiatives targeting rural areas, as described in Senate report.

INFORMATION INFRASTRUCTURE GRANTS

The conference agreement includes $45,500,000 for NTIA's Information Infrastructure Grants program, instead of $15,500,000 as proposed in both the House bill and the Senate-reported amendment. Senate report language regarding the overlap of funding under this heading with funding for the Department of Justice, Office of Justice Programs, with respect to law enforcement communication and information networks is included by reference. The conference agreement includes language proposed in the Senate-reported amendment regarding uses of spectrum. The House bill did not include a provision on this matter. Senate report language regarding proposals for several grant programs is not included in the conference agreement. House report language regarding telecommunications research is included by reference.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

The conference agreement provides a total funding level of $1,038,732,000 for the Patent and Trademark Office (PTO) as proposed in the Senate-reported amendment and requested in the budget, instead of $904,924,000 as proposed in the House bill. Of the amount provided in the conference agreement, $783,843,000 is to be derived from fiscal year 2001 offsetting fee collections, and $254,889,000 is to be derived from carryover of prior year fee collections. This amount represents an increase of $167,732,000, or 19 percent, above the fiscal year 2000 operating level for the PTO. The PTO has experienced significant growth in recent years due to increased application filings for patents and trademarks, and funding is provided to address these increased filings.

The conference agreement includes bill language limiting the amount of carryover that may be obligated in fiscal year 2001, as proposed in the House bill.

The conference agreement includes House report language concerning PTO's partnership with the National Inventor's Hall of Fame and Inventure Place, and Senate report language concerning the official insignias of Native American Tribes, and agency budget forecasts.

SCIENCE AND TECHNOLOGY

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement includes $8,080,000 for the Technology Administration, instead of $7,945,000 as proposed in the House bill, and $8,216,000 as proposed in the Senate-reported amendment. The conference agreement continues direction as in fiscal years 1998, 1999, and 2000 regarding the use of Technology Administration and Department of Commerce resources to support foreign policy initiatives and programs.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

The conference agreement includes $312,617,000 for the internal (core) research account of the National Institute of Standards and Technology (NIST), instead of $292,056,000 as proposed in the House bill, and $305,003,000 as proposed in the Senate-reported amendment.

The conference agreement provides funds for the core research programs of NIST as follows:

Electronics and Electrical Engineering	$40,127,000
Manufacturing Engineering	19,821,000
Chemical Science and Technology	33,360,000
Physics	31,556,000
Material Sciences and Engineering	54,658,000
Building and Fire Research	17,124,000
Computer Science and Applied Mathematics	52,551,000
Technology Assistance	17,349,000
Baldrige Quality Awards	5,205,000
Research Support	36,599,000
Infrastructure Protection Research Grants	5,000,000
Subtotal	313,350,000
Deobligations	*(733,000)*
Total	312,617,000

In addition, the conference agreement includes funding for the Physics program as referenced in the Senate report. Of the funding provided for Computer Science and Applied Mathematics, $3,000,000 is for expert review teams, and $4,000,000 is for internal critical infrastructure protection activities. Funding is included for the Building and Fire Program at $1,192,000 above the budget request, and $2,000,000 is to continue the disaster research program on effects of windstorms on protective structures and other technologies begun in fiscal year 1998. A total of $282,000 is authorized to be transferred to the NIST working capital fund, as referenced in the House bill instead of $6,200,000 as referenced in the Senate-reported amendment. Language regarding the placement of NIST personnel overseas is included as in the House report.

Funding of $5,000,000 is provided for a new program to award research grants for critical infrastructure protection. NIST is required to submit an implementation plan for this new, competitive grant program, prior to obligation of funding.

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $250,837,000 for the NIST external research account, instead of $104,836,000 as proposed in the House bill, and $262,737,000 as proposed in the Senate-reported amendment.

Manufacturing Extension Partnership Program.—The conference agreement includes $105,137,000 for the Manufacturing Extension Partnership Program (MEP), instead of $104,836,000 as proposed in the House bill, and $109,137,000 as proposed in the Senate-reported amendment. The conference agreement includes no funding for new initiatives. Additional funding is provided for the centers. The conference agreement incorporates direction in the Senate report that the Northern Great Plains Initiative e-commerce project should assist small manufacturers with marketing and business development purposes in rural areas.

Advanced Technology Program.—The conference agreement includes $145,700,000 for the Advanced Technology Program (ATP), instead of $153,600,000 as proposed in the Senate-reported amendment, and no funding as proposed in the House bill. The amount of carryover funding available in fiscal year 2001 is $45,000,000, providing total available funding of $190,700,000 for fiscal year 2001.

The recommendation provides the following: (1) $84,800,000 for continued funding requirements for awards made in fiscal years 1996, 1997, 1998, 1999, and 2000; (2) $60,700,000 for new awards in fiscal year 2001; and (3) $45,200,000 for administration, internal NIST lab support and Small Business Innovation Research requirements.

The conference agreement includes bill language, modified from the Senate language, designating $60,700,000 for new ATP awards.

CONSTRUCTION OF RESEARCH FACILITIES

The conference agreement provides $34,879,000 for construction, renovation and maintenance of NIST facilities, instead of $26,000,000 as proposed in the House bill, and $28,879,000 as proposed in the Senate-reported amendment.

Of the amount provided, $14,000,000 is for grants and cooperative agreements as referenced in Section 209 of this Act; and $20,879,000 is for safety, capacity, maintenance, and repair projects at NIST, including funding to address electrical service issues at NIST's Boulder campus.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

The conference agreement provides a total funding level of $2,627,500,000 for all programs of the National Oceanic and Atmospheric Administration (NOAA), instead of $2,230,959,000 as proposed in the House bill, and $2,687,070,000 as proposed in the Senate-reported amendment. Of these amounts, the conference agreement includes $1,869,170,000 in the Operations, Research, and Facilities (ORF) account, $682,899,000 in the Procurement, Acquisition and Construction (PAC) account, and $75,431,000 in other NOAA accounts.

OPERATIONS, RESEARCH, AND FACILITIES (INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes $1,869,170,000 for the Operations, Research, and Facilities account of the National Oceanic and Atmospheric Administration instead of $1,608,125,000 as proposed in the House bill, and $1,958,046,000 as proposed in the Senate-reported amendment.

In addition to the new budget authority provided, the conference agreement allows a transfer of $68,000,000 from balances in the

account entitled ''Promote and Develop Fishery Products and Research Related to American Fisheries'', as proposed in the House bill, instead of $72,828,000 as proposed in the Senate-reported amendment. In addition, the conference agreement assumes prior year deobligations totaling $16,650,000, $4,000,000 in offsets from fee collections, and $3,200,000 to be transferred from the Coastal Zone Management Fund to the ORF account.

The conference agreement does not include language proposed in the House bill designating the amounts provided under this account for the six NOAA lines offices. The Senate-reported amendment contained no similar provision.

The conference agreement includes language, similar to language proposed in the House bill and carried since the 1999 Appropriations Act, designating the amount available for Executive Direction and Administration and prohibiting augmentation of specified offices through formal or informal personnel details, transfers, or reimbursements above 42 personnel. The Senate-reported amendment contained no such provision.

The conference agreement includes language proposed in the House bill making the use of deobligated balances subject to standard reprogramming procedures. NOAA is directed that any use of deobligations above $16,650,000 is subject to the procedures set forth in section 605 of this Act. In addition, the conference agreement includes House bill language limiting administrative charges assessed on assigned activities, as in the current year. The Senate-reported amendment included no similar provisions.

The conference agreement does not include language in the Senate-reported amendment regarding lawsuits. The House bill did not address this matter.

The conference agreement does not include $34,000,000 in controversial new fisheries and navigation safety fees that were proposed in the budget request. House and Senate report language regarding these fees is incorporated by reference.

The conference agreement does not include a provision, as proposed in the Senate-reported amendment, permitting the Secretary to have NOAA occupy and operate research facilities at Lafayette, Louisiana.

The following table reflects the distribution of the funds provided in this conference agreement.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
NATIONAL OCEAN SERVICE					
Navigation Services:					
Mapping and Charting	35,298	38,456	32,718	40,256	37,437
Address Survey Backlog	18,900	18,000	18,900	22,000	20,450
Subtotal	54,198	56,456	51,618	62,256	57,887
Geodesy	20,159	20,206	21,159	21,134	22,384
Tide and Current Data	12,390	15,089	15,089	12,293	15,089
Acquisition of Data	15,546	17,246	14,546	18,246	18,246
NOAA Corps strength increase	.....	.....	.....	1,000	1,000
Total, Navigation Services	102,293	108,997	102,412	114,929	114,606
Ocean Resources Conservation and Assessment:					
Ocean Assessment Program	44,846	41,465	34,348	49,515	49,956
GLERL	.....	6,085	.....	7,000	.....
Response and Restoration	15,329	20,149	10,991	19,884	11,600
Oceanic and Coastal Research	8,470	8,500	5,410	10,500	9,500
Subtotal—Estuarine & Coastal Assessment	68,645	76,199	50,749	86,899	71,056
Coastal Ocean Program	17,200	18,232	17,087	19,432	18,287
Total, Ocean Resources Conservation & Assessment	85,845	94,431	67,836	106,331	89,343
Ocean and Coastal Management:					
CZM Grants	54,700	147,400	54,700	60,000	52,000
Program Administration	4,500	6,608	4,500	4,500	4,500
Estuarine Research Reserve System	6,000	12,000	6,000	12,000	9,750
Nonpoint Pollution Control	2,500	4,500	2,500	.....	.....
Subtotal, Coastal Management	67,700	170,508	67,700	76,500	66,250
Marine Sanctuary Program	23,000	32,000	22,500	23,500	20,500
Total, Ocean & Coastal Management	90,700	202,508	90,200	100,000	86,750
Total, NOS	278,838	405,936	260,448	321,260	290,699
NATIONAL MARINE FISHERIES SERVICE					
Information Collection and Analysis:					
Resource Information	107,848	101,988	100,100	117,795	119,945
Antarctic Research	1,234	1,200	1,200	2,000	1,500
Chesapeake Bay Office	2,390	1,500	2,390	3,000	2,500
Right Whale Research	.....	200	.....	.....	.....
MARFIN	2,750	2,750	2,500	3,500	3,500
SEAMAP	1,200	1,200	1,200	1,200	1,400
Alaskan Groundfish Surveys	900	661	661	900	900
Bering Sea Pollock Research	945	945	945	945	945
West Coast groundfish	820	780	820	780	820
New England Stock Depletion	1,000	1,000	1,000	1,000	1,000
Hawaii Stock Management Plan	500	.....	500	500	500
Yukon River Chinook Salmon	1,200	700	.....	1,500	1,500
Atlantic Salmon Research	710	710	710	710	710
Gulf of Maine Groundfish Survey	567	567	567	567	567
Dolphin/Yellowfin Tuna Research	250	250	250	250	250
Pacific Salmon Treaty Program	17,431	10,587	5,587	10,587	7,456
Red Snapper Monitoring and Research	.....	.....	.....	7,500	4,500
SE Cooperative Research	.....	.....	.....	.....	2,500
Hawaiian Monk Seals	750	500	500	800	800
Steller Sea Lion Recovery Plan	4,000	1,440	1,440	12,300	12,300
Hawaiian Sea Turtles	285	248	248	300	300
Bluefish/Striped Bass	1,000	.....	1,000	.....	1,500
Halibut/Sablefish	1,200	1,200	1,200	1,200	1,200
Subtotal	146,980	128,426	122,818	167,334	166,593
Fishery Industry Information:					
Fish Statistics	13,000	18,871	13,000	21,871	17,680
Alaska Groundfish Monitoring	5,500	5,200	5,200	7,100	6,750
PACFIN/Catch Effort Data	3,000	3,000	4,700	3,700	3,000
AKFIN (Alaska Fishery Information Network)	2,500	.....	.....	3,400	3,000
RECFIN	3,700	3,100	3,100	3,700	3,700
GULF FIN Data Collection Effort	3,500	.....	3,000	.....	3,500
Subtotal	31,200	30,171	29,000	39,771	37,630
Information Analyses and Dissemination	20,900	21,403	20,400	21,403	21,150
Computer Hardware and Software	3,500	3,500	750	3,500	3,500
Subtotal	24,400	24,903	21,150	24,903	24,650
Acquisition of Data	25,943	25,944	25,943	26,944	26,900
Total, Information, Collection, and Analyses	228,523	209,444	198,911	258,952	255,773

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Conservation and Management Operations:					
Fisheries Management Programs	38,830	37,825	34,680	79,295	62,888
Columbia River Hatcheries	12,055	15,212	12,055	15,742	14,055
Columbia River Endangered Species	288	288	288	288	288
Regional Councils	13,150	13,100	13,150	15,100	13,150
International Fisheries Commissions	400	400	400	400	400
Management of George's Bank	478	478	478	478	478
Pacific Tuna Management/Pelagic Fisheries	2,300	1,250	1,250	3,000	2,650
Fisheries Habitat Restoration	2,000	4,000	2,000	2,000	2,000
NE Fisheries Management	6,000	11,980	6,000	3,980	.....
NE Consortium	.....	.....	.....	5,000	5,000
NE Cooperative	.....	15,000	15,000	15,000	15,000
Norton Sound Fisheries	.....	5,000	5,000	5,000	5,000
Coral Reefs	.....	5,000	.....	3,000	.....
Subtotal, Fisheries Mgmt. Programs	75,501	109,533	90,301	143,283	120,909
Protected Species Management	6,200	8,988	6,950	11,288	9,038
Dolphin Encirclement	3,300	3,300	3,300	3,300	3,300
Driftnet Act Implementation	3,439	3,278	3,278	5,250	3,775
Marine Mammal Protection Act	7,583	7,225	7,225	8,225	8,125
Endangered Species Act Recovery Plan	43,500	55,450	42,800	47,765	55,338
Native Marine Mammals	950	700	200	1,200	950
Observers/Training	2,650	4,500	5,700	4,925	6,475
Subtotal	67,622	83,441	69,453	81,953	87,001
Habitat Conservation	9,200	11,079	9,200	11,079	10,140
Enforcement & Surveillance	17,950	22,354	17,950	22,354	22,354
Total, Conservation, Management & Operations	170,273	226,407	186,904	258,669	240,404
State and Industry Assistance Programs:					
Interjurisdictional Fisheries Grants	2,600	2,590	2,590	2,590	2,590
Anadromous Grants	2,100	2,100	2,100	2,100	2,100
Interstate Fish Commissions	7,750	4,000	7,750	8,750	8,000
Subtotal	12,450	8,690	12,440	13,440	12,690
Fisheries Development Program:					
Product Quality and Safety/Seafood Inspection	9,500	8,328	8,328	8,778	8,328
Hawaiian Fisheries Development	750	.....	.....	750	750
Alaska Fisheries Development Foundation	.....	.....	.....	300	.....
Subtotal	10,250	8,328	8,328	9,828	9,078
Total, State and Industry Programs	22,700	17,018	20,768	23,268	21,768
Total, NMFS	421,496	452,870	406,583	540,889	517,945
OCEANIC AND ATMOSPHERIC RESEARCH					
Climate and Air Quality Research:					
Interannual & Seasonal	16,900	14,986	12,900	14,986	14,943
Climate & Global Change Research	67,000	67,095	63,000	68,895	68,500
GLOBE	3,000	5,000	.....	.....	3,000
Climate Observations & Services	.....	24,000	.....	14,000	12,250
Subtotal	86,900	111,081	75,900	97,881	98,693
Long-term Climate & Air Quality Research	30,000	30,525	29,409	33,025	33,019
Information Technology/High Performance Computing	12,750	12,750	12,000	12,750	12,750
Subtotal	42,750	43,275	41,409	45,775	45,769
Total, Climate and Air Quality Research	129,650	154,356	117,309	143,656	144,462
Atmospheric Programs:					
Weather Research	37,350	37,075	35,850	38,075	37,500
STORM	2,000	.....	.....	1,000	350
Wind Profiler	4,350	4,350	4,350	4,350	4,350
Subtotal	43,700	41,425	40,200	43,425	42,200
Solar/Geomagnetic Research	7,000	6,182	6,000	6,182	6,000
Total, Atmospheric Programs	50,700	47,607	46,200	49,607	48,200
Ocean and Great Lakes Programs:					
Marine Prediction Research	27,325	22,595	19,725	30,245	32,525
GLERL	6,825	.....	7,125	.....	7,000
Sea Grant Program	59,250	59,250	61,250	64,750	62,250
National Undersea Research Program	13,800	5,750	.....	17,000	15,800
Total, Ocean and Great Lakes Programs	107,200	87,595	88,100	111,995	117,575
Acquisition of Data	12,952	12,952	12,952	12,952	12,952
Total, OAR	300,502	302,510	264,561	318,210	323,189
NATIONAL WEATHER SERVICE					
Operations and Research:					
Local Warnings and Forecasts	444,487	466,471	459,252	463,237	462,180
Susquehanna River Basin flood system	1,125	619	1,250	1,500	1,313
Aviation forecasts	35,596	35,596	35,596	35,596	35,596
Advanced Hydrological Prediction System	1,000	1,000	1,000	1,000	1,000
WFO Maintenance	3,250	5,250	3,250	5,250	4,250
Weather Radio Transmitters	.....	.....	3,000	.....	4,308
Subtotal	480,758	508,936	503,348	505,403	508,647
Central Forecast Guidance	37,081	38,001	37,081	38,001	37,500
Atmospheric and Hydrological Research	3,000	3,068	3,000	3,068	3,034
Total, Operations and Research	520,839	550,005	543,429	546,472	549,181
Systems Acquisition:					
Public Warnings and Forecast Systems:					
NEXRAD	38,836	38,802	38,802	38,802	38,802
ASOS	7,345	7,423	7,345	7,423	7,423
AWIPS/NOAA Port	32,150	38,642	32,150	38,642	35,396

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Total, Systems Acquisition	78,331	84,867	78,297	84,867	81,621
Total, NWS	599,170	634,872	621,726	631,339	630,802
NAT'L ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE					
Satellite Observing Systems:					
Ocean Remote Sensing	4,000	4,000	.....	4,000	4,000
Environmental Observing Systems	53,300	53,912	50,800	56,412	53,300
Global Disaster Information Network	.....	5,500	.....	.....	3,000
Total, Satellite Observing Systems	57,300	63,412	50,800	60,412	60,300
Data and Information Services	38,700	32,454	40,700	35,754	49,700
Environmental Data Management Systems	12,335	12,335	12,335	12,335	12,335
Regional Climate Centers	2,750	.....	2,750	3,600	2,900
Total, EDMS	53,785	44,789	55,785	51,689	64,935
Total, NESDIS	111,085	108,201	106,585	112,101	125,235
PROGRAM SUPPORTS					
Administration and Services:					
Executive Direction and Administration	19,387	19,902	19,902	19,902	19,902
Systems Acquisition Office	712	712	700	712	712
NMFS Study	.....	.....	.....	750	750
Subtotal	20,099	20,614	19,900	21,364	21,364
Central Administrative Support	31,850	33,132	31,850	33,132	33,132
Minority Serving Institutions	.....	17,000	.....	.....	15,000
Total, Administration and Services	51,949	53,746	51,750	54,496	69,496
Aircraft Services	10,760	11,009	11,000	14,309	11,809
Rent Savings (Transferred to ATB)	(4,656)	.....	(4,656)	.....	.....
Total, Program Support	58,053	64,755	58,094	68,805	81,305
Fleet Planning and Maintenance	13,243	9,294	7,000	19,004	11,010
Facilities:					
NOAA Facilities Maintenance	1,809	1,941	1,800	1,941	1,870
Environmental Compliance	2,000	3,899	2,000	3,899	2,000
Suitland	.....	.....	.....	14,700	.....
Columbia River Facilities	3,365	.....	3,365	3,465	3,365
NERRS Construction	.....	.....	.....	3,000	.....
Boulder Facilities (GSA) Operations	3,850	5,350	3,850	4,000	4,000
NARA Records Mgmt	.....	262	.....	262	.....
Total, Facilities	11,024	11,452	11,015	31,267	11,235
Direct Obligations	1,793,411	1,989,890	1,736,012	2,042,875	1,991,420
Offset for Fee Collections (Adjustment)	(4,000)	.....	4,000	4,000	4,000
Reimbursable Obligations	195,767	204,400	204,400	204,400	204,400
Offsetting Collections (data sales)	3,600	3,600	3,600	3,600	3,600
Offsetting Collections (fish fees/IFQ CDQ)	4,000	.....	.....	.....	.....
Subtotal, Reimbursables	199,367	208,000	212,000	212,000	212,000
Total, Obligations	1,992,778	2,197,890	1,948,012	2,254,875	2,203,420
Financing:					
Deobligations (Prior year recoveries)	(36,000)	(36,000)	(36,000)	(10,000)	(16,650)
Unobligated Balance transferred, net	.....	.....	.....	.....	.....
Offsetting Collections (data sales)	(3,600)	(3,600)	(3,600)	(3,600)	(3,600)
Offsetting Collections (fish fees/IFQ CDQ)	(4,000)	.....	(4,000)	.....	(4,000)
Federal Funds	(134,927)	(147,700)	(147,700)	147,700)	(147,700)
Non-federal Funds	(60,840)	(56,700)	(56,700)	(56,700)	(56,700)
Subtotal, Financing	(239,367)	(244,000)	(248,000)	(218,000)	(228,650)
Budget Authority	1,753,411	1,953,890	1,700,012	2,036,875	1,974,770
Financing From:					
Promote and Develop American Fisheries	(68,000)	(68,000)	(68,000)	(66,278)	(68,000)
Coastal Zone Management Fund	(4,000)	(3,200)	(4,000)	(3,200)	(3,200)
Anticipated Offsetting Collections (fish fees)	.....	(20,000)	.....	.....	.....
Anticipated Offsetting Collections (navigation fees)	.....	(14,000)	.....	.....	.....
Disaster Relief—Norton Sound	.....	(5,000)	(5,000)	(5,000)	(5,000)
Disaster Relief—NE Fisheries	.....	(15,000)	(15,000)	(15,000)	(15,000)
Subtotal, ORF	1,310,677	1,501,890	1,240,012	1,610,875	1,883,570
Additional Adjustments:					
Domestic Travel	.....	.....	.....	.....	(4,000)
Foreign Travel	.....	.....	.....	.....	(2,400)
General Office Supplies	.....	.....	.....	.....	(5,000)
Non-Maritime/Non-capitalized equipment	.....	.....	.....	.....	(3,000)
Subtotal, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
Total, ORF	1,681,411	1,828,690	1,608,012	1,947,397	1,869,170
PROCUREMENT, ACQUISITION AND CONSTRUCTION					
Systems Acquisition:					
CAMS	.....	15,823	4,500	17,823	19,823
AWIPS	16,000	17,300	16,000	17,300	16,300
ASOS	3,855	5,125	3,855	5,125	3,855
NEXRAD	8,280	9,580	8,280	9,580	8,280
Computer Facilities Upgrades	11,100	15,085	11,100	15,085	15,085
Polar Spacecraft and Launching	190,979	213,619	206,965	213,639	210,310
Geostationary Spacecraft and Launching	266,615	290,824	290,824	290,824	290,824
Radiosonde Replacement	7,000	7,000	2,000	7,000	5,000
GFDL Supercomputer	5,000	7,000	5,000	7,000	4,000
Evansville Dopple Radar	.....	5,500	5,500	.....	5,500
NOAA Weather Radio Expansion/Enhancement	.....	6,244	.....	6,244	.....
National Data Archive [NEDAAS]	.....	4,000	.....	4,000	2,000
Subtotal, Systems Acquisition	508,829	597,100	554,024	593,620	580,977

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION OPERATIONS, RESEARCH AND FACILITIES, FISCAL YEAR 2001—Continued

	Fiscal year—				
	2000 Enacted	2001 Request	2001 House	2001 Senate	2001 Conf.
Construction:					
WFO Construction	9,526	9,526	9,136	9,526	9,526
NERRS Construction	6,750	8,000	6,000	8,000	7,500
Botanical Gardens	1,500				3,500
Alaska Facilities	9,750	1,000		19,000	19,000
National Marine Life Center				1,000	800
Great Bay NERRS, NH					5,000
Kasitsna Bay Lab/Kachemak Bay					5,000
NORC Rehabilitation (Suitland)	3,045				
Marine Sanctuaries	3,000	3,000	3,000		
Suitland Facility	3,000				15,000
Norman, OK		3,000		3,000	3,000
LaJolla Bluffs, CA		4,600		4,600	
Western Region Consolidation		200		200	
Coastal Service Center Wing (SC)				4,000	
Aquatic Resources					5,000
Pribilof Island Cleanup (AK)				7,000	6,000
Folly Beach Seabrook Tract (SC)				2,000	2,000
Subtotal, Construction	36,571	29,326	18,136	57,326	81,326
Fleet Replacement					
Fishery Research Vessel Placement	51,567	8,300		8,300	8,300
Adventurous Refurbishment		8,000		8,000	8,000
Fairweather Refurbishment					6,800
Naval Surplus vessels for coastal research (YTT)					5,000
Subtotal, Fleet Replacement	51,567	16,300		16,300	28,100
Deobligations (PAC)	(7,400)	(7,504)	(8,704)	(7,504)	(7,504)
Offset from House floor action:					
Total, PAC	589,567	635,222	563,456	659,742	682,899
Pacific Coast Salmon Recovery	58,000	160,000	58,000	58,000	74,000
Coastal Impact Assistance Fund		100,000			
Fisheries Assistance Fund		10,000			
Fisherman's Contingency	953	951	951	953	952
Foreign Fish. Observer Fund	189	191	189	191	191
Fisheries Finance Program	338	6,628	238	338	288
(Individual Fisheries Quota)	(100)	(100)			
Total, NOAA	2,330,458	2,741,682	2,230,846	2,666,621	2,627,500

The following narrative provides additional information related to certain items included in the preceding table.

NATIONAL OCEAN SERVICE

The conferees have provided a total of $290,699,000 under this account for the activities of the National Ocean Service, instead of $260,448,000 as recommended in the House bill and $321,260,000 as proposed in the Senate-reported amendment.

Mapping and Charting.—The conference agreement provides $37,437,000 for NOAA's mapping and charting programs, reflecting continued commitment to the navigation safety programs of the NOS and concerns about the ability of the NOS of continue to meet its mission requirements over the long term. Within the total funding provided under Mapping and Charting, the conference agreement includes $2,580,000 for the joint hydrographic center established in fiscal year 1999, one-time funding of $300,000 for the Seacoast Science Center, and $1,500,000 for shoreline mapping as requested in the budget.

The conference agreement also includes $20,450,000 within the line item Address Survey Backlog/Contracts exclusively for contracting with the private sector for data acquisition needs. This is $2,450,000 above the request and is intended to increase efforts to address the backlog through contract support.

Geodesy.—The conference agreement provides $22,384,000 for geodesy programs, including $19,634,000 for the base program; not less than $500,000 for the South Carolina Geodetic Survey as referenced in the Senate report; not less than $1,000,000 for the implementation of the National Height Modernization (NHM) system in North Carolina; not less than $1,000,000 for the California Spatial Reference Center; and not less than $250,000 for the National Geodetic Survey to implement the NHM study.

Tide and Current Data.—The conference agreement includes $15,089,000 for this activity, including $12,293,000 for the base program and $2,796,000 for the continued implementation of the Physical Oceanographic Real-Time System (PORTS) program, as referenced in the House report.

The conference agreement includes $2,000,000 above the request for data acquisition and for building NOAA corps officer strength and for additional days at sea.

Ocean Assessment Program.—The conference agreement includes $49,956,000 for the activity, including the following: $12,658,000 for the base program; $5,800,000 to continue the Cooperative Institute for Coastal and Estuarine Environmental Technology; $900,000 for the South Florida ecosystem restoration program; $2,000,000 to support coral reef studies in the Pacific and Southeast, of which $1,000,000 is for Hawaiian coral reef monitoring, $500,000 is for reef monitoring in Florida, and $500,000 is for reef monitoring in Puerto Rico through the Department of Natural Resource; $4,425,000 for pfisteria and other harmful algal bloom research and monitoring, of which $500,000 is for a pilot project to preemptively address emerging problems prior to the occurrence of harmful blooms, to be carried out by the South Carolina Department of Marine Resources: $2,500,000 for the JASON project; and $2,923,000 for the NOAA Beaufort/Oxford Laboratory. In addition, the conference agreement includes $18,750,000 for the Coastal Services Center, including funds for initiation of a collaborative program in Hawaii for the U.S. Pacific Basin, consistent with activities identified in the fiscal year 2000 conference report, and funding for planning and design for additional space at the Coastal Services Center.

Office of Response and Restoration.—The conference agreement includes $11,600,000 for the activity, including; $2,674,000 for the Estuarine and Coastal Assessment program, $5,210,000 for the Damage Assessment program, $1,000,000 in accordance with the Oil Pollution Act of 1990, and $2,716,000 for a new base program to provide greater flexibility for program managers to address response and restoration functions. No funding is provided for coral restoration.

Oceanic and Coastal Research.—The conference agreement includes $9,500,000 for this activity, which includes $6,970,000 for base, $1,250,000 for fish forensics and enforcement, and $1,280,000 for the Marine Environmental Health Research Laboratory (MEHRL). The conference agreement includes language as proposed in the Senate report regarding national overhead costs associated with managing the missions and operations of the research facilities funded in the Oceanic and Coastal Research activity and the National Ocean Service is directed to transfer budget and management operations for the MEHRL and the Charleston Lab to the Coastal Services Center.

The conference agreement does not include the proposed transfer of the Great Lakes Environmental Research Laboratory (GLERL) from Oceanic and Atmospheric Research to NOS, as proposed in the Senate report.

Coastal Ocean Program (COP).—The conference agreement provides $18,287,000 for the Coastal Ocean Program, of which $5,287,000 is provided for research related to hypoxia, pfistereia, and other harmful algal blooms, including the ''dead-zone'' in the Gulf of Mexico, as referenced in the House report. The managers of COP are directed to follow the direction included in the Senate report concerning research on small high-salinity estuaries and the land use-coastal ecosystem study. The conference agreement also assumes continued funding at the current level for restoration of the South Florida ecosystem.

Coastal Zone Management.—The conference agreement includes $66,250,000 for this activity, of which $52,000,000 is for grants under sections 306, 306A, and 309 of the Coastal Zone Management Act (CZMA), and $4,500,000 is for program administration. NOAA is directed to prepare an assessment of the National impact of this program and submit such assessment to the Committees on Appropriations no later than March 15, 2001. The conference agreement does not include funding for the Non-Point Pollution program authorized under section 6217 of the CZMA. The conference agreement also includes $9,750,000 for the National Estuarine Research Reserve System (NERRS) operations

and maintenance program, an increase of $3,750,000 above the current year level.

Marine Sanctuary Program.—The conference agreement includes $20,500,000 for the National Marine Sanctuary Program. Of this amount, $500,000 is provided to support the activities of the Northwest Straits Citizens Advisory Commission as outlined in the House and Senate reports.

NATIONAL MARINE FISHERIES SERVICE

The conference agreement includes a total of $517,945,000 for the National Marine Fisheries Service (NMFS), instead of $406,583,000, as recommended in the House bill and $540,889,000, as recommended in the Senate report.

In addition, the conference agreement includes $4,000,000 to be collected under the Magnuson-Stevens Act to support the Community and Individual Fishery Quota Program.

Resource Information.—The conference agreement provides $119,945,000 for fisheries resource information. Within the funds provided for resource information, $88,145,000 is provided for the base programs. The conference agreement includes $4,250,000 for west coast groundfish. NMFS is directed to distribute this funding to appropriate labs based on the current year distribution, and no labs should receive less than current year funding. Funding above the amounts for the base program is as follows: $1,700,000 is to expand stock assessments; $850,000 is for MARMAP; $2,500,000 is for the Gulf of Mexico consortium; and $200,000 is for the Atlantic Herring and Mackerel initiative. In addition, NMFS is expected to continue to provide on-site technical assistance to the National Warmwater Aquaculture Research Center and provide $250,000 from base resources for the harvest technology unit under this direction included in the Senate report. In addition, $500,000 is provided for the Hawaiian Community Development Program and fishery demonstration projects for native fisheries, as referenced in the Senate report.

In addition, within the total funds provided for resource information, the conference agreement includes: $6,500,000 for the Gulf of Alaska for continued implementation of the Magnuson-Stevens Act, as referenced in the Senate report; $1,000,000 for research on Alaska near shore fisheries, to be distributed as in the current year; $850,000 for the Chesapeake Bay oyster recovery partnership; $300,000 for research on the Charleston bump; $300,000 for research on shrimp pathogens; $150,000 for lobster sampling; $600,000, for bluefin tuna tagging initiative for the New England Aquarium; $300,000 for Chinook Salmon research in the NMFS Auke Bay laboratory; $750,000 for Magnuson-Stevens Act implementation; $200,000 for the Northeast Fisheries Science Center for the Cooperative Marine Education and Research Program, under the direction in the Senate report; $300,000 for research on Southeastern sea turtles; $200,000 for the Kotzebue Sound test fishery for king crab and sea snail; $1,000,000 for the State of Alaska for the Bering Sea crab; $350,000 for the South Carolina Department of Natural Resources Biological Identification Program; and $1,000,000 for the Tri-Coastal Marine Stock Assessment. In addition, within the amounts provided for Resource Information, $8,000,000 is included to continue the aquatic resources environmental initiative. NOAA is directed to continue working with the Xiphophorus Genetic Stock Center to improve the understanding of fish genetics and evolution.

NMFS is directed to continue collaborative research with the Center for Shark Research and other qualified institutions to provide the information necessary for effective management of the highly migratory shark fishery and conservation of shark fishery resources.

Funding for the Chesapeake Bay Multi-Species Management Strategy has been moved to the Chesapeake Bay Office line, for a total of $2,500,000 for the office, of which $500,000 is for multi-species management, including blue crabs.

Under the MARFIN line, $3,250,000 is provided for base activities, including $750,000 for activities relating to red snapper research, and $250,000 is provided for Northeast activities.

Funding for right whale research and recovery activities is provided under the Endangered Species line. Under the Yukon River Chinook Salmon line, $1,000,000 is provided for base activities, and $500,000 is provided for the Yukon River Drainage Fisheries Association. Under the Pacific Salmon Treaty Program, $5,587,000 is provided for base activities, $1,844,000 is provided for the Chinook Salmon Agreement, and funding is provided for the North Pacific Research Board, as referenced in the Senate report. The conference agreement includes $12,300,000 for Steller sea lion recovery, to be allocated according to the direction in the Senate report. Senate language regarding the Administration's reduction of funding for Steller sea lion recovery is included by reference.

Senate language regarding computer hardware and software funding is included by reference.

Funding for bluefish/striped bass has been provided as follows: $450,000 for the NMFS base research program, $800,000 for the Cooperative Marine Education and Research Program in New Jersey, and $250,000 for other existing bluefish/striped bass research.

Funding of $2,500,000 is provided for a cooperative research program to address the lack of sufficient funding for research for the southeast.

Fishery Industry Information.—The conference agreement provides $37,630,000 for this activity. Within the $6,750,000 provided for Alaska groundfish monitoring, the conference agreement includes $3,125,000 for the base program, of which $1,600,000 is to implement requirements of the American Fisheries Act and the crab and scallop fisheries management plans; $1,000,000 for a winter pollock survey in Alaska; and current year levels for NMFS rockfish research, crab management, and external rockfish research. In addition, the conference agreement provides $175,000 for the Gulf of Alaska Coastal Communities Coalition, $300,000 for the NMFS Alaska region infield monitoring program, and $150,000 for the Bering Sea Fisherman's Association CDQ.

Within the funds provided for fish statistics, the conference agreement provides $13,180,000 for the base program, $1,000,000 for the National Standard 8 program, $2,000,000 for research and data collection on fishing communities and economics; and $1,500,000 for the Atlantic States Marine Fishery Commission as referenced by the Senate report. Of the $3,700,000 for recreational fishery harvest monitoring, $500,000 is for the annual collection of data on marine recreational fishing, with the balance to be expended in accordance with the direction included in the Senate report. Funds are also appropriated under the Fish Industry Information activity for the Pacific Fisheries Information Network, including Hawaii, and the Alaska Fisheries Information Network as two separate lines, in accordance with the direction included in the Senate report. In addition, of the funding, $3,500,000 is provided for the Gulf of Mexico Fisheries Information Network.

Under the Acquisition of Data line, within the total of $26,900,000, $957,000 is provided for additional days at sea for data acquisition.

Fisheries Management Programs.—The conference agreement includes $62,888,000 for this activity. Within this amount, $29,288,000 is provided for base activities, and $4,000,000 is for NMFS facilities maintenance. In addition, $21,000,000 is included to provide increases for data collection on fishery management programs, including $8,000,000 to respond to lawsuits under the National Environmental Policy Act (NEPA), $3,000,000 for research regarding Hawaiian sea turtles related lawsuits, and $10,000,000 for research regarding the Alaska Steller sea lion and pollock lawsuit. Of the $10,000,000 provided for research regarding litigation concerning Alaska Stellar sea lion and Bearing Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, $6,000,000 is for the Office of Oceanic and Atmospheric Research, $2,000,000 is for the National Ocean Service, and $2,000,000 is for the North Pacific Fishery Management. The requested levels for the Atlantic Salmon Recovery Plan, the State of Maine Recovery Plan, and Rancho Nuevo sea turtles are included. Funding is included for continuation of the Bronx River recovery and restoration project as referenced in the House report; $300,000 for the Connecticut River Partnership; and $150,000 for Chinook Salmon management; and $6,700,000 is for American Fisheries Act Implementation, including $500,000 each for the North Pacific Fishery Management Council and the State of Alaska.

The conference agreement appropriates a total of $14,055,000 for NMFS support of the Columbia River hatcheries program. NMFS is expected to support base hatchery operations at a level of $11,400,000, $600,000 is for fall chinook rearing, $1,700,000 is provided for monitoring and evaluation efforts, and $300,000 is for conservation marking as referenced in the Senate report.

Under the Pacific Tuna Management line, $400,000 is for swordfish research as referenced in the Senate report and the balance is for JIMAR.

For New England Fisheries Management, $5,000,000 is provided as proposed in the Senate-reported amendment. The conference agreement also includes a transfer of $15,000,000 from USDA (P.L. 106–78) for NE cooperative fisheries.

Protected Species Management.—Within the funds provided for protected species management, $750,000 is for continuation of a study on the impacts of California sea lions and harbor seals on salmonids and the West Coast ecosystem, $1,500,000 is provided for the State of Maine salmon recovery, and $750,000 is for bottle-nosed dolphins.

Driftnet Act Implementation.—Within the funds provided for Driftnet Act Implementation, $150,000 is for Pacific Rim Fisheries Program, $200,000 is for Washington and Alaska participation, and $250,000 is for Russian EEZ observers.

Marine Mammal Protection Act.—Within funds provided, $900,000 is for harbor seal research in Alaska.

Endangered Species Recovery Plans.—A total of $55,338,000 is provided for this activity. Of these amounts, $1,500,000 is for technical support to the State of Washington, $850,000 is for Alaskan Steller sea lion recovery, $2,700,000 is for other species, $3,338,000 is for sea turtles, $36,450,000 is for the Pacific salmon recovery initiative, $3,500,000 is for marine mammals, $2,000,000 for Atlantic Salmon recovery, and $5,000,000 is for right whales. Within the amount provided for right whales, NMFS is directed to make tagging whales a priority. NMFS is directed to make $2,900,000 available to the Northeast Consortium to administer a competitive grants program, open to all Atlantic coastal States, using an independent review panel of experts and scientists in the field, to fund research

on whale-friendly fishing gear and operations, surveys and studies to reduce potential conflicts between right whales and local industries, and other research including tagging, acoustic studies, habitat research and hydrodynamic modeling studies. Of the funding provided, $2,100,000 is to help meet its responsibilities for the implementation of programs, research, and enforcement activities for the recovery of the right whale, including the use of aerial surveys, of which no more than 30 percent can be used for salaries. Due to the Department of Commerce's delay in providing a spending plan and allocating right whale funds in fiscal year 2000, NMFS is directed to provide the Committees on Appropriations no later than January 30, 2001, with a spending plan for fiscal year 2001. In addition, the Committee expects NMFS to develop and submit by July 31, 2001, a five-year research and management plan to facilitate right whale recovery.

Native Marine Mammal Commissions.—The conference agreement recommends that funding be distributed at current year levels.

Observers and Training.—The conference agreement distributes funding as follows: (1) $425,000 for the North Pacific fishery observer training program; (2) $1,875,000 for North Pacific marine resources observers; (3) $350,000 for east coast observers; (4) $2,275,000 for west coast observers; (5) $1,200,000 for observers for Hawaii; and (6) $350,000 for Atlantic coast observers. NMFS is directed to submit a spending plan prior to allocation of funding. Senate language regarding enforcement and surveillance is adopted by reference.

Interstate Fish Commissions.—The conference agreement includes $8,000,000 for this activity, of which $750,000 is to be equally divided among the three commissions, and $7,250,000 is for implementation of the Atlantic Coastal Fisheries Cooperative Management Act.

Other.—In addition, within the funds available for the Saltonstall-Kennedy grants program, NMFS is directed to provide to the Alaska Fisheries Development Foundation funding to be used in accordance with the direction included in the Senate report, and to provide funds pursuant to the direction included in the House report to support ongoing efforts related to Vibrio vulnificus. Senate report language regarding the Hawaiian fisheries development program and the Oceanic Institute is adopted by reference.

OCEANIC AND ATMOSPHERIC RESEARCH

The conference agreement includes a total of $323,189,000 for Oceanic and Atmospheric Research activities, instead of $264,561,000 as recommended in the House bill and $318,210,000 as recommended in the Senate-reported amendment.

Interannual and Seasonal Climate Research.—The conference agreement includes $14,943,000 for interannual and seasonal climate research, of which $2,000,000 is for the Institute for the Study of Earth, Oceans, and Space.

Climate and Global Change Research.—The conference agreement includes $68,500,000 for the Climate and Global Change research program, of which $750,000 is above base resources for the International Research Institute for Climate Prediction to restore it to the fiscal year 2000 appropriated level of funding. Of the amounts provided, $1,000,000 is for the variability beyond ENSO activity, $1,000,000 is the climate forming agents activity, and $2,000,000 is for refinement of climate models.

Climate Observations & Services.—The conference agreement includes $1,000,000 for climate data and information; $2,000,000 for baseline observations; $5,000,000 for ocean observations; $3,000,000 for the climate reference network; and $1,250,000 for an ice research program at the Thayer School of Engineering.

Long-Term Climate and Air Quality Research.—The conference agreement provides $33,019,000 for this activity. Funding is distributed as follows: $27,850,000 for base; $500,000 for the California ozone study; and $4,669,000 for the Health of the Atmosphere initiative.

Atmospheric Programs.—The conference agreement provides $37,500,000 for this activity. Of this amount, $1,000,000 is provided for research related to wind-profile data in accordance with the direction provided in the Senate report. In addition, $1,500,000 is provided for the U.S. Weather Research Program for hurricane-related research.

STORM.—The conference agreement includes $350,000 for the Science Center for Teaching, Outreach and Research on Meteorology for the collection and analysis of weather data in the Midwest.

Marine Prediction Research.—The conference agreement includes $32,525,000 for marine prediction research. Within this amount, the following is provided: $9,825,000 for the base program; $1,650,000 for Arctic research; $2,400,000 for the Open Ocean Aquaculture program; $3,300,000 for tsunami mitigation, of which $1,000,000 is for TWEAK; $150,000 for a Lake Champlain Study; $2,100,000 for the VENTS program; $4,300,000 for continuation of the initiative on aquatic ecosystems, including $300,000 for a nitrogen study; $1,650,000 for implementation of the National Invasive Species Act, of which $850,000 is for the Chesapeake Bay and Great Lakes ballast water demonstrations; $100,000 for the Lake Champlain Canal Barrier Demonstration, as referenced in Senate report; $500,000 for additional resources to support Hypoxia research; $2,600,000 for mariculture research; and $450,000 for the Pacific tropical fish program to be administered by HIEDA. The conference agreement includes $2,000,000 for the ocean exploration initiative, as referenced in Senate report; $500,000 for the International Pacific Research Center at the University of Hawaii, and $1,000,000 for the SE Atlantic Marine monitoring and prediction center at the University of North Carolina, as referenced in the Senate report.

GLERL.—Within the $7,000,000 provided for the Great Lakes Environmental Research Laboratory, the conference agreement assumes continued support for the Great Lakes nearshore and zebra mussel research programs at current levels.

Sea Grant.—The conference agreement includes $62,250,000 for the National Sea Grant program, of which $56,250,000 is for the base program. Sea Grant is directed to fund the oyster disease research program at $2,000,000, an increase of $500,000, and to maintain current levels for the zebra mussel research program and the Gulf of Mexico oyster program. The Sea Grant program is directed to develop a research plan to address the causes of harmful algal blooms and a monitoring and prevention program and submit to the Committees on Appropriations by June 30, 2001.

National Undersea Research Program (NURP).—The conference agreement includes $15,800,000 for the National Undersea Research Program (NURP). The Senate report included $17,800,000 for this program; the House did not include funding for this program. Of the amount provided, $6,900,000 is for research conducted through the east coast NURP centers and $6,900,000 is for the west coast NURP centers, including Hawaiian and Pacific center and the west coast and polar regions center. The conferees expect level funding will be available for Aquarius, ALVIN, and program administration. Of the amount provided, $2,000,000 is for the National Center for Natural Products.

NATIONAL WEATHER SERVICE

The conference agreement includes a total of $630,802,000 for the National Weather Service (NWS), instead of $621,726,000 as proposed in the House bill, and $631,339,000 as proposed in the Senate-reported amendment.

Local Warnings and Forecasts.—The conference agreement includes $462,180,000 for this activity, including $452,280,000 for base, $4,790,000 for mitigation activities, and $400,000 for the Cooperative Observers Network. The NWS is directed to submit a spending plan to the Committees on Appropriations for the Cooperative Observers Network. Within the total amount provided for Local Warnings and Forecasts, $270,000 is for the North Dakota Agricultural Weather Network, $590,000 is for the University of Utah for support to the Winter Olympics; and $500,000 is for the Mount Washington Observatory, as directed in Senate report. The NWS is directed to follow direction in the Senate report relating to ''the 1995 Secretary's Report to Congress on the Adequacy of NEXRAD Coverage and Degradation of Weather Services'', and to make appropriate arrangements for Erie, PA and Williston, ND. Of the funds provided for Local Warnings and Forecasts, $3,350,000 is provided for data buoys, of which $1,700,000 is for Alaska.

Weather Radio Transmitters.—Of the amount provided, $2,323,000 is provided for base; $500,000 is for the sate of Illinois, to complete state-wide implementation; $77,000 is for a transmitter in Mason County, Kentucky; $100,000 is for Melba, Mississippi transmitters; $100,000 is for Barrow, Alaska; $125,000 is for New Hampshire; $855,000 is for Kentucky, including Elizabethtown; $150,000 is for South Dakota; and $78,000 is for a transmitter in Steuben County, Indiana.

NATIONAL ENVIRONMENTAL SATELLITE, DATA AND INFORMATION SERVICE

The conference agreement includes $125,235,000 for NOAA's satellite and data management programs. In addition, the conference agreement includes $580,977,000 under the NOAA PAC account for satellite systems acquisition and related activities.

Satellite Observing Systems.—The conferees have included $60,300,000 for this activity, an increase of $3,000,000 for the Global Disaster Information Network (GDIN). Funding for other services is consistent with current year levels. Funding for the wind demonstration project is to be provided in accordance with the direction in the Senate report.

Environmental Data Management.—The conference agreement includes: $64,935,000 for EDMS activities. For EDMS base activities, the conference agreement includes $25,000,000. No funds are included to continue weather record rescue and preservation activities or the environmental data rescue program. The conference agreement includes $500,000 for the Cooperative Observers Network modernization. In addition, $6,000,000 is included for the Coastal Ocean Data Development Center and $2,500,000 for the Center for Spatial Data Research at Jackson State University. The conference agreement provides $15,700,000 to continue the multi-year program of climate database modernization and utilization, as referenced in the House report. The conference agreement includes $2,900,000 for the Regional Climate Centers.

PROGRAM SUPPORT

The conference agreement provides $81,305,000 for NOAA program support, instead of $58,094,000 as provided in the House report, and $68,805,000, as provided in the Senate-reported amendment. Included in this total is $11,809,000 for Aircraft Services, including an increase to base of $800,000 for increased fuel costs. Included in the amount

provided, $15,000,000 is for the new educational program with Minority Serving Institutions. Under Departmental Management, the Commerce Department is directed to submit reports on the Commerce Administrative Management System (CAMS) implementation, as referenced in the Senate report.

The conference agreement includes $750,000 to fund a study to review the ability of NMFS to adequately meet its legal missions and requirements. NOAA is expected to have the review headed by an individual from outside the agency who is familiar with oceans and fishery management issues. The individual selected must seek the assistance of the National Academy of Sciences and the American Society of Public Administration in conducting a top to bottom review of NMFS programs, budgetary requirements, management, and constituent relations. This review must be completed within one year. NOAA is expected to give regular progress reports to the Committees on Appropriations prior to submitting the final written report outlining the findings and recommendations for the future.

FLEET PLANNING AND MAINTENANCE

The conference agreement includes $11,010,000 for this activity, instead of $7,000,000 in the House report, and $19,004,000 in the Senate-reported amendment. The amount provided includes $9,294,000 for base and $1,716,000 for additional days at sea and general maintenance.

FACILITIES

The conference agreement includes $11,235,000 for facilities maintenance, lease costs, and environmental compliance, instead of $11,015,000 as proposed in the House report, and $31,267,000 as recommended in the Senate report. The Department of Commerce is directed to continue working with the General Services Administration (GSA) to address the 39 percent increase in GSA rental charges for the Boulder facility, as referenced in the Senate report language.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

(INCLUDING TRANSFERS OF FUNDS)

The conference agreement includes a total of $682,899,000 in direct appropriations for the Procurement, Acquisition and Construction account, and assumes $7,504,000 in deobligations from this account. The following distribution reflects the fiscal year 2001 funding provided for activities within this account:

Systems Acquisition:	
CAMS	$19,823,000
ASOS	3,855,000
NEXRAD	8,280,000
Computer Facilities Upgrade	15,085,000
Evansville Doppler	5,500,000
Polar Spacecraft and Launching	210,310,000
Geostationary Spacecraft and Launching	290,824,000
Radiosonde Replacement	5,000,000
AWIPS	16,300,000
National Data Archives	2,000,000
GFDL Supercomputer	4,000,000
Subtotal, Systems Acquisition	580,977,000
Construction:	
WFO Construction	9,526,000
NERRS Construction	7,500,000
N.Y. Botanical Garden	3,500,000
Alaska Facilities	19,000,000
National Marine Life Center	800,000
Norman, Oklahoma	3,000,000
Aquatic Resources	5,000,000
Pribilof Cleanup	6,000,000
Folley Beach Tract	2,000,000
Suitland Facility	15,000,000
Kasitsna Bay Lab/Kachemak Bay	5,000,000
Great Bay	5,000,000
Subtotal, Construction	81,326,000
Fleet Replacement:	
Fishery Research Vessel Replacement	8,300,000
ADVENTUROUS Refurbishment	8,000,000
FAIRWEATHER Refurbishment	6,800,000
Navy Surplus Coastal Research Vessel	5,000,000
Subtotal, Fleet Replacement	28,100,000

Systems Acquisition.—Of the funding provided for Polar Spacecraft and Launching, $73,325,000 is for Polar Convergence. A total of $290,824,000 for the Geostationary Spacecraft and Launching line is provided as requested in the budget.

Construction.—The funds appropriated for National Estuarine Research Reserve construction are to be distributed as follows: $7,000,000 is for overall NERRS requirements, and $500,000 is for the Jacques Cousteau NERRS. The funds appropriated for Alaska facilities are to be distributed as follows: $15,000,000 is for the Juneau Lab, and $4,000,000 is for the SeaLife Center. The conference agreement includes $3,000,000 for architecture and engineering of a building for the University of Oklahoma. The conference agreement assumes that funding for NOAA's occupancy of the proposed building will be based on an operating lease arrangement once the building has been constructed by the University of Oklahoma and is ready for NOAA occupancy.

In addition, the conference agreement includes $15,000,000 for NOAA's Suitland, Maryland facility. Funding is provided to cover those costs in addition to the basic building costs provided by the GSA. Bill language is included to prohibit the Department of Commerce from paying the traditional GSA building requirements for the Suitland facility.

Fleet Replacement.—The conference agreement includes funding for the refurbishment of the *Fairweather* in Alaska and the Navy Surplus YTT vessel, other than baseline operations, in South Carolina.

COASTAL AND OCEAN ACTIVITIES

In addition to the funds provided to the National Oceanic and Atmospheric Administration in the above table and narrative, the conference agreement includes an additional $420,000,000 for special purposes. Of this amount, $150,000,000 is for coastal impact assistance as authorized by section 31 of the Outer Continental Shelf Act for fiscal year 2001 only and does not alter the underlying authorization; $135,000,000 is for ocean, coastal and conservation programs, and $135,000,000 is for National Oceanic and Atmospheric Administration programs. Of the funds provided for ocean, coastal and conservation programs, $10,000,000 is provided for implementation of Sate nonpoint pollution control plans pursuant to section 6217 of the Coastal Zone Act, as amended, other than Alaska; $30,000,000 is for competitive grants for coastal communities in the Great Lakes region; $14,000,000 is for the University of New Hampshire marine facilities program; $1,000,000 is for the Sea Coast Science Center; $3,000,000 is for the Great Bay Partnership; $1,000,000 is for the New Hampshire Department of Environmental Services Marsh Restoration initiative; $1,000,000 is for the Mississippi Laboratories at Pascagoula, $8,000,000 is for the ACE Basin NERRS Research Center construction, $2,500,000 is for Winyah Bay land acquisition, $2,000,000 is for ACE Basin Land Acquisition, $10,000,000 is for the Sealife Center, $4,000,000 is for Kachameck Bay NERRS research center construction; $1,000,000 is for the Raritan, N.J. NERRS land acquisition; $10,000,000 is for DuPage River restoration; $1,000,000 if for Detroit River restoration, $500,000 is for lower Rouge River restoration; $8,500,000 is for Bronx River restoration and land acquisition; $16,000,000 is for a grant for Eastern Kentucky Pride, Inc., of which $11,000,000 is for design and construction of facilities for water protection and related environmental infrastructure, and $5,000,000 is for the aquatic resources environmental initiative; $3,000,000 is for a grant to the Louisiana Department of Natural Resources for brown marsh research, mitigation and nutria control; $2,000,000 is for land acquisition in southern Orange County, California for conservation of coastal sage scrub and riparian habitats; $3,000,000 is for planning, renovation and construction of facilities for a new national estuarine research reserve in San Francisco, California; $2,000,000 is for a grant to the National Fish and Wildlife Foundation for species management and esturaine habitat conservation; and $1,500,000 is for a grant to the Pinellas County Environmental Foundation for the Tampa Bay watershed. Of the funds provided for the National Oceanic and Atmospheric Administration programs, $5,000,000 is for National Estuarine Research Reserve operations, $12,000,000 is for Marine Sanctuary operations, $8,500,000 for Coastal Zone Management, $1,500,000 for CZMA Program Administration, $4,000,000 is for marine mammal strandings, $14,000,000 is for the National Ocean Service's protection of coral reefs program, $11,000,000 is for the National Marine Fisheries Service's Coral reefs program, $36,000,000 is for additional amounts for the purpose of the Pacific Coastal Salmon Recovery account, $6,000,000 is for fisheries habitat restoration, $15,000,000 is for NOAA's Cooperative Enforcement initiative, $3,000,000 is for Atlantic coast observers, $3,000,000 is for Cooperative Research, $3,000,000 is for Red Snapper research, $3,000,000 is for Aquaculture, $5,000,000 is for Harmful Algal Bloom research, $2,000,000 is for the Ocean Exploration initiative, and $3,000,000 is for Marine Sanctuary construction. The amounts provided under this heading for certain activities for ocean, coastal and waterway conservation programs are in addition to amounts provided elsewhere in this bill.

Of the $135,000,000 provided for NOAA programs, NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for the additional funding initiatives by February 28, 2001.

Great Lakes Coastal Restoration Grants.—The conference agreement includes a new appropriation of $30,000,000 for matching grants to be awarded competitively to state and local governments to undertake coastal and water quality restoration projects in the Great Lakes region. Proposals funded under this program should be consistent with a Great Lakes State's approved coastal management program under section 306 of the Coastal Zone Management Act. Restoration projects eligible for funding would include contaminated site cleanup, stormwater controls, wetland restoration, acquisition of greenways and buffers, and other projects designed to control polluted runoff and protect and restore coastal resources. NOAA is directed to develop and submit to the Committees on Appropriations an implementation plan for this initiative no later than January 15, 2001.

PACIFIC SALMON COASTAL RECOVERY

In fiscal year 2000, funding for the Southern Fund was provided under the NOAA, ORF account heading. The conference agreement includes funding for the Northern Transboundary Fund and Southern Transboundary Fund under this heading, in addition to funding provided within the Department of State. The conference agreement includes the full amount requested for the funds and for a payment to the State of Washington.

In addition, the conference agreement includes $54,000,000 for salmon habitat restoration, stock enhancement, and research. Of this amount, $18,000,000 is provided to the State of Washington, $10,000,000 is provided to the State of Alaska, $9,000,000 is provided to the State of Oregon, and $9,000,000 is provided to the State of California. In addition, $6,000,000 is provided for coastal tribes, and $2,000,000 for river tribes. Of the funds made available to the State of Washington, $4,000,000 shall be allocated through the Salmon Recovery Funding Board directly to the Washington State Department of Natural Resources and other State and Federal agencies for purposes of implementing the State of Washington's Forest and Fish Report. The monies shall be spent in accordance with the terms and conditions of the Forest and Fish Report and consistent with the requirements of the Endangered Species Act and Clean Water Act. Of the funding made available to the State of Alaska, $350,000 shall be used to continue the operation of the Crystal Lake hatchery in Petersburg, and $1,000,000 for the Metlakatla hatchery. None of the $54,000,000 shall be used for the buy back of commercial fishing licenses or vessels.

The conference agreement includes language proposed in the House bill making funding under this heading subject to express authorization. The Senate-reported amendment did not include this language.

COASTAL ZONE MANAGEMENT FUND

The conference agreement includes an appropriation of $3,200,000 as provided in the Senate-reported amendment, instead of $4,000,000 as provided in the House bill. This amount is reflected under the National Ocean Service within the Operations, Research, and Facilities account.

FISHERMEN'S CONTINGENCY FUND

The conference agreement includes $952,000 for the Fishermen's Contingency Fund. The House bill included $951,000 and the Senate-reported amendment included $953,000 for this program.

FOREIGN FISHING OBSERVER FUND

The conference agreement includes $191,000 for the expenses related to the Foreign Fishing Observer Fund, as provided in the Senate-reported amendment. The House bill included $189,000 for this program.

FISHERIES FINANCE PROGRAM ACCOUNT

The conference agreement provides $288,000 in subsidy amounts for the Fisheries Finance Program Account, instead of $238,000 as provided in the House bill and $338,000 as provided in the Senate-reported amendment. Funding is provided in accordance with the Senate-reported amendment.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $35,920,000 for the departmental management of the Commerce Department, instead of $28,392,000, as proposed in the House bill, and $32,340,000, as proposed in the Senate-reported amendment; of which $4,000,000 is provided for the Department's re-wiring initiative. No funding is provided for the security initiative. Funding of $19,823,000 is provided within NOAA for the Commerce Administrative Management System (CAMS). The Commerce Department is directed to submit quarterly reports for implementation of CAMS, the initial report should include an overview of planned CAMS implementation, including milestones, and cost estimates for each stage of deployment. All subsequent reports should outline progress in meeting the milestones and spending targets.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $20,000,000 for the Commerce Department Inspector General, instead of $21,000,000 as recommended in the House bill and $19,000,000 as recommended in the Senate-reported amendment. The Inspector General is reminded that office closings, staff reductions, or reorganizations are subject to the reprogramming procedures outlined in section 605 of this Act.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

The conference agreement includes the following general provisions for the Department of Commerce:

Sec. 201.—The conference agreement includes section 201, included in both the House bill and the Senate-reported amendment, regarding certifications of advanced payments.

Sec. 202.—The conference agreement includes section 202, identical in the House bill and the Senate-reported amendment, allowing funds to be used for hire of passenger motor vehicles.

Sec. 203.—The conference agreement includes section 203, identical in the House bill and the Senate-reported amendment, prohibiting reimbursement to the Air Force for hurricane reconnaissance planes.

Sec. 204.—The conference agreement includes section 204, identical in the House bill and the Senate-reported amendment, prohibiting funds from being used to reimburse the Unemployment Trust Fund for temporary census workers. The Senate-reported amendment included a provision prohibiting reimbursements in relation to the 1990 decennial census.

Sec. 205.—The conference agreement includes section 205, as proposed in the House bill, regarding transfer authority among Commerce Department appropriation accounts. The Senate-reported amendment proposed to increase the percentage of funding available for transfer.

The conference agreement does not include section 206 of the House bill providing for the notification of the House and Senate Committees on Appropriations of a plan for transferring funds to appropriate successor organizations within 90 days of enactment of any legislation dismantling or reorganizing the Department of Commerce. The Senate bill did not contain a provision on this matter.

Sec. 206.—The conference agreement includes section 206, included in both the House bill and the Senate-reported amendment, requiring that any costs related to personnel actions incurred by a department or agency funded in title II of the accompanying Act be absorbed within the total budgetary resources available to such department or agency, with a modification to include loan collateral and grants protection.

Sec. 207.—The conference agreement includes section 207, as proposed in both the House bill and the Senate-reported amendment, allowing the Secretary to award contracts for certain mapping and charting activities in accordance with the Federal Property and Administrative Services Act.

Sec. 208.—The conference agreement includes section 208, as proposed in both the House bill and the Senate-reported amendment with minor technical changes, allowing the Department of Commerce Franchise Fund to retain a portion of its earnings from services provided.

Sec. 209.—The conference agreement includes section 209, modified from a provision in the Senate-reported amendment, to provide $14,000,000 within the ''National Institute of Standards and Technology, Construction of Research Facilities'' account, for four construction projects. Of this amount, $4,000,000 is appropriated to the Institute at Saint Anselm College, $4,000,000 is for a cooperative agreement with the Medical University of South Carolina, $3,000,000 is for the Thayer School of Engineering for the biocommodity and biomass research initiative, and $3,000,000 is appropriated to establish the Institute for Information Infrastructure Protection at the Institute for Security Technology Studies. In addition, of the amounts provided within the NOAA PAC account, $5,000,000 is provided for a grant to Pride, Inc.

Sec. 210.—The conference agreement includes a new provision, numbered as section 210, which establishes the Dr. Nancy Foster Memorial Scholarship program for advanced degrees in marine studies, as part of the National Marine Sanctuary Program.

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

The conference agreement includes $37,591,000 for the salaries and expenses of the Supreme Court, as provided in the Senate-reported amendment, instead of $36,782,000 as provided in the House bill.

House report language with respect to law clerk selection is adopted by reference.

CARE OF THE BUILDING AND GROUNDS

The conference agreement includes $7,530,000 for the Supreme Court Care of the Building and Grounds account, as provided in the House bill and the Senate-reported amendment. This is the amount the Architect of the Capitol currently estimates is required for fiscal year 2001.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

The conference agreement includes $17,930,000 for the U.S. Court of Appeals for the Federal Circuit as provided in the Senate-reported amendment, instead of $17,846,000 as provided in the House bill. This provides funding for base adjustments and two additional assistants. No funding is provided for additional staff in the Clerk's office.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

The conference agreement includes $12,456,000 for the U.S. Court of International Trade as provided in the Senate-reported amendment, instead of $12,299,000 as provided in the House bill.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

The conference agreement provides $3,359,725,000 for the salaries and expenses of the Federal Judiciary as provided in the Senate-reported amendment, instead of $3,328,778,000 as provided in the House bill.

House report language with respect to the Southwest Border is adopted by reference.

An April 2000 review of Federal judges sharing of courtrooms prepared by the Congressional Budget Office (CBO) indicated that courtroom sharing by judges should not cause trial delays for a significant number of

trials, and that for the few that might be delayed the waiting time would be less than half a day. The CBO study also found that many courtrooms are in use for a small percentage of the available workdays. A study of the Judiciary's space and facilities program recently completed by Ernst and Young, however, suggested that requiring judges to share courtrooms is not practical. The Ernst and Young report stated that current court records do not adequately track courtroom usage, making it difficult to determine if courtroom sharing by Federal judges is a viable option. The conference agreement directs CBO to review and comment on the Ernst and Young report, and to provide the Committees on Appropriations with its findings no later than February 1, 2001. The Administrative Office of the U.S. Courts shall provide such assistance as may be necessary to CBO to complete its review. This issue is of great importance because any reduction in the number of courtrooms and associated court space could significantly reduce rental payments, which continue to consume an inordinate amount of the Judiciary's available resources.

VACCINE INJURY COMPENSATION TRUST FUND

The conference agreement provides $2,602,000 from the Vaccine Injury Compensation Trust Fund for expenses associated with the National Childhood Vaccine Injury Act of 1986 as provided in the Senate-reported amendment, instead of $2,600,000 as provided in the House bill.

DEFENDER SERVICES

The conference agreement includes $435,000,000 for the Federal Judiciary's Defender Services account, instead of $420,338,000 as provided in the House bill, and $416,368,000 as provided in the Senate-reported amendment. The conference agreement directs that a portion of the funds made available be used for an increase to $75 an hour for in-court time and $55 an hour for out-of-court time for Criminal Justice Act panel attorneys.

Language relating to capital habeas corpus costs in the House report is adopted by reference.

FEES OF JURORS AND COMMISSIONERS

The conference agreement includes $59,567,000 for Fees of Jurors and Commissioners, as proposed in the Senate-reported amendment, instead of $60,821,000 as provided in the House bill.

COURT SECURITY

The conference agreement includes $199,575,000 for the Federal Judiciary's Court Security account as provided in the Senate-reported amendment, instead of $198,265,000 as proposed in the House bill. Of the amount provided, $10,000,000 for security system funding shall remain available until expended.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

The conference agreement includes $58,340,000 for the Administrative Office of the United States Courts as provided in the House bill, instead of $50,000,000 as provided in the Senate-reported amendment.

Language in the introductory section relating to the Federal Judiciary in the House report with respect to the Optimal Utilization of Judicial Resources report is adopted by reference.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

The conference agreement includes $18,777,000 for fiscal year 2001 salaries and expenses of the Federal Judicial Center as provided in the House bill, instead of $19,215,000 as proposed in the Senate-reported amendment. Of the amount provided, $1,000 shall be available for official reception and representation expenses, as provided in the House bill, instead of $1,500 as proposed in the Senate-reported amendment.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

The conference agreement includes $35,700,000 for payment to the various judicial retirement funds, as provided in both the House bill and the Senate-reported amendment.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $9,931,000 for the U.S. Sentencing Commission, as provided in the Senate-reported amendment, instead of $9,615,000 as provided in the House bill.

GENERAL PROVISIONS—THE JUDICIARY

Section 301.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing appropriations to be used for services as authorized by 5 U.S.C. 3109.

Sec. 302.—The conference agreement includes a provision as proposed in the House bill related to the transfer of funds, instead of the modification proposed in the Senate-reported amendment. The House report language with respect to section 302 is incorporated by reference.

Sec. 303.—The conference agreement includes a provision included in both the House bill and the Senate-reported amendment allowing up to $11,000 of salaries and expenses provided in this title to be used for official reception and representation expenses of the Judicial Conference of the United States.

Sec. 304.—The conference agreement includes a provision included in the House bill to authorize the Judiciary to appoint statutory certifying officers who will be responsible for verifying the receipt of and payment for goods and services. This authority is currently available to the Executive Branch. The Senate-reported amendment did not contain a similar provision.

Sec. 305.—The conference agreement includes a new provision authorizing ten district judgeships, one for each of the following states: Arizona, Florida, Kentucky, Nevada, New Mexico, South Carolina, Virginia, and Wisconsin; and two additional district judgeships for Texas. In addition, the section directs the Chief Judge of the Eastern District of Wisconsin to designate one judge who shall hold court for such district in Green Bay, Wisconsin.

Sec. 306.—The conference agreement includes a new provision that allows the United States Court of Appeals for the Federal Circuit to appoint a circuit executive or a clerk, but not both, or to appoint a combined circuit executive/clerk.

Sec. 307.—The conference agreement includes a new provision to extend to the Judiciary authority currently available to the Legislative and Executive branches of Government, to use appropriated funds to pay for the employment of personal assistants. The language will allow the judicial branch to hire readers for the blind, interpreters for the deaf, and other personal assistants as may be necessary for judges and other employees with disabilities.

Sec. 308.—The conference agreement includes a new provision to bring the Supreme Court Police into parity with the retirement benefits provided to the United States Capitol Police and other Federal law enforcement agencies.

Sec. 309.—The conference agreement includes a provision, modified from a provision proposed as section 304 in the Senate-reported amendment. The modified language authorizes Justices and judges of the United States to receive a salary adjustment only if under each provision of law amended by section 704(a)(2) of the Ethics Reform Act of 1989 (5 U.S.C. 5318 note), adjustments under 5 U.S.C. 5305 shall take effect in fiscal year 2001. If such adjustments are made, then $8,801,000 is appropriated for the cost of adjustments under this Title. The House bill did not include a similar provision on this matter.

The conference agreement does not include the Senate provision related to honoraria or outside earnings limits for Federal judges.

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes a total of $3,168,725,000 for Diplomatic and Consular Programs, instead of $3,089,325,000 as included in the House bill and $3,148,494,000 as included in the Senate-reported amendment. The conference agreement includes $2,718,725,000 for State Department activities under this account, $40,000,000 related to the implementation of the 1999 Pacific Salmon Treaty, and an additional $410,000,000 to remain available until expended for worldwide security upgrades.

The conference agreement includes language in this account, and throughout this Title, that modifies citations of authorization legislation carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement does not include language proposed in the Senate-reported amendment to modify the purposes for which funds transferred from this account to the ''Emergencies in the Diplomatic and Consular Service'' account may be used.

The conference agreement includes language, not included in the House bill or the Senate-reported amendment, transferring $1,400,000 to the Presidential Advisory Commission on Holocaust Assets in the United States.

The conference agreement includes language, as proposed in the House bill, which makes fees collected in fiscal year 2001 related to affidavits of support available until expended. The Senate-reported amendment gave the Department permanent authority to use such fee collections.

The conference agreement includes language designating $246,644,000 for public diplomacy international information programs as proposed in the House bill. The Senate-reported amendment did not contain a similar provision. This amount represents the full requested funding level for these program activities.

The conference agreement includes language under this account allowing the Department to collect and use reimbursements for services provided to the press. This language was proposed in the Senate-reported amendment under ''Representation Allowances''. The House bill did not contain a provision on this matter.

The conference agreement does not include language proposed in the Senate-reported amendment to place limitations on certain details of State Department senior executives to other agencies or organizations. The House bill did not include a similar provision.

The conference agreement does not include an earmark of $5,000,000 under this account, as proposed in the Senate-reported amendment, for a payment to the City of Seattle

for costs incurred as host of the WTO Ministerial Conference. The House bill did not include a provision on this matter. The conference agreement addresses this issue under the ''Protection of Foreign Missions and Officials'' account.

The conference agreement does not adopt a Senate provision providing $1,000,000 to establish an Ambassador's Fund for Cultural Preservation. Instead, the Department shall identify up to $1,000,000 from funds provided under this account for an Ambassador's Fund for Cultural Preservation as described in the Senate report. United States Ambassadors in less-developed countries may submit competitive proposals for one-time or recurring projects with awards based on the importance of the site, object, or form of expression, the country's need, the impact of the United States contribution to the preservation of the site, object, or form of expression, and the anticipated benefit to the advancement of United States diplomatic goals. The Department is directed to submit an annual report to the House and Senate Committees on Appropriations on the selection process used, and on the expenditure of funds by project.

The conference agreement includes language making $5,000,000 available for overseas continuing language education, instead of $10,000,000 as proposed in the Senate-reported amendment. The House bill did not include a similar provision. Language in the Senate report requiring a report on the distribution of this funding is adopted by reference.

The conference agreement does not include language earmarking $12,500,000 for the East-West Center, as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. Funding for the East-West Center is addressed under a separate heading in this Title.

The conference agreement does not include language earmarking $1,350,000 for the Protection Project as proposed in the Senate-reported amendment. The House bill did not contain a similar provision. The Department is directed to continue support for this activity.

The conference agreement includes language allowing certain advances for services related to the Panama Canal Commission to be credited to this account and to remain available until expended, as proposed in the House bill. The Senate-reported amendment did not include a similar provision.

The conference agreement includes a provision, modified from language included in the Senate-reported amendment, designating $40,000,000 under this account to implement the 1999 Pacific Salmon Treaty. The Senate-reported amendment provided $60,000,000 for this purpose, and the House bill did not contain a similar provision. Of the amount provided, $10,000,000 is for further capitalizing the Northern Boundary Fund, $10,000,000 is for further capitalizing the Southern Boundary Fund, and $20,000,000 is for the State of Washington Department of Fish and Wildlife as authorized under section 628 of this Act.

The conference agreement does not include a provision proposed in the Senate-reported amendment regarding funding for the Office of Defense Trade Controls. The Office is expected to review applications, regardless of identified end user, with the utmost scrutiny.

The conference agreement includes language requiring the Department to notify Congress fifteen days in advance of processing licenses for the export of satellites to the People's Republic of China, as proposed in the Senate-reported amendment. The House bill included an identical provision under the Department of Commerce, Bureau of Export Administration.

The conference agreement includes a provision, not in the House bill or the Senate-reported amendment, to allow the Department to collect and deposit Machine Readable Visa fees as offsetting collections to this account in fiscal years 2001 and 2002 to recover costs. The conference agreement does not include provisions to limit the use of Machine Readable Visa fees in fiscal year 2001 and to make excess collections available in the subsequent fiscal year, as carried in both the House bill and the Senate-reported amendment. The House bill included a fiscal year 2001 spending limitation of $342,667,000. The Senate-reported amendment included a limitation of $267,000,000.

The conference agreement does not include language proposed in the Senate-reported amendment earmarking funds for the Office of the Coordinator for Counterterrorism and for the preparation of a study on the U.S. Government response to an international WMD terrorist event. The House bill did not include a similar provision.

The conference agreement includes $410,000,000 for worldwide security upgrades under this account as proposed in the House bill, instead of $272,736,000 as proposed in the Senate-reported amendment. The Department shall submit a detailed spending plan by December 31, 2000, for the entire amount provided for worldwide security upgrades. The House report designated $66,000,000 for a perimeter security initiative, and $16,000,000 to support additional staffing for the Bureau of Diplomatic Security, as requested. Since the time of the budget request, the Department has notified the Committees of increasing requirements to implement perimeter security upgrades. The Department is expected to reflect this development in the spending plan, increasing the amount for perimeter security and decreasing the amount for staffing. Any amount exceeding $8,000,000 for increased staffing will be subject to reprogramming. The conference agreement adopts, by reference, language in the Senate report regarding bomb detection equipment and a report on certain security issues.

The Committees acknowledge the Department's continuing efforts to increase minority recruitment and diversity in the Foreign Service and commend the Department for its ongoing efforts to partner with Howard University and other institutions. For fiscal year 2001 the Department is directed to supplement its minority recruitment activities by initiating a model program to facilitate the entry of non-traditional and minority students into foreign policy careers. This program would provide a continuum of education and support for successful students at two- and four-year colleges to continue their studies at a university that provides undergraduate programs for non-traditional students and graduate studies in international and public affairs. The Department is directed to provide $1,000,000 to the educational partnership between Hostos Community College and Columbia University in New York to establish such a model program. It is expected that this new program would assist members of minority groups in pursuing careers in the Foreign Service and the State Department.

Within the amount provided under this account, and including any savings the Department identifies, the Department will have the ability to propose that funds be used for purposes not specifically funded by the conference agreement through the normal reprogramming process.

Extended tours, particularly at language incentive posts, could improve efficiency and reduce costs. The Department is directed to report to the Committees, not later than February 15, 2001 on: 1) cost savings by subaccount that would result from four-year tours being adopted; 2) proposed changes to promotion criteria necessary to accommodate four-year tours; and 3) proposed four-year assignments by job description and post with full justification.

The conference agreement does not adopt language in the Senate report allocating additional funds to certain geographic regions, but commends the Department's operations in Buenos Aires, Argentina; Montevideo, Uruguay; and Sao Paulo, Brazil. These posts are well run, language skills are uniformly excellent, and personnel are genuinely enthusiastic about, and deeply involved in, the local government, community and culture. These posts serve as model embassies to be emulated. The Department is urged to devote the necessary resources to these posts to maintain the high caliber of operations at each.

Questions have been raised concerning the adequacy of current U.S. representation in Equatorial Guinea. Therefore, the Department is directed to explore the establishment, within resources currently available, of an American Presence Post in Equatorial Guinea and to report to the Committees no later than December 1, 2000, on the costs, staffing, and need for such a post.

Increasing amounts of funding are requested under this title for costs related to the absence or inadequacy of democratic governance in Kosovo, East Timor, Sierra Leone, and the Democratic Republic of the Congo. United Nations peacekeeping missions in Kosovo and East Timor are, in fact, surrogate governments, for which the United States is assessed over thirty percent of the total costs. In order to ensure that adequate and coordinated efforts are underway to develop effective democratic governance, the Department is directed to submit to the Committees a plan describing all such U.S. Government-sponsored activities in these four locations, and the anticipated results from these activities, not later than May 1, 2001. The Department is directed to coordinate closely with other U.S. Government agencies, the United Nations, the National Endowment for Democracy, and relevant non-governmental organizations in compiling the plan.

The conference agreement adopts, by reference, language in the House report regarding: reform and restructuring, including the submission of a reorganization plan corresponding with general provisions included in this title; carrying out the recommendations of the Overseas Presence Advisory Panel including the submission of a report; the submission of a minority recruitment and hiring plan; the Overseas Schools Advisory Council; the negotiation of effective extradition treaties; and unfair treatment of U.S. companies in Peru.

The conference agreement adopts, by reference, language in the Senate report regarding: the Department's budget justification books; amounts to be provided for the Arctic Council and the Bering Straits Commission; the submission of a plan regarding information about biotechnology abroad; and a report on international sea turtle conservation efforts.

The conference agreement does not include language in the Senate report on Sierra Leone and the Department's Bureau of African Affairs.

CAPITAL INVESTMENT FUND

The conference agreement includes $97,000,000 for the Capital Investment Fund, instead of $79,670,000 as proposed in the House bill and $104,000,000 as proposed in the Senate-reported amendment. The conference agreement does not include language as proposed in the Senate-reported amendment allowing the Department to retain control of

its overseas telecommunications infrastructure in the event that the current joint management is abolished or dissolved.

Within the amount provided in this account, $17,000,000 shall be for a pilot project to establish a common technology platform at overseas posts pursuant to the recommendations of the Overseas Presence Advisory Panel. The conference agreement includes the direction in the House report requiring the submission of a spending plan for this pilot project.

The conference agreement also includes, by reference, the report on modernization projects and resulting efficiencies requested in the House report.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes $28,490,000 for the Office of Inspector General as proposed in the House bill, instead of $29,395,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, the guidance included in both the House and Senate reports.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement includes $231,587,000 for Educational and Cultural Exchange Programs of the Department of State, instead of $213,771,000 as proposed in the House bill and $225,000,000 as proposed in the Senate-reported amendment. The conference agreement makes the funds provided under this account available until expended as in previous years, and as proposed in the House bill.

The following chart displays the conference agreement on the distribution of funds by program or activity under this account:

[In thousands of dollars]

	Amount
Academic Programs:	
Fulbright Program	114,000
Regional Scholars Program	2,000
Foreign Study Grants for U.S. Undergraduates	1,500
College and University Affiliations Program	1,000
Educational Advising and Student Services	3,200
English Language Programs	2,600
Hubert H. Humphrey Fellowships	6,100
Edmund S. Muskie Fellowship Program	500
American Overseas Research Centers	2,280
South Pacific Exchanges	500
Tibet Exchanges	500
East Timor Exchanges	500
Disability Exchange Clearinghouse	500
Subtotal, Academic Programs	135,180
Professional and Cultural Programs:	
International Visitor Program	46,500
Citizen Exchange Program	15,000
Congress Bundestag Youth Exchange	2,857
Mike Mansfield Fellowship Program	2,200
Olympic/Paralympic Exchanges	1,000
Special Olympic Exchanges	500
Youth Science Leadership Institute of the Americas	100
Irish Institute	500
Montana International Business Exchange	100
University of Akron Global Business Exchange	100
Interparliamentary Exchanges with Asia	150
Subtotal, Professional and Cultural Exchanges	69,007
North/South Center	1,400
Exchanges Support	26,000
Total	231,587

Deviations from this distribution of funds will be subject to the normal reprogramming procedures under section 605 of this Act. Significant carryover and recovered balances are often available under this account, and the Department is directed to submit a proposed spending plan for such balances, subject to the regular reprogramming procedures. To the extent such balances are available, the Department is encouraged to give priority to providing additional support for the Muskie Fellowship Program, and supporting the Central European Executive Exchange Program and the Institute for Representative Government.

The conference agreement includes only $500,000 in new appropriations under this account for Muskie Fellowships for graduate student exchanges with the former Soviet Union. In addition to the amounts provided under this account for nations of the former Soviet Union, the Department expects to receive transfers from appropriations for Freedom Support Act exchange programs. In fiscal year 2000, an additional $93,000,000 was transferred to this account for exchanges with the former Soviet Union, including $18,309,000 for graduate student exchanges. A similar amount is expected to be available for such exchanges in fiscal year 2001. In its graduate exchange programs with the former Soviet Union, the Department shall emphasize Masters in Business Administration programs in such areas as marketing, distribution, and finance.

Should balances become available, the Department is expected to consider awarding a grant for the Central European Executive Exchange Program. The Committees expect that the proposal submitted for this project will include participation from Central European countries in addition to Hungary and the Czech Republic, and will contain a plan to continue the project in future years without Federal financial support.

The conference agreement includes, by reference, the program guidance contained in both the House and Senate reports.

REPRESENTATION ALLOWANCES

The conference agreement includes $6,499,000 for Representation Allowances instead of $5,826,000 as proposed in the House bill, and $6,773,000 as proposed in the Senate-reported amendment. The conference agreement does not include language under this account allowing the Department to collect and use reimbursement for services provided to the press as proposed in the Senate-reported amendment. This language is instead included under the ''Diplomatic and Consular Programs'' account.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

The conference agreement includes $15,467,000 for Protection of Foreign Missions and Officials, instead of $8,067,000 as provided in the House bill and $10,490,000 as proposed in the Senate-reported amendment. Of the amount provided, $5,000,000 is designated for reimbursement to the City of Seattle. Similar language was included in the Senate-reported amendment under ''Diplomatic and Consular Programs''. The House bill did not address this matter. The direction included in the House and Senate reports regarding the review of reimbursement claims is adopted by reference.

EMBASSY SECURITY, CONSTRUCTION, AND MAINTENANCE

The conference agreement includes $1,079,976,000 for this account, instead of $1,064,976,000 as proposed in the House bill and $782,004,000 as proposed in the Senate-reported amendment.

The conference agreement does not include language proposed in the Senate-reported amendment adding ''Centers for Antiterrorism and Security Training'' to the allowable uses of funding under this account. The House bill had no similar language.

The conference agreement does not include a Senate provision stating that certain proceeds of sales shall be available only for a new embassy facility in the Republic of Korea. Proceeds realized from the sale of the diplomatic facility in Seoul known as ''Compound II'' shall only be available for the site acquisition and preparation, design, or construction of diplomatic facilities, housing, or Marine security guard quarters in the Republic of Korea. These funds shall be available for obligation and expenditure until all proceeds from the sale of ''Compound II'' are exhausted. The Committees expect the Department to provide an update every January 1 on construction projects in the Republic of Korea.

The conference agreement includes $663,000,000 for the costs of worldwide security upgrades, including $515,000,000 for capital security projects. The conferees direct the Department to comply with the direction in the House report regarding the submission of a spending plan within sixty days of the date of enactment of this Act. In proposing such a spending plan, the Department shall include an assessment of need, and such funding as is appropriate, for security upgrades related to existing housing, schools, and Marine quarters, as well as the acquisition of new secure Marine quarters.

The conference agreement does not include new appropriations for non-security capital projects. The Department has indicated that $30,500,000 is available from previous appropriations and proceeds to pay all anticipated site acquisition and related costs of the new Beijing chancery project in fiscal year 2001. The conference agreement includes, by reference, the direction in the Senate report regarding the Beijing chancery project. The ongoing costs of housing projects in Chengdu and Shenyang are included in amounts provided for facilities rehabilitation under this account.

The budget request included planned expenditures of $67,000,000 from proceeds of sale of surplus property for opportunity purchases and capital projects. The conference agreement anticipates that the amount of funds available for such purchases will be much greater, and directs the Department to submit a spending plan for these funds that includes: at least $19,000,000 for opportunity purchases to replace uneconomical leases; at least $25,000,000 for capital security projects; and $20,000,000 for continuing costs of the Taiwan project. Any additional use of these funds is subject to reprogramming.

The conference agreement includes, by reference, language in the House report under ''Worldwide Security Upgrades'' and ''Responding to the Recommendations of the Overseas Presence Advisory Panel'', and language in the Senate report on joint ventures

and a General Accounting Office review of a property issue in Paris. Within the amount provided under this account, the Department is expected to support the rehabilitation projects in Moscow and Istanbul described in the Senate report.

The Department is directed to submit, and receive approval for, a financial plan for the funding provided under this account, whether from direct appropriations or proceeds of sales, prior to the obligation or expenditure of funds for capital and rehabilitation projects. The overall spending plan shall include project-level detail, and shall be provided to the Appropriations Committees not later than 60 days after the date of enactment of this Act. Any deviation from the plan after approval shall be treated as a reprogramming in the case of an addition greater than $500,000 or as a notification in the case of a deletion, a project cost overrun exceeding 25 percent, or a project schedule delay exceeding 6 months. Notification requirements also extend to the rebaselining of a given project's cost estimate, schedule, or scope of work.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

The conference agreement includes $5,477,000 for the Emergencies in the Diplomatic and Consular Service account, as provided in the House bill, instead of $11,000,000, as provided in the Senate-reported amendment.

REPATRIATION LOANS PROGRAM ACCOUNT

The conference agreement includes a total appropriation of $1,195,000 for the Repatriation Loans Program account as provided in the House bill, instead of $1,200,000 as provided in the Senate-reported amendment.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

The conference agreement includes $16,345,000 for the Payment to the American Institute in Taiwan account, as provided in both the House bill and the Senate-reported amendment. The conference agreement includes, by reference, language in both the House and Senate reports. Funding for the relocation of the Institute is discussed under the ''Embassy Security, Construction, and Maintenance'' account.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

The conference agreement includes $131,224,000 for the Payment to the Foreign Service Retirement and Disability Fund account, as provided in both the House bill and the Senate-reported amendment.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $870,833,000 for Contributions to International Organizations to pay the costs assessed to the United States for membership in international organizations, instead of $880,505,000 as proposed in the House bill, and $943,944,000 as proposed in the Senate-reported amendment.

The conference agreement includes language requiring that $100,000,000 may be made available to the United Nations only pursuant to a certification that the U.N. has taken no action during calendar year 2000 prior to the enactment of this Act to cause the U.N. to exceed the adopted budget for the biennium 2000–2001. Similar language was included in the House bill. The Senate-reported amendment did not include a provision on this matter.

The conference agreement does not include an additional $64,800,000 for the United States share of the new North Atlantic Treaty Organization headquarters as proposed in the Senate-reported amendment. The House bill did not have a similar provision. Within the amount provided under this heading, $8,000,000 is included for the first incremental payment for the U.S. share of the new headquarters building, as requested.

The amount provided by the conference agreement is expected to be sufficient to fully pay assessments to international organizations. The conference agreement anticipates that the Department has prepaid $32,600,000 of the fiscal year 2001 assessment for the United Nations regular budget, using excess fiscal year 2000 funds. In addition, the Department's recalculation of its fiscal year 2001 request for this account has resulted in a lowering of the request by an additional $37,908,000, resulting primarily from exchange rate fluctuations. In recognition of the prepayment and the recalculation of the request, the conference agreement assumes an adjusted request level of $875,552,000. The conference agreement does not include requested funding for the Interparliamentary Union and the Bureau of International Expositions, and anticipates additional savings related to requested programs that are terminating or have not yet begun.

Provisions in the House report relating to reports on reforms in international organizations, and Senate report language relating to reporting on War Crimes Tribunals are adopted by reference. The conference agreement does not include an additional $13,000,000, as proposed in the Senate report, for Pan American Health Organization (PAHO) disease prevention and control programs. The Department is encouraged to pursue appropriate funding for such an initiative in the future. The conference agreement adopts, by reference, language in the House report concerning PAHO, and directs the Department to provide PAHO with its full United States assessment level for fiscal year 2001.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement provides $846,000,000 for Contributions for International Peacekeeping Activities, instead of $500,000,000 as proposed in the Senate-reported amendment and $498,100,000 as proposed in the House bill.

The conference agreement provides that, of the total funding provided under this heading, not to exceed fifteen percent shall remain available until September 30, 2002. The Senate-reported amendment made all funding available until expended, and the House bill had no provision on the matter. The conferees expect that before any excess funding is carried over into fiscal year 2002 in this account, the Department shall transfer the maximum allowable amount to the Contributions to International Organizations account to prepay the fiscal year 2002 assessment for the United Nations regular budget.

The conference agreement includes, by reference, language in the House report requiring a Department report to the Committees related to the costs of continuing UN activities in Angola and Haiti from the UN regular budget, requiring a report on peacekeeping assessment rate reform, and directing the Department to support the work of the UN Office of Internal Oversight Services. The conference agreement also includes, by reference, language in the Senate report regarding the investigation of charges against those responsible for the planning and execution of the air war over Serbia and Kosovo.

The establishment of several large and complex missions over the past year has overtaken the capacity of the UN to successfully plan and manage such activities. The Department is directed to allocate available funds in this account on a priority basis, and to take no action to extend or expand missions or create new missions for which funding is not available. The conference agreement does not include funding for the MINURSO mission in Western Sahara. In addition to the notification requirements under this account, the Department is directed to submit a proposed distribution of the total resources available under this account no later than December 31, 2000, through the normal reprogramming process.

ARREARAGE PAYMENTS

The conference agreement does not include funding for arrearage payments in this Act. The Senate-reported amendment provided $102,000,000 for additional arrearage payments above the $926,000,000 authorized and appropriated in previous years, subject to certain conditions. The House bill did not include new funding for arrearage payments.

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

SALARIES AND EXPENSES

The conference agreement includes $7,142,000 for Salaries and Expenses of the International Boundary and Water Commission (IBWC) as proposed in the Senate-reported amendment, instead of $19,470,000 as proposed in the House bill. The conference agreement includes, by reference, language in the House report regarding the South Bay International Wastewater Treatment Plant.

CONSTRUCTION

The conference agreement includes $22,950,000 for the Construction account of the IBWC instead of $26,747,000 as proposed in the Senate-reported amendment and $6,415,000 as proposed in the House bill. The conference agreement provides funding for the following activities: facilities renovation—$425,000; heavy equipment replacement—$1,000,000; land mobile radio systems replacement—$500,000; hydrologic data collection system rehabilitation—$500,000; Rio Grande construction—$2,685,000; Colorado River construction—$805,000; a feasibility study for the construction of a diversionary structure to control sewage flows in the flood control channel of the Tijuana River—$500,000; and operations and maintenance—$16,535,000. The conference agreement adopts, by reference, language in the House report regarding the reallocation of funds subject to reprogramming. The conferees also expect the Commission to submit to the Committees, not later than November 15, 2001, an end-of-year report on operations and maintenance spending. This report shall include actual obligations, and balances carried forward, by project.

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

The conference agreement includes $6,741,000 for the U.S. share of expenses of the International Boundary Commission; the International Joint Commission, United States and Canada; and the Border Environment Cooperation Commission, as proposed in the Senate-reported amendment, instead of $5,710,000 as proposed in the House bill. The conference level will provide funding at the following levels for the three commissions: International Boundary Commission—$970,000; International Joint Commission—$3,771,000; and Border Environment Cooperation Commission—$2,000,000.

INTERNATIONAL FISHERIES COMMISSIONS

The conference agreement includes $19,392,000 for the U.S. share of the expenses of the International Fisheries Commissions and related activities, as proposed in the Senate-reported amendment, instead of $15,485,000 as proposed in the House bill.

The conference agreement includes the funding distribution requested in the President's budget and adopts, by reference, language in the Senate report on treating Lake Champlain with lampricide, and giving priority to States providing matching funds.

OTHER

PAYMENT TO THE ASIA FOUNDATION

The conference agreement includes $9,250,000 for the Payment to the Asia Foundation account, instead of $8,216,000 as provided in the House bill, and instead of no funding as provided in the Senate-reported amendment. The conferees support the work of the Asia Foundation on democracy and the rule of law in the Asia-Pacific region. Since the establishment of multi-party democracy in 1990, Nepal continues to struggle with political instability, weak legal institutions and economic stagnation. Increased funding in this account is expected to allow the Foundation to expand law reform activities in Nepal.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Trust Fund in fiscal year 2001 to be used for necessary expenses of the Eisenhower Exchange Fellowships.

ISRAELI ARAB SCHOLARSHIP PROGRAM

The conference agreement includes language as provided in both the House bill and the Senate-reported amendment allowing all interest and earnings accruing to the Scholarship Fund in fiscal year 2001 to be used for necessary expenses of the Israeli Arab Scholarship Program.

EAST-WEST CENTER

The conference agreement includes $13,500,000 for operations of the East-West Center as proposed in the Senate-reported amendment, instead of no funds as proposed in the House bill. The conference agreement does not include an additional earmark of $12,500,000 from the Department of State, Diplomatic and Consular Programs account, as proposed in the Senate-reported amendment.

NATIONAL ENDOWMENT FOR DEMOCRACY

The conference agreement includes $30,999,000 for the National Endowment for Democracy as proposed in the Senate-reported amendment, instead of $30,872,000 as proposed in the House bill. The Endowment shall submit to the Committees, not later than February 1, 2001, a detailed program plan for NED activities in East Timor, Kosovo, Sierra Leone and the Democratic Republic of the Congo.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

The conference agreement includes $398,971,000 for International Broadcasting Operations, instead of $419,777,000 as proposed in the House bill and $388,421,000 as proposed in the Senate-reported amendment. Rather than funding broadcasting to Cuba under this account, as proposed by the House, all funding for broadcasting to Cuba is included under a separate account, as proposed in the Senate-reported amendment, and as enacted in previous years.

The conference agreement includes language in this and other broadcasting accounts that modifies citations of authorization legislation as carried in previous years. These changes are intended to simplify and streamline bill language, and are not intended to modify the authorities for the use of funds under any account.

The conference agreement includes, by reference, language in the House report on the review of television-related programs, Radio Free Asia, further consolidation and streamlining within international broadcasting, and reprogramming requirements. The conference agreement also includes, by reference, language in the Senate report on the VOA charter requirements, and on the initiation of RFE/RL broadcasting in Avar, Chechen and Circassian.

The Broadcasting Board of Governors (BBG) is expected to devote a proportionate and reasonable share of total VOA programming to the charter requirements of explaining American foreign policy and explaining American values, institutions, and thought. Should the BBG determine that organizational changes would facilitate the achievement of this goal, such proposed changes shall be submitted to the Committees through the regular reprogramming process.

The conference agreement provides inflationary adjustments to base funding levels for all broadcasting entities. Within the amount provided, $1,000,000 shall be for Uighur language broadcasting by Radio Free Asia. The BBG is directed to provide an allocation plan for all available funding under this account to the Committees within sixty days from the enactment of this Act.

BROADCASTING TO CUBA

The conference agreement includes $22,095,000, to remain available until expended, for Broadcasting to Cuba under a separate account as proposed in the Senate-reported amendment, instead of $22,806,000 within the total for International Broadcasting Operations as proposed in the House bill. The conference agreement does not include language proposed in the Senate-reported amendment, providing that funds may be used for aircraft to house television broadcasting equipment. The House bill did not contain a provision on this matter.

BROADCASTING CAPITAL IMPROVEMENTS

The conference agreement includes $20,358,000 for the Broadcasting Capital Improvements account, instead of $18,358,000 as proposed in the House bill, and $31,075,000 as proposed in the Senate-reported amendment. The conference agreement does not include language proposed in the Senate-reported amendment making a specific amount under this account available for the costs of overseas security upgrades.

The conference agreement includes, by reference, language in the House report on digital development and conversion, security upgrades, relocation of the Poro Point medium wave transmitter, and the submission of a spending plan through the reprogramming process. The conference agreement also includes, by reference, language in the Senate report on the notification of the Committees prior to the release of funds for security upgrades.

The BBG may propose through the reprogramming process to allocate funds under this account for rotatable antennas, or for other infrastructure improvements at the Greenville, NC, transmitting station, as discussed in the Senate report.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCY

Section 401.—The conference agreement includes section 401, as proposed in the House bill, permitting use of funds for allowances, differentials, and transportation. The Senate-reported amendment included a similar provision with minor technical differences related to the citation of authorizing provisions.

Sec. 402.—The conference agreement includes section 402, as provided in both the House bill and the Senate-reported amendment, dealing with transfer authority.

Sec. 403.—The conference agreement includes section 403, proposed as section 404 in both the House bill and the Senate-reported amendment, prohibiting the use of funds by the Department of State or the Broadcasting Board of Governors (BBG) to provide certain types of assistance to the Palestinian Broadcasting Corporation (PBC). The conference agreement does not include training that supports accurate and responsible broadcasting among the types of assistance prohibited. The conferees agree that neither the Department of State, nor the BBG, shall provide any assistance to the PBC that could support restrictions of press freedoms or the broadcasting of inaccurate, inflammatory messages. The conferees further expect the Department and the BBG to submit a report to the Committees, before December 15, 2000, detailing any programs or activities involving the PBC in fiscal year 2000, and any plans for such programs in fiscal year 2001.

Sec. 404.—The conference agreement includes section 404, proposed as section 405 in the House bill, creating the position of Deputy Secretary of State for Management and Resources. The Senate-reported amendment did not include a provision on this matter. The conference agreement adopts, by reference, the guidance on this matter provided in the House report under the ''Diplomatic and Consular Programs'' account.

Sec. 405.—The conference agreement includes section 405, as proposed in the Senate bill, prohibiting the use of funds made available in this Act by the United Nations for activities authorizing the United Nations or any of its specialized agencies or affiliated organizations to tax any aspect of the Internet.

Sec. 406.—The conference agreement includes section 407, not included in either the House bill or the Senate-reported amendment, extending authorities to provide protective services to departing and incoming Secretaries of State.

Sec. 407.—The conference agreement includes section 408, not included in either the House bill or the Senate-reported amendment, waiving provisions of existing legislation that require authorizations to be in place for the State Department and the Broadcasting Board of Governors prior to the expenditure of any appropriated funds.

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME SECURITY PROGRAM

The conference agreement includes $98,700,000 for the Maritime Security Program as proposed in both the House bill and the Senate-reported amendment.

OPERATIONS AND TRAINING

The conference agreement includes $86,910,000 for the Maritime Administration Operations and Training account instead of $84,799,000 as proposed in the House bill and $80,240,000 as proposed in the Senate-reported amendment. Within this amount, $47,236,000 shall be for the operation and maintenance of the U.S. Merchant Marine Academy, including $13,000,000 above base funding levels for further deferred maintenance and renovation requirements as described in the House report. The conferees adopt, by reference, language in the House report regarding the submission of a spending plan for this initiative.

The conference agreement includes $7,473,000 for the State Maritime Academies. Within the amount for State Maritime Academies, $1,200,000 shall be for student incentive payments, the same amount as provided in fiscal year 2000.

The conference agreement also includes, by reference, language in the House report

on submission of a report on maritime education and training.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

The conference agreement provides $30,000,000 in subsidy appropriations for the Maritime Guaranteed Loan Program instead of $10,621,000 as proposed in the House bill and $20,221,000 as proposed in the Senate-reported amendment. The conference agreement adopts the Senate approach of dropping a limitation on the loan program level of not to exceed $1,000,000,000. The House bill included this provision, which has also been carried in previous years. MARAD shall not make commitments exceeding $1,000,000,000 in fiscal year 2001, including commitments made with appropriations from previous fiscal years, without prior notification to the Committees in accordance with section 605 reprogramming procedures.

The conference agreement also includes an additional $3,987,000 for administrative expenses associated with the Maritime Guaranteed Loan Program instead of $3,795,000 as proposed in the House bill, and $4,179,000 as proposed in the Senate-reported amendment. The amount for administrative expenses may be transferred to and merged with amounts under the MARAD Operations and Training account.

MARAD has indicated to the Committees that it expects to carry over approximately $10,000,000 in this account which may be used as additional subsidy budget authority in fiscal year 2001.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

The conference agreement includes provisions, as proposed in both the House bill and the Senate-reported amendment, involving Government property controlled by MARAD, the accounting for certain funds received by MARAD, and a prohibition on obligations from the MARAD construction fund.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

The conference agreement provides $490,000 for the Commission for the Preservation of America's Heritage Abroad, as proposed in the Senate-reported amendment, instead of $390,000 as proposed in the House bill.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

The conference agreement includes $8,900,000 for the salaries and expenses of the Commission on Civil Rights as proposed in the Senate-reported amendment, instead of $8,866,000 as proposed in the House bill.

The conference agreement includes language allowing the Chairperson to be reimbursed for 125 billable days, as proposed in the House bill, and as carried in previous years. The Senate-reported amendment included language limiting all commissioners to not more than 75 billable days.

COMMISSION ON OCEAN POLICY

SALARIES AND EXPENSES

The conference agreement includes $1,000,000 for the Commission on Ocean Policy as proposed in the Senate-reported amendment, instead of no funding as proposed in the House bill.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

The conference agreement includes $1,370,000 for the Commission on Security and Cooperation in Europe as proposed in the Senate-reported amendment, instead of $1,182,000 as proposed in the House bill.

CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

SALARIES AND EXPENSES

The conference agreement includes $500,000 for the Congressional-Executive Commission on the People's Republic of China. Neither the House bill nor the Senate-reported amendment included funding for this new Commission.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $303,864,000 for the salaries and expenses of the Equal Employment Opportunity Commission, instead of $290,928,000 as proposed in the House bill, and $294,800,000 as proposed in the Senate-reported amendment.

Within the total amount, the conference agreement includes $30,000,000 for payments to State and local Fair Employment Practices Agencies (FEPAs) for specific services to the Commission, instead of $29,000,000 as proposed in the House bill, and $31,000,000 as proposed in the Senate-reported amendment. The conference agreement includes, by reference, language in the House report regarding submission of a spending plan, reducing the backlog of private sector charges, and utilizing the experience the FEPAs have in mediation as the Commission implements its alternative dispute resolution programs.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total of $230,000,000 for the salaries and expenses of the Federal Communications Commission (FCC), instead of $207,909,000 as provided in the House bill, and $237,188,000 as proposed in the Senate-reported amendment. Of the amounts provided, $200,146,000 is to be derived from offsetting fee collections, as provided in both the House bill and the Senate-reported amendment, resulting in a net direct appropriation of $29,854,000, instead of $7,763,000 included in the House bill, and $37,042,000 included in the Senate-reported amendment. Receipts in excess of $200,146,000 shall remain available until expended but shall not be available for obligation until October 1, 2001.

The conference agreement directs the Commission to submit, no later than December 15, 2000, a financial plan proposing a distribution of all the funds in this account, subject to the reprogramming requirements under section 605 of this Act.

From within the funds provided, the FCC is urged to support public safety, emergency preparedness and telecommunications functions of the 2002 Olympic Winter Games.

The Senate report included language on public broadcasting stations' access to spectrum. The House included no similar language. The FCC is examining this issue, which is also pending in the Court of Appeals. The conference agreement reflects the belief that this issue can be resolved through the administrative or judicial process, so no legislative action is required at this time. The Chairman of the FCC should report to the House and Senate Committees on Appropriations on any action the Commission takes on this issue by April 1, 2001.

The FCC shall take all actions necessary to complete the processing of applications for licenses or other authorizations for facilities that would provide services covered by the Satellite Home Viewers Improvement Act (Public Law 106–113, 113 Stat. 1501), specifically to deliver multi-channel video services including all local broadcast television station signals and broadband services in unserved and underserved local television markets by November 29, 2000, as required by Public Law 106–113, 113 Stat. 1501.

The Senate report language with respect to a broadcast industry code of conduct for the content of programming is incorporated by reference.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $15,500,000 for the salaries and expenses of the Federal Maritime Commission, instead of $14,097,000 as proposed in the House bill and $16,222,000 as proposed in the Senate-reported amendment.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes a total operating level of $147,154,000 for the Federal Trade Commission, instead of $134,807,000 as proposed in the House bill and $159,500,000 as proposed in the Senate-reported amendment. The conference agreement assumes that, of the amount provided, $145,254,000 will be derived from fees collected in fiscal year 2001 and $1,900,000 will be derived from estimated unobligated fee collections available from fiscal year 2000. These actions result in a final appropriation of $0. Any use of remaining unobligated fee collections from prior years are subject to the reprogramming requirements outlined in section 605 of this Act.

The conference agreement adopts by reference the Senate report language on slotting allowances, identity theft and Internet fraud.

Appropriations for both the Antitrust Division of the Department of Justice and the Federal Trade Commission are financed with Hart-Scott-Rodino Act pre-merger filing fees. Section 630 of this Act modifies the Hart-Scott-Rodino Act to establish a three-tiered fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Both the House bill and the Senate-reported amendment included in the Federal Trade Commission's appropriation language similar language to create a three tiered fee structure and raise the filing threshold to $35,000,000. It is anticipated that the increase in the filing threshold will reduce the number of mergers requiring review by approximately 50 percent. This should allow the Commission to focus more resources on the review of complex mergers and non-merger activities such as consumer protection.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement includes $330,000,000 for the payment to the Legal Services Corporation, instead of $300,000,000 as proposed in the Senate-reported amendment, and $275,000,000 as proposed in the House bill. The conference agreement provides $310,000,000 for grants to basic field programs and independent audits, $10,800,000 for management and administration, $2,200,000 for the Office of Inspector General, and $7,000,000 for client self-help and information technology. The conference agreement also includes $31,625,000 for civil legal assistance under the Violence Against Woman Act programs funded under Title I of this Act. In addition, according to LSC-released statistics, grantees received over $605,000,000 of funding during 1999.

Within the amounts provided for management and administration, the Corporation is expected to hire at least seven investigators for the Compliance and Enforcement Division to investigate field grantees' compliance with the regulations grantees agreed to abide by when accepting Federal funding.

The conference agreement adopts by reference the House report language on class

action suits and the Senate report language on travel.

ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

The conference agreement includes language to continue the terms and conditions included under this section in the fiscal year 2000 Act, as proposed in both the House bill and the Senate-reported amendment.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $1,700,000 for the salaries and expenses of the Marine Mammal Commission, as proposed in both the House bill and the Senate-reported amendment.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

The conference agreement includes $422,800,000 for the Securities and Exchange Commission (SEC), instead of $392,624,000 as proposed in the House bill and $489,652,000 as proposed in the Senate-reported amendment. The conference agreement includes bill language appropriating separate amounts from offsetting fee collections from fiscal years 1999 and 2001, as proposed in both the House bill and the Senate-reported amendment. The conference agreement appropriates $295,000,000 from fees collected in fiscal year 1999, and $127,800,000 from fees to be collected in fiscal year 2001.

The conference agreement provides for the Commission's adjustments to base and requested program increases for additional staff, information systems, and a special pay rate. Within the increased funding provided for information systems, the Commission shall identify $2,000,000 for additional information systems support to help investigate and prosecute Internet fraud cases, as described in the Senate report. The conference agreement does not include language in Title VI of this Act, nor additional funding above the request under this heading, as proposed in the Senate-reported amendment, for the exemption of the SEC from Federal pay regulations.

Any offsetting fee collections in fiscal year 2001 in excess of $127,800,000 will remain available for the Securities and Exchange Commission in future years through the regular appropriations process.

The conference agreement includes, by reference, language in the Senate report on the Office of Economic Analysis, the implementation of a new fee collection system, recommendations for increased civil penalties, and the need to educate investors regarding Internet securities fraud.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement provides an appropriation of $331,635,000 for the Small Business Administration (SBA) Salaries and Expenses account, instead of $304,094,000 as proposed in the House bill and $143,475,000 as proposed in the Senate-reported amendment. The conference agreement does not split funding for non-credit business assistance programs into a separate account, as proposed in the budget request and the Senate-reported amendment, but rather includes funding for such programs under this account.

In addition, the conference agreement includes $37,000,000 for programs related to the New Markets Venture Capital Program subject to the authorization of that program, including $7,000,000 for BusinessLINC and $30,000,000 for technical assistance.

The conference agreement includes language, as proposed in the Senate-reported amendment, allowing SBA to use five percent, or not to exceed $3,000,000, of increased collections of delinquent non-tax debt to reimburse for qualified expenses of such collections. The House bill did not contain language on this matter.

In addition to amounts made available under this heading, the conference agreement includes $129,000,000 for administrative expenses under the Business Loans Program account. This amount is transferred to and merged with amounts available under Salaries and Expenses. The conference agreement also includes an additional $108,354,000 for administrative expenses under the Disaster Loans Program account, which may under certain conditions be transferred to and merged with amounts available under Salaries and Expenses. These conditions are described under the Disaster Loans Program account.

The conference agreement provides a total of $166,541,000 for SBA's regular operating expenses under this account. This amount includes $2,000,000 for expenses of the HUBZone program, and $8,000,000 for systems modernization initiatives to continue the improvement of SBA's management and oversight of its loan portfolio. This amount also includes $2,000,000 to assist the SBA in transforming its workforce to meet changes in the way its programs are carried out. The SBA shall submit a plan, prior to the expenditure of resources provided for systems modernization and workforce transformation, in accordance with section 605 of this Act.

The conference agreement includes the following amounts for non-credit programs:

Small Business Development Centers	$88,000,000
7(j) Technical Assistance	3,600,000
Microloan Technical Assistance	20,000,000
SCORE	3,750,000
Business Information Centers	500,000
Women's Business Centers	12,000,000
Survey of Women-Owned Businesses	694,000
National Women's Business Council	750,000
One Stop Capital Shops	3,100,000
US Export Assistance Centers	3,100,000
Advocacy Research	1,100,000
National Veterans Business Development Corp	4,000,000
SBIR Rural Outreach Program	5,000,000
ProNet	500,000
Drug-free Workplace Grants	3,500,000
PRIME	15,000,000
New Markets Technical Assistance	30,000,000
BusinessLINC	7,000,000
Regulatory Fairness Boards	500,000
Total	202,094,000

Small Business Development Centers (SBDCs).—Of the amounts provided for SBDCs, the conference agreement includes $2,000,000 to continue the SBDC Defense transition program, and $1,000,000 to continue the Environmental Compliance Project, as directed in the House report. In addition, the conference agreement includes language, similar to that proposed in the Senate-reported amendment under ''Non-Credit Business Assistance Programs'' making funds for the SBDC program available for two years.

National Veterans Business Development Corporation.—The conference agreement includes language, as proposed in the House bill, designating $4,000,000 for the National Veterans Business Development Corporation. The Senate-reported amendment did not include a provision on this matter, but Senate report language designated $4,000,000 for the same purpose.

Microloan Technical Assistance.—The conference agreement includes $20,000,000 for the Microloan Technical Assistance program. Should savings occur during fiscal year 2001 in this account, the SBA may propose to allocate an additional amount for the Microloan Technical Assistance program through the regular reprogramming process. The SBA was unable to obligate approximately $3,500,000 allocated to this program in fiscal year 2000, which was transferred to the Business Loans Program account.

The conference agreement adopts language included in the House report directing the SBA to fully fund LowDoc Processing Centers, and to continue activities assisting small businesses to adapt to a paperless procurement environment.

NON-CREDIT BUSINESS ASSISTANCE PROGRAMS

The conference agreement adopts the approach in the House bill of not including funding under a separate heading for the non-credit business assistance programs of the SBA. Instead, funding for these programs is included under ''Salaries and Expenses'', as in previous years. The Senate-reported amendment included $153,690,000 for such programs under this separate account.

OFFICE OF INSPECTOR GENERAL

The conference agreement provides $11,953,000 for the SBA Office of Inspector General, instead of $10,905,000 as proposed in the House bill and $13,000,000 as proposed in the Senate-reported amendment.

An additional $500,000 has been provided under the administrative expenses of the Disaster Loans Program account to be made available to the Office of Inspector General for work associated with oversight of the Disaster Loans Program. The conference agreement does not include direction provided in the Senate report.

BUSINESS LOANS PROGRAM ACCOUNT

The conference agreement includes $294,410,000 under the SBA Business Loans Program Account, instead of $269,300,000 as proposed in the House bill, and $296,200,000 as proposed in the Senate-reported amendment. The conference agreement includes language, as proposed in the House bill, making $45,000,000 of the amount included for guaranteed loans available for two fiscal years. The Senate-reported amendment did not contain a similar provision. Within the amount provided, $22,000,000 shall be available only for the New Markets Venture Capital Program, subject to the enactment of authorizing legislation in fiscal year 2001.

The conference agreement includes $2,250,000 for the costs of direct loans, instead of $2,500,000 as proposed in the House bill and $2,600,000 as proposed in the Senate-reported amendment. The conferees understand that $300,000 in carryover is available for the Microloan Direct Loan Program, and, together with the appropriated amount, will support an estimated fiscal year 2001 program level of over $28,400,000.

Not including the funding provided for the New Markets Venture Capital Program, the conference agreement includes $141,160,000 for the costs of guaranteed loans, including the following programs:

7(a) General Business Loans.—The conference agreement provides $114,960,000 in subsidy appropriations for the 7(a) general business guaranteed loan program, instead of $114,500,000 as proposed in the House bill and $134,000,000 as proposed in the Senate-reported amendment. When combined with an estimated $14,000,000 in available carryover balances and recoveries, this amount will subsidize an estimated fiscal year 2001 program level of up to $10,400,000,000, assuming a

subsidy rate of 1.24%. In addition, the conference agreement includes a provision, as proposed in both the House bill and the Senate-reported amendment, requiring the SBA to notify the Committees in accordance with section 605 of this Act prior to providing a total program level greater than $10,000,000,000.

Small Business Investment Companies (SBIC).—The conference agreement provides $26,200,000 for the SBIC participating securities program as proposed in the Senate-reported amendment, instead of $23,300,000 as proposed in the House bill. This amount will result in an estimated total program level of $2,000,000,000 in fiscal year 2001. No appropriation is required for the SBIC debentures program, as the program will operate with a zero subsidy rate in fiscal year 2001.

The conference agreement includes required language, as proposed in the House bill, limiting the 504 CDC and the SBIC debentures program levels, instead of similar language in the Senate-reported amendment.

In addition, the conference agreement includes $129,000,000 for administrative expenses to carry out the direct and guaranteed loan programs as proposed in the House bill, instead of $130,800,000 as proposed in the Senate-reported amendment, and makes such funds available to be transferred to and merged with appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement includes a total of $184,494,000 for this account, of which $76,140,000 is for the subsidy costs for disaster loans and $108,354,000 is for administrative expenses associated with the disaster loans program. The House bill proposed $140,400,000 for loans and $136,000,000 for administrative expenses. The Senate-reported amendment provided $142,100,000 for loans and $139,000,000 for administrative expenses.

For disaster loans, the conference agreement assumes that the $76,140,000 subsidy appropriation, when combined with $71,000,000 in carryover balances and $10,000,000 in recoveries, will provide a total disaster loan program level of $900,000,000.

The conference agreement includes language, as proposed in the House bill, designating amounts for direct and indirect administrative expenses, and allowing appropriations for indirect administrative costs to be transferred to and merged with appropriations for Salaries and Expenses under certain conditions. The conference agreement includes $98,000,000 for direct administrative expenses instead of $125,646,000 as proposed in the House bill, and $9,854,000 for indirect administrative expenses as proposed in the House bill. The amount provided for direct administrative expenses, when combined with an estimated $26,000,000 in carryover balances, will provide the requested level for this activity. The conference agreement includes a provision that any amount in excess of $9,854,000 to be transferred to Salaries and Expenses from the Disaster Loans Program account for indirect administrative expenses shall be treated as a reprogramming of funds under section 605 of this Act, as proposed in the House bill. In addition, any such reprogramming shall be accompanied by a report from the Administrator on the anticipated effect of the proposed transfer on the ability of the SBA to cover the full annual requirements for direct administrative costs of disaster loan-making and -servicing.

Of the amounts provided for administrative expenses under this heading, $500,000 is to be transferred to and merged with the Office of Inspector General account for oversight and audit activities related to the Disaster Loans program.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

The conference agreement includes a provision providing SBA with the authority to transfer funds between appropriations accounts as proposed in the House bill, instead of a similar provision in the Senate-reported amendment.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

The conference agreement provides $6,850,000 for the State Justice Institute as proposed in the Senate-reported amendment, instead of $4,500,000 as proposed in the House bill. The conference agreement does not include the transfer of an additional $8,000,000 to this account from the Courts of Appeals, District Courts, and Other Judicial Services account in Title III as proposed in the Senate-reported amendment.

TITLE VI—GENERAL PROVISIONS

The conference agreement includes the following general provisions:

Sec. 601.—The conference agreement includes section 601, identical in both the House bill and the Senate-reported amendment, regarding the use of appropriations for publicity or propaganda purposes.

Sec. 602.—The conference agreement includes section 602, identical in both the House bill and the Senate-reported amendment, regarding the availability of appropriations for obligation beyond the current fiscal year.

Sec. 603.—The conference agreement includes section 603, identical in both the House bill and the Senate-reported amendment, regarding the use of funds for consulting services.

Sec. 604.—The conference agreement includes section 604, as proposed in the House bill, providing that should any provision of the Act be held to be invalid, the remainder of the Act would not be affected. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 605.—The conference agreement includes section 605, as included in the Senate-reported amendment, establishing the policy by which funding available to the agencies funded under this Act may be reprogrammed for other purposes, instead of the version in the House bill which contained minor differences.

Sec. 606.—The conference agreement includes section 606, identical in both the House bill and the Senate-reported amendment, regarding the construction, repair or modification of National Oceanic and Atmospheric Administration vessels in overseas shipyards.

Sec. 607.—The conference agreement includes section 607, as proposed in the House bill, regarding the purchase of American-made products. The Senate-reported amendment did not include this provision, which has been carried in previous years.

Sec. 608.—The conference agreement includes section 608, identical in both the House bill and the Senate-reported amendment, which prohibits funds in the bill from being used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission similar to proposed guidelines covering harassment based on religion published by the EEOC in October, 1993.

Sec. 609.—The conference agreement includes section 609, as proposed in the House bill, prohibiting the use of funds for any United Nations peacekeeping mission that involves U.S. Armed Forces under the command or operational control of a foreign national, unless the President certifies that the involvement is in the national security interest. The Senate-reported amendment did not contain a provision on this matter.

Sec. 610.—The conference agreement includes section 610, identical to the House bill and section 609 in the Senate-reported amendment, that prohibits use of funds to expand the U.S. diplomatic presence in Vietnam beyond the level in effect on July 11, 1995, unless the President makes a certification that several conditions have been met regarding Vietnam's cooperation with the United States on POW/MIA issues.

Sec. 611.—The conference agreement includes section 611, as proposed in the House bill, which prohibits the use of funds to provide certain amenities for Federal prisoners. The Senate-reported amendment included a similar provision as section 612, but proposed to make the prohibition permanent.

Sec. 612.—The conference agreement includes section 612, as proposed in the House bill, restricting the use of funds provided under the National Oceanic and Atmospheric Administration for fleet modernization activities. The Senate-reported amendment did not contain a provision on this matter.

Sec. 613.—The conference agreement includes section 613, identical in both the House bill and the Senate-reported amendment, which requires agencies and departments funded in this Act to absorb any necessary costs related to downsizing or consolidations within the amounts provided to the agency or department.

Sec. 614.—The conference agreement includes section 614, as proposed in the Senate-reported amendment, which permanently prohibits funds made available to the Federal Bureau of Prisons from being used to make available any commercially published information or material that is sexually explicit or features nudity to a prisoner. The House bill included a similar provision as section 614, but did not propose to make the prohibition permanent.

Sec. 615.—The conference agreement includes section 615, as proposed in the House bill, which limits funding under the Local Law Enforcement Block Grant to 90 percent to an entity that does not provide public safety officers injured in the line of duty, and as a result separated or retired from their jobs, with health insurance benefits equal to the insurance they received while on duty. The Senate-reported amendment did not include a similar provision.

Sec. 616.—The conference agreement includes section 616, as proposed in the House bill, which prohibits funds provided in this Act from being used to promote the sale or export of tobacco or tobacco products, or to seek the reduction or removal of foreign restrictions on the marketing of tobacco products, provided such restrictions are applied equally to all tobacco or tobacco products of the same type. This provision is not intended to impact routine international trade services provided to all U.S. citizens, including the processing of applications to establish foreign trade zones. The Senate-reported amendment did not contain a provision on this matter.

Sec. 617.—The conference agreement includes section 617, modified from language proposed as section 615 in the Senate-reported amendment, which extends the prohibition in last year's bill on use of funds to issue a visa to any alien involved in extrajudicial and political killings in Haiti. The provision also adds eight individuals to the list of victims, and extends the exemption and reporting requirements from last year's provision. The House bill did not contain a provision on this matter.

Sec. 618.—The conference agreement includes section 618, identical, but proposed as section 617 in the House bill and section 616 in the Senate-reported amendment, which

prohibits a user fee from being charged for background checks conducted pursuant to the Brady Handgun Control Act of 1993, and prohibits implementation of a background check system which does not require or result in destruction of certain information.

Sec. 619.—The conference agreement includes section 619, modified from language proposed as section 618 in the House bill and section 619 in the Senate-reported amendment, which delays obligation of any receipts deposited or available in the Crime Victims Fund in excess of $537,500,000 until the following fiscal year. The conferees have taken this action to protect against wide fluctuations in receipts into the Fund, and to ensure that a stable level of funding will remain available for these programs in future years.

Sec. 620.—The conference agreement includes section 620, proposed as section 619 in the House bill, which prohibits the use of Department of Justice funds for programs which discriminate against, denigrate, or otherwise undermine the religious beliefs of students participating in such programs. The Senate-reported amendment did not contain a provision on this matter.

Sec. 621.—The conference agreement includes section 621, identical in both the House bill and the Senate-reported amendment, but proposed as section 620 in the House bill, which prohibits the use of funds to process visas for citizens of countries that the Attorney General has determined deny or delay accepting the return of deported citizens.

Sec. 622.—The conference agreement includes section 622, proposed as section 621 in the House bill, which prohibits the use of Department of Justice funds to transport a maximum or high security prisoner to any facility other than to a facility certified by the Bureau of Prisons as appropriately secure to house such a prisoner. The Senate-reported amendment did not contain a similar provision.

Sec. 623.—The conference agreement includes section 623, modified from language proposed as section 622 in the House bill, regarding the Kyoto Protocol on Climate Change. The Senate-reported amendment did not include a provision on this matter. The conference agreement does not adopt the report language contained in the House report.

Sec. 624.—The conference agreement includes section 624, modified from language proposed as section 623 in the House bill, which prohibits funds from being used for the participation of United States delegates to the Standing Consultative Commission unless the President submits a certification that the U.S. Government is not implementing a 1997 memorandum of understanding regarding the 1972 Anti-Ballistic Missile Treaty between the U.S. and the U.S.S.R., or the Senate ratifies the memorandum of understanding. The Senate-reported amendment did not include a provision on this matter.

Sec. 625.—The conference agreement includes section 625, proposed as section 624 in the House bill, which prohibits the use of funds for the State Department to approve the purchase of property in Arlington, Virginia, by the Xinhua News Agency. The Senate-reported amendment did not include a provision on this matter.

Sec. 626.—The conference agreement includes section 626, proposed in the Senate-reported amendment as section 623, amending existing law related to certain medical costs to apply to suspects in the custody of the Federal Bureau of Investigation. The House bill did not include a provision on this matter.

Sec. 627.—The conference agreement includes section 627, proposed in the Senate-reported amendment as section 624, amending a fiscal year 1999 supplemental appropriations provision to permanently extend the time period in which certain takings of Cook Inlet Beluga Whales would be considered violations of the Marine Mammal Protection Act. The House bill did not include a provision on this matter.

Sec. 628.—The conference agreement includes section 628, modified from language proposed in the Senate-reported amendment as section 625, amending Public Law 106–113 to extend the authorization for Pacific Salmon Treaty and Recovery efforts. The House bill did not include a provision on these matters.

Sec. 629.—The conference agreement includes a new section 629, to clarify the Interstate Horseracing Act regarding certain parimutuel wagers.

Sec. 630.—The conference agreement includes a new section 630, which modifies existing law to include a three-tiered Hart-Scott-Rodino fee structure that increases the filing threshold for a merger transaction from $15,000,000 to $50,000,000. Similar language was included under the ''Federal Trade Commission, Salaries and Expenses'' heading in Title V of both the House bill and the Senate-reported amendment.

Sec. 631.—The conference agreement includes a new section 631, authorizing the stabilization and renovation of a certain lock and dam.

Sec. 632.—The conference agreement includes a new section 632, requiring the Federal Communications Commission to take certain actions regarding Low-Power FM regulations.

Sec. 633.—The conference agreement includes a new section 633, providing additional amounts for the Small Business Administration, Salaries and Expenses account for a number of small business initiatives.

Sec. 634.—The conference agreement includes a new section 634, prohibiting the use of funds in this, or any previous Act, or hereinafter made available to the Department of Commerce, to allow fishing vessels to use aircraft to assist in the fishing of Atlantic bluefin tuna.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

DRUG ENFORCEMENT ADMINISTRATION

DRUG DIVERSION CONTROL FEE ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $8,000,000 from the amounts otherwise available for obligation in fiscal year 2001 for the ''Drug Diversion Control Fee Account'', as proposed in the Senate-reported amendment. The House bill did not include a rescission from this account.

RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

(RESCISSION)

The conference agreement includes a rescission of $7,644,000 from unobligated balances under this heading, as proposed in the House bill. The Senate-reported amendment did not include a rescission from this account.

The conference agreement does not include a title providing contingent emergency funds for a ''Southwest Border Initiative'' for certain Department of Justice and Federal Judiciary accounts, as proposed in the Senate-reported amendment.

These needs are instead addressed in the regular accounts for such programs in Title I and Title III of this Act.

TITLE VIII—DEBT REDUCTION

DEPARTMENT OF TREASURY

BUREAU OF THE PUBLIC DEBT

Gifts to the United States for Reduction of the Public Debt

The conference agreement includes a new title depositing an additional amount in fiscal year 2001 into the account established under 31 U.S.C. section 3113(d), to reduce the public debt.

TITLE IX—WILDLIFE, OCEAN AND COASTAL CONSERVATION

Secs. 901–902.—The conference agreement includes $50,000,000 for formula grants to the States for wildlife conservation and restoration programs. Funding is provided through the U.S. Fish and Wildlife Service in the Department of Interior. This amount is in addition to funds provided for new, competitively awarded and cost-shared wildlife programs in the FY 2001 Interior Appropriations Act. This action recognizes wildlife conservation as a critical component of a nationwide strategy and supports state efforts in wildlife conservation and restoration. The conference agreement includes authorization language for this program.

Funding has been provided for the development, revision, and implementation of wildlife conservation and restoration programs and plans to address the unmet needs for a diverse array of wildlife and associated habitats. Funds provided to states or territories may be used for planning and implementation of wildlife conservation programs and conservation strategies, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects, for new programs and projects as well as to enhance existing programs and projects.

Each state's apportionment is determined by formula which considers the total area of the state (1/3 of the formula) and the population (2/3 of the formula). No state will receive an amount that is less than one percent of the amount available or more than five percent for any fiscal year. Puerto Rico and the District of Columbia each receive a sum equal to not more than one-half of one percent and Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands each receive a sum equal to not more than one-fourth of one percent. The conference agreement requires States and other jurisdiction to have or agree to develop a wildlife conservation strategy and plan as a condition for receiving a federal grant under this program.

Sec. 903.—The conference agreement includes language authorizing a coastal impact assistance program for fiscal year 2001.

TITLE X

The conference agreement includes a new title X to authorize loan guarantees in order to facilitate access to local television broadcast signals in unserved and underserved areas, and for other purposes.

TITLE XI

The conference agreement includes a new title XI, the Legal Immigration Family Equity Act.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2001 recommended by the Committee of Conference, with comparisons to the fiscal year 2000 amount, the 2001 budget estimates, and the House and Senate bills for 2001 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 2000	$39,600,967

Budget estimates of new (obligational) authority, fiscal year 2001	50,932,968
House bill, fiscal year 2001	37,394,617
Senate bill, fiscal year 2001	36,689,955
Conference agreement, fiscal year 2001	39,868,390
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 2000	+267,423
Budget estimates of new (obligational) authority, fiscal year 2001	−11,064,578
House bill, fiscal year 2001	+2,473,773
Senate bill, fiscal year 2001	+3,178,435

Mr. OBEY. Mr. Speaker, I know that Members are anxious to leave, but we have one Member of this institution who is leaving for good. I feel that we are all going to miss him. I think he has a right to say to the House whatever is in his heart in this his last day of service in this institution.

I yield 10 minutes to the distinguished gentleman from Minnesota (Mr. MINGE), who has served his district and his country very well in the years that he has been in this institution.

Mr. MINGE. Mr. Speaker, I thank my colleague from Wisconsin for yielding me this time.

Almost 8 years ago, I first addressed this body. Today I speak on the floor for what may be the last time. As has everyone in this House, I have been elected by folks at home to represent them in this, the people's Chamber. It is an honor. It is a privilege. I participated in the 103rd Congress when the Democrats controlled both Chambers and the White House. I served in the 104th, the 105th, and the 106th Congresses with Republican majorities and a Democrat in the White House. I have seen bitter party differences and shared the frustration of stalemate and even shutdown. However, I have also felt the occasional sense of cooperation and accomplishment. I do not wish to review the score card of this game of power over the last 8 years. Rather, I wish to speak to the challenges that Congress and America face in the years to come.

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First, for the health and perhaps for the survival of our system of government, we must rehabilitate the way we finance political campaigns. I recognize we will never achieve perfection in campaign finance reform. Money always will undoubtedly be the most seamy side of politics. However, right now we face a veritable political hell. The insidious effect of raising money on policy and even process is tearing at the integrity of our system. By most accounts, over $3 billion has been spent on the year 2000 elections. And what has all this money brought us? It has spawned national cynicism, public despair and increasing apathy among voters. We must have a fix for this process.

Unless good government groups like the League of Women Voters, Common Cause, Public Citizen and others have confidence that we are sincerely doing the best we can to enact reforms, our institutions will suffer.

In 1993, as a new Member of Congress, I was asked by an interviewer from a religious radio station what I thought was the most important problem facing our country. Despite our preoccupation with health care, the deficit, family values, and other matters, I said campaign finance reform. It goes to the heart of the democratic process.

Second, our national and global economies are becoming increasingly concentrated. Fewer and fewer businesses dominate more and more sectors of the economy. This threatens our ability to maintain a free market system, the cornerstone of our economy. Antitrust laws and their enforcement are controversial. However, if we do not maintain a commitment to the principle of competition, the dynamics of a vibrant marketplace will be eroded.

All of us have heard promises of savings but also read about the loss of jobs and endless disappointments with mergers. Congress holds one of the keys to enforcement of the principles of competition. Antitrust, fair trade, regulated industries, deregulation, route awarding guidelines, intellectual property, government trade and government contracts and numerous other areas are contributing components to a competition policy. Consumers, suppliers, and small businesses, including farmers, are at risk in the long-term if we are not more vigilant.

Third, just as private sector concentration creates problems, unchecked power in government is a threat to the well-being of our society. The perceived problems of a national health care system resulted in health insurance companies and others raising the specter of runaway government power.

Fairness, lack of effective competition and stifling of new ideas are problems. The unjust regional disparities in Federal health care financing are an example of a continuing and unjust feature of the massive Medicare program. A free society, like a free economy, is threatened by too great a concentration of power in any entity. Countervailing forces are needed.

Our challenge in Congress is to structure public programs so such countervailing forces exist without destroying the effectiveness of the programs. Built-in checks are necessary for the long-term effectiveness and fairness of government programs.

This problem of power in government extends to elected officials and legislative bodies. Early on, we developed a tradition, now a constitutional rule, that Presidents cannot serve more than two consecutive terms. Like the executive, the legislative branch can have problems of concentration of power that must be addressed. The term limit movement grew out of the unhappiness of many opponents to 40 years of Democrat majorities in Congress and the seniority system. The 3-year term limit on committee chairs currently in effect in the House is an effort to break up the legislative power. This effort should not be abandoned.

Fourth, we must better address the fundamental problem of the difficulty of reforming public programs under current legislative procedures. It takes enormous efforts to pass legislation with a bicameral legislative branch, a complex committee system, Senate holds, the filibuster, a Presidential veto, and often politically divided leadership. Once created, programs are even more difficult to reform. Virtual consensus is needed. The low visibility of most reforms makes them less than exciting and makes it very difficult to attract the national attention and the public support needed for their adoption.

Efforts to give agencies discretion to reform themselves through rulemaking is not adequate. Nor are judicial review or 5-year reauthorizing bills effective.

The result is that, once created, Federal programs tend to be on automatic pilot. For programs to work effectively, Congress needs to craft a better framework for encouraging needed structural changes. The Federal Government's far flung activities and programs have become too significant a part of our Nation's economy to be hobbled with this handicap. The process for consideration of reform legislation should be simplified or quasi-independent status like the Postal Service should be considered for more operations.

Fifth and finally, we need to constantly recommit ourselves to maintaining respect for one another. The bitter divides in Northern Ireland, in the Balkans, in the Middle East, in Africa, and in the Indian subcontinent are examples of how supposedly self-governing societies are consumed and can be destroyed by internal animosities.

The 1990s have been a turbulent and all too often bitter time here in Congress. We cannot allow our all too genetic predisposition for pride, animosity, jealousy and bickering to destroy us and our institutions. We must allow the healing process to work. Respect and trust must be constantly nourished. Competition, self-righteousness, negative zeal, political campaigns and partisanship constantly drags us back into bitter disagreements, often unnecessarily.

Testosterone routinely trumps conciliation. Healthy disagreement and a loyal opposition cannot be allowed to degenerate and destroy working relationships. Hopefully it will not take an external enemy to unite us. We must rise above our differences.

Every day I have walked over to this Capitol, seen the dome, and realized that this is where our Nation's elective representatives meet, deliberate and make decisions, I am awed. I have

pinched myself that I am here. I urge that we in Congress never allow ourselves to forget that we have a stewardship responsibility for the survival of our political institutions.

Self-governance and personal freedom are the core principles that we as Americans often take for granted. Our 220-year-old system of broad-based self-governance and individual rights is the longest running democracy in the history of our civilization and perhaps the history of mankind.

It is fragile. It is dependent on the trust of our people and our institutions, and we as political leaders must renew the process. We must make it work. We have a stewardship obligation to our children, grandchildren and future generations to enrich and strengthen this grand experiment and pass it on strong and intact.

This will be our generation's greatest success. We cannot afford to fail.

I appreciate the opportunity to serve with my colleagues. I am honored and humbled to have been elected by a free people. I wish success for the work of the 107th Congress. I hope and pray this body and our system of self-governance and our freedoms continue for countless generations to come.

Mr. PORTER. Mr. Speaker, I inquire of the Chair how much time remains on both sides.

The SPEAKER pro tempore (Mr. PEASE). The gentleman from Illinois (Mr. PORTER) has 30 minutes remaining. The gentleman from Wisconsin (Mr. OBEY) has 21 minutes remaining.

Mr. OBEY. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate the consideration of my friend, the gentleman from Wisconsin (Mr. OBEY), and the consideration from the gentleman from Illinois (Mr. PORTER).

Mr. Speaker, I want to express my appreciation to the Members of the Committee on Appropriations who worked so hard given the unfortunate context which was created through no fault of theirs, and there is a great deal in this bill that I admire. Indeed it is to some extent a pleasant surprise in some respects. But there is one aspect which disappointments me greatly, and I feel the need to comment on it.

In 1996, again as part of an overall appropriations bill, this House passed an immigration bill which included one of the cruelest, most unfair provisions this Congress has legislated in my memory. It was one which retroactively subjected people who had committed minor crimes mandatorily to deportation. In the ensuing years, its implementation has ruined families; it has destroyed lives; it has inflicted on innocent children more pain than almost any other single act I can think of in a concentrated way. People who were the age of 18 or 19 or 20 who committed a minor offense and who had turned their lives around and had become responsible members of their community, responsible parents, have found themselves ripped from the communities where they have been living, ripped from their families and sent back.

We worked, those of us on the Committee on the Judiciary, in a bipartisan way to try to deal with that.

The gentleman from Illinois (Mr. HYDE), the chairman of the Committee on the Judiciary; the gentleman from Florida (Mr. MCCOLLUM); and I and others worked and put together a bipartisan bill to relieve some, albeit not all, of the damage that bill does to people and it went through this House unanimously. It went to the other body, and we had hoped, given the difficulty that sometimes occurs there of getting separate legislation passed, that it would be included in this final bill, just as the bill that was seeking to amend had been included in this final bill.

We had agreement from the White House. We had, as I said, Republican and Democratic support here. At the last minute, the negotiations to include that vital humanitarian measure, supported by many Members of both sides of the aisle, was killed by the objection of the senior Senator from Texas. I do not think we have seen more cruelty inflicted on well-intentioned and well-behaved people than by that act.

So while I congratulate the Committee on Appropriations for the work they have done on the appropriations, I do have to note that a stunning piece of cruelty is left uncorrected by this bill.

Mr. PORTER. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce.

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

Mr. GOODLING. Mr. Speaker, how sad I would have been if on my last day, after 26 years in this Congress, I would not have had an opportunity to vote on this legislation. I certainly want to thank the gentleman from Florida (Chairman YOUNG) and the gentleman from Illinois (Chairman PORTER) and the ranking member, the gentleman from Wisconsin (Mr. OBEY), for giving me that opportunity.

As I have said many times, priorities are very important when we talk about funding, and for many years I asked us to please think about children with special needs and I am happy to say that in the last 5 years, after the President signs this legislation, they will have increased spending 175 percent in the areas of IDEA. What that means to local school districts is the fact that they can do the modernization and the renovation; they can reduce class size; they can do all sorts of things, if they have that kind of money.

I want to thank them also for including funding increases for Even Start and including the Literacy That Involves Families Together Act in the conference report.

□ 1745

All of the reports that we have at this point show that teaching parents literacy and parents skills so they can be their child's first and most important teacher has improved their opportunity greatly to succeed.

I am also happy to report that under this proposal, we have worked out an agreement on renovation. I still believe that renovation, building and so on, is the responsibility of the State and local government, except when they talk about mandates that have come from the Federal level. That is what we have done in this legislation, tried to deal with those particular mandates.

There is also $25 million for a charter school demonstration project. I hope the gentlewoman from New Mexico (Mrs. WILSON) is listening. That will be very important when we talk about effective ways of leveraging private capital for charter schools.

On class size reduction, we have worked out and added to what we were able to do last year, which indicates that if we have 10 percent or more of unqualified teachers in the school district, they can use 100 percent of all this money in order to better prepare the existing teaching force they have. As I have tried to point out so many times, it does not matter what the class size is if we cannot put a quality teacher in that classroom.

I am also happy to point out that the conference hopes to open the doors even more in post-secondary education for our Nation's poor students with, again, the highest Pell grant award ever. I commend the Committee on Appropriations for maintaining our effort to increase this opportunity for people with low income.

Again, I want to merely thank the gentleman from Illinois (Chairman PORTER), who also is spending his last day here. I do not know if he got up at 3 o'clock this morning and started playing solitaire on the computer, as I did, because all of a sudden I realized at that hour, this was my last trip around that Baltimore beltway. I am very happy that that is true, and unhappy that I am leaving such a wonderful group of people, but it was my choice.

Again, I thank all Members for this piece of legislation. I think it is an outstanding accomplishment.

Mr. PORTER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

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

Mr. Speaker, I rise today in strong support of this legislation, and I want to thank my colleagues for their hard work on reaching this agreement.

I want to talk today about the Medicare provisions of this package, the portion of the bill that will help many health care providers and beneficiaries

whose needs were not met by the current Medicare program.

This Congress passed the Balanced Budget Act in 1997 to save Medicare from insolvency. Now it is time to add some funds and benefits to the program to ensure it keeps up with the needs of those we serve. This bill effectively does that.

We have updated hospital payments so our hospitals nationwide can continue to provide the quality care we expect from them. We have also added and expanded preventive benefits for beneficiaries, including screening for glaucoma.

I introduced with my colleague, the gentleman from Georgia (Mr. LEWIS), medical nutrition therapy, and expanded coverage of pap smears and pelvic exams.

The bill also eliminates the time limit for immunosuppressant drugs cosponsored by the gentlewoman from Florida (Ms. THURMAN) for Medicare beneficiaries who have had an organ transplant, and waives the 24-month waiting period for those who suffer from ALS. These are provisions that have had our strong support this year.

The bill addresses our Nation's rural hospital crisis, and incorporates many of the provisions of H-CARE, which I introduced this year with bipartisan and bicameral support. So often, these small and isolated hospitals serve a disproportionate share of Medicare beneficiaries with special needs. Our rural communities need this coverage, and have been supported by people like the gentleman from Arkansas (Mr. DICKEY) and others of this Congress, and the gentleman from Oklahoma (Mr. WATKINS).

Finally, the bill updates payments to the Medicare+Choice program so beneficiaries can continue to have a low-cost alternative to traditional Medicare. Much has been said about the funding in this bill for the HMOs that provide this coverage, but this is something of utmost importance to my constituents and to many seniors across the country.

We have all heard about the planned withdrawals from the Medicare plus Choice program. This bill takes a first step towards bringing stability to this program and to the beneficiaries who depend on it.

I also want to thank our colleagues in the Committee on Commerce and those on the Committee on Ways and Means who have worked valiantly to get this bill produced. I think the seniors of our Nation will greatly benefit from this, and I again urge my colleagues to support us in this effort as we prepare to finish the 106th Congress on what I believe will be a very positive note, which is additional health care for our seniors. Hopefully, we can continue to work for health care for all Americans.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. COMBEST), chairman of the Committee on Agriculture.

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

Mr. Speaker, one of the things that this bill does have in it that is from the authorizing side is the Commodity Futures Modernization Act of 2000. This is not some insignificant piece of legislation, this is something that has been worked on for the last 2 years, very difficult to get through a number of committees in both the House and Senate.

I can speak at length on the bill. I will not. What I do want to say is this would not have happened had it not been for the leadership of our colleague, the gentleman from Illinois (Mr. EWING), who will be leaving the Congress of his own choice at the end of this year. This is something that I think he will be able to take with him as one of the major accomplishments that he made.

I cannot thank him enough, number one, for his work and effort in seeing this come to fruition, as well as thanking him for his friendship.

Mr. PORTER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business.

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

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

Mr. Speaker, the conference before us enacts by reference H.R. 5667, the Small Business Reauthorization Act of 2000. That bill will reauthorize the SBA for 3 years, and continue and improve a number of important small business programs.

It contains the provisions of H.R. 2392, which reauthorizes and improves the Small Business Innovation and Research Program, or the SBIR program. I know many Members in the House will be pleased that we are getting that done on the last day.

The bill also contains provisions of a number of pieces of legislation which overwhelmingly passed this House and which reauthorize and improve the 7(a) program, the 504 program, and the SBIC program. We made a lot of progress in strengthening those programs in the 4 years of my chairmanship, and I believe strongly in all of them. I urge my colleagues to support them in the conference report.

Mr. Speaker, the bill also contains another measure which many people, including the President, have called the most significant anti-poverty legislation in the last 30 years, the American Community Renewal Act. Provisions in the bill will offer hope and opportunity to thousands of Americans who are living in economically underserved and blighted communities in our Nation. It will provide them and their communities tools, proven tools that are working in neighborhoods around the country already to fight the neglect, remove the scourge of drug abuse, and lift the pall of poverty that darkens the lives of so many of our fellow Americans.

The American Community Renewal Act will provide tax incentives to build businesses in these communities. In these communities, there will be a zero percent capital gains tax. It will require HUD to cooperate with neighborhood development groups so people can build homes and we can improve home ownership, provide assistance to fight the problems of drug abuse, allowing faith-based groups to participate in Federal drug and alcohol programs, and it will assist people in savings, allowing them to put up money from their earned income tax credit, with the government matching it.

It will give these communities things many of the rest of us take for granted: safe streets, a vital economy, and good schools, and things like hope and dignity.

Mr. Speaker, for several years my colleagues, the gentleman from Oklahoma (Mr. WATTS), the gentleman from Illinois (Mr. DAVIS), and our former colleague, Mr. Flake, and I have struggled to build this legislation in a bipartisan fashion. I am greatly pleased that on the final day and in the final hour of this Congress, we are succeeding. I am glad not just for us, but for those in the communities we visited around the country who will be helped by that legislation.

Mr. Speaker, this is my last speech and my last vote as a Member of this body. I am privileged to be able to cast it on behalf of this compromise measure, and in particular, on behalf of the American Community Renewal Act and its provisions.

I urge all my friends and colleagues in the House to support the bill.

Mr. PORTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, I rise in support of the conference report and urge its passage. The report before us will enact by reference H.R. 5667, which contains the provisions of the Small Business Reauthorization Act of 2000. This is the 3-year authorization for Small Business Administration, and it will continue to improve an array of important small business programs that have the overwhelming support of this body.

H.R. 5667 contains the provisions of H.R. 2392, which reauthorizes and improves the Small Business Innovation and Research Program. This program authorizes millions of dollars of research funds for small businesses on the cutting edge of technology.

It also contains the provisions of H.R. 2614, H.R. 2615, H.R. 3845, and H.R. 3843, which reauthorize and improve the 7(a), 504, and SBIC programs. These programs represent over $11 billion in guarantees to ensure that small business has access to the financing necessary to create jobs and build our economy.

Mr. Speaker, all these provisions passed the House earlier this year by overwhelming margins, and I am certain they will retain the support of this

body. I believe strongly in all these SBA provisions, and I urge my colleagues to support them and this conference report.

I also want to simply take a moment to thank the gentleman from Missouri (Chairman TALENT) for his very hard work as chairman of the Committee on Small Business. All of us in small business owe him a great debt of gratitude for his tremendously good work.

Mr. PORTER. Mr. Speaker, I am very pleased to yield 3 minutes to my colleague, the gentleman from Texas (Mr. ARCHER), the distinguished chairman of the Committee on Ways and Means.

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

Mr. Speaker, for the 6th year in a row this Congress is cutting taxes for the American people. Six consecutive years of tax relief, not tax increases; 6 years of a growing economy, a balanced budget, and a Federal budget surplus for the first time in a generation; 6 years of letting Americans keep just a little more of their money.

That is an amazing record of bipartisan achievement for which we can all be proud. Without question, I would like to have done more for the American taxpayers. However, I am pleased with the progress we have made. We have advanced the cause of tax relief for American families and small businesses in a bipartisan fashion, and I am hopeful that we can see more enacted into law next year.

While this tax relief package consists mostly of a community renewal bill that the gentleman from Illinois (Speaker HASTERT), the conference chairman, the gentleman from Oklahoma (Mr. WATTS), and the chairman of the Committee on Small Business (Mr. TALENT), put together, it also contains a very important extension of medical savings accounts, our MSAs, a new idea in health care that I launched in the eighties and that can be expanded in future years.

MSAs have been available now for only a limited period of time, but they are the best patients' rights and checks on HMOs, and will greatly strengthen the doctor-patient relationship.

Second, MSAs are the right medicine at the right time for millions of Americans who have no insurance coverage. Almost one-third of MSA purchasers up to now have been people who previously had no insurance.

Third, MSAs are a natural antidote to the problems of affordable prescription drug coverage and long-term health care for the elderly.

Finally, President-elect Bush is a strong supporter of MSAs, so in passing this bill today, we are laying a foundation for the expansion in the future.

Mr. Speaker, this is the last time I will address my colleagues from the floor of this House as chairman of the Committee on Ways and Means. I am proud of my record, and proud of the things that we have accomplished together for the American people.

Our record on tax relief is historic: as I mentioned, 6 consecutive years of tax relief, including the largest tax cut since 1981. But we did so much more. We balanced the budget. We liberated millions of families from welfare dependency. We ended the social security earnings penalty once and for all, and we did so many more important things that time prevents me from listing all of them tonight.

These are the priorities for which I fought for 30 years. As I took the gavel of the Committee in 1995, the experts said they could not be done, but we did them. I am proud of these and so many other historic legislative accomplishments.

Today some of those same experts say Congress will never be able to save social security or eliminate the income tax.

□ 1800

They use the same Shermanesque statements that it will never be done that saturated the media in 1995 when we set our sights on changing the way Washington worked.

So I, for one, do not put much stock in their predictions, because they usually have been wrong. I have been in the arena, and I have great optimism and faith in our public servants who have served alongside me. My colleagues, we have changed the way Washington works. We did it together. It was extremely difficult, but we did it.

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

Mr. Speaker, I want to mention an important piece of legislation that the Speaker of the House was responsible for bringing into this bill. The Community Renewal Tax Relief Act, I think is going to make a great difference for communities like North Chicago in my district.

Mr. Speaker, people may think that my district is a wealthy district, and on average, it is; but we have very, very poor communities. North Chicago is a prime example. It has the lowest per capita sales tax revenue in the county. It is one of the poorest communities in Illinois.

It has an unemployment and poverty rate that is three times the national average. It has commercial and industrial property with a vacancy rate of over 50 percent. This is exactly the kind of community that will benefit from this legislation.

Mr. Speaker, I want to commend the Speaker of the House for insisting that we pass this legislation, enact it into law and benefit communities like North Chicago.

Mr. Speaker, I yield 1½ minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of this conference report.

Mr. Speaker, I want to commend the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member.

It certainly has been very interesting that we have had a number of people who have spoken on this bill in a glowing fashion who will not be with us in the next Congress, the gentleman from Missouri (Mr. TALENT), the gentleman from Pennsylvania (Mr. GOODLING), the gentleman from Texas (Mr. ARCHER); and I know there are a number of others who will be very much missed, but I particularly want to single out the gentleman from Illinois (Mr. PORTER) because he has done so much for medical research, as well as for education.

Since I have the National Institutes of Health in my district, I have seen firsthand the kind of exemplary work he has done. He will be, indeed, missed; and this bill is going to reflect his work.

I particularly wanted to point out in my 1 minute that I am pleased that the legislation includes a waiver of Medicare's 24-month waiting period for ALS patients. ALS is Lou Gehrig's disease. It is a crippling disease.

It affects 25,000 to 30,000 families across America. They are struck with a crippling and creeping paralysis that eventually leaves them not even able to eat or breathe.

I wanted to also point out that I rise in tribute of a constituent, a former councilwoman, Betty Ann Krahnke, who found out she had ALS, a debilitating disease, and continued to serve until she could no longer. She and her husband and the ALS foundation have worked indefatigably on behalf of this legislation knowing that people do not live very often more than 19 months. So the 24-month waiver is important.

I salute those who have put it together. I am so pleased that the provision is in this, and I hope that we will all vote for this bill.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. EWING).

Mr. EWING. Mr. Speaker, I thank the gentleman from Illinois (Mr. PORTER) for yielding the time to me.

Mr. Speaker, I rise today in support of this conference report and also in support of H.R. 5660, which will be included in this package by reference.

This is a bill that culminates 4 years of work by the Committee on Commerce, the Committee on Agriculture, the Committee on Banking and Financial Services, and by our colleagues in the Senate. And it is, in fact, a legal modernization bill of enormous proportions which will affect all of the financial industry in this country.

First and foremost, it is intended to keep America on the competitive edge with our trading partners in this world economy; and it also modernizes the system here, so that not only can we be competitive in our financial industry, but we can be profitable.

I want to thank all that have taken part in it, the staff on the Committee on Agriculture, Senator GRAMM in the other body. Everyone has worked tirelessly on this, and I appreciate their support. I ask my colleagues for their consideration on this bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Members are reminded that pursuant to clause 5 of rule XVII, the use of personal electronic equipment on the floor of the House is not allowed. Members will please disable their cellular phones.

Mr. PORTER. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of this legislation.

Mr. Speaker, I rise to thank our colleagues on the Committee on Appropriations, because we have a historic event that will take place when we pass this bill.

We have supported the law enforcement community in America. We have supported teachers in America; but in this bill, for the first time, the Congress will provide $100 million of appropriated monies for the 1.2 million men and women who serve every one of our districts as paid and volunteer firefighters.

The $80 million in grants will be matched by local funding, $10 million will go for burn research, and $10 million will go to rural fire departments and those communities across the country that are desperately in need of new equipment. This is historic. To help these volunteers to continue to protect their towns is one of the most important things that we can do as a body.

Mr. Speaker, I am so happy to stand here, to thank my colleagues. The gentleman from Florida (Mr. YOUNG) made a commitment to us a long time ago. I want to thank him.

I want to thank the gentleman from Illinois (Mr. PORTER). I want to thank our distinguished staff director, Mr. Dyer, the gentleman from Maryland (Mr. HOYER) on the other side, all the Members who were involved in this because of the historic nature of this funding.

Mr. PORTER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from Illinois (Mr. PORTER) for yielding the time to me.

Mr. Speaker, I just want to commend the gentleman from Pennsylvania (Mr. WELDON) for his outstanding work on behalf of our fire paramedic volunteers, something that was long overdue and something that will help protect lives and property throughout our Nation.

Mr. PORTER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. DICKEY).

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

Mr. DICKEY. Mr. Speaker, I am in support of this bill, with reservations.

Today, I will vote for the final appropriation bill of this 106th session of Congress, but with some sadness. The regret because in the Labor HHS and Education portion of these bills $4 million of projects in the 4th District have at the last minute been removed from the bill. These dollars had been placed in the bill to benefit educational institutions in the 4th District as well as hospitals, agencies for the aging, volunteer fire departments, bridges, boys and girls clubs, and other well deserved projects. I did everything I could to stop this from happening, but matters after the election were out of my control.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for yielding this time to me.

Mr. Speaker, being cognizant of the approaching storm, let me very quickly thank the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) for their leadership and the gentleman from Illinois (Mr. PORTER) for his leadership. I spent many hours in front of his committee, and I thank him.

There has been much talk about the whole idea of bipartisanship, maybe even the word ''compromise,'' but I believe that bipartisanship encourages one to put your feet in the shoes of the other fellow, put your feet in the shoes of central Americans or Haitians and Liberians who have worked so hard in this Nation, contributing taxpayers and homeowners who by this bill have been denied a simple access to legalization, individuals who came to this country, fleeing persecution seeking the freedom that we would offer; what a shame.

So we know what kind of bipartisanship we can expect in the next Congress. I would hope as well that we would have looked more favorably at allowing those who might have committed offenses as juveniles not to be deported and separated from their families, but that means that you have to step in the other fellow's shoes.

I do, however, want to note the good works that have been done for the hospitals and Medicaid payments and the $12 billion to help our hospitals, and I would hope that this bill will pass on that basis.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I rise in strong support of this conference report and would simply like to reference two parts. Especially, I strongly support the fix that has been provided for the teaching disproportionate share in public hospitals, and I also want to reference the American Community Renewal Act and New Markets Initiative. I want to commend the gentleman from Missouri (Mr. TALENT), the chairman of the Committee on Small Business, for the hard work that he did on making sure that we get to this point with that legislation, he and the gentleman from Oklahoma (Mr. WATTS).

Mr. Speaker, I also want to thank the gentleman from Illinois (Speaker HASTERT) and President Clinton for making sure that this legislation became a part, and remained a part, of the package. It is a good bill. It is good legislation.

I commend the gentleman from Florida (Mr. YOUNG), the gentleman from Wisconsin (Mr. OBEY), and all of those who framed it and the gentleman from Illinois (Mr. PORTER) and say thank you to a great Congress.

Mr. OBEY. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, first of all, Mr. Speaker, I want to take note of the fact that the gentleman in the chair, the gentleman from Indiana (Mr. PEASE), is also leaving this institution. He has not served with us very long, but he has served with us very well.

I was just remarking with one Member on the majority side of the aisle about the grace with which he handles his duties in the chair, which he does often. He handles the gavel lightly but firmly. I think everyone who has gotten to know him appreciates his character, his goodwill, and the quality of service to this institution.

Secondly, I want to add one word about one additional staffer: Scott Lilly has served as my right arm for many years. He is the staff director on the Committee on Appropriations on the minority side. I do not know anyone who I have ever worked with who has had better judgment or is more dedicated both to this institution and to what this country is supposed to stand for.

He has worked tirelessly on behalf of each and every Member on this side of the aisle, and I would also say on many occasions people on both sides of the aisle. I am profoundly grateful to the service he has provided this body.

Lastly, I simply want to say that there are a number of items in this bill that Members will not agree with. There are many items that I do not agree with. There are a number of authorizations that have been added that I think are ill advised. There are some changes in the appropriation items themselves to which I do not agree.

An example, in October, we had an agreement on snowmobiles; that has now, I understand today, been changed because the administration negotiated a new arrangement with the Senate leadership. I do not like it, but also at this late date there is not much that I can do about it. We certainly cannot hold up the entire bill because of it.

Mr. Speaker, I simply want to urge every Member to recognize that the education funding, the health funding and the worker protection funding in this bill makes this a worthy enterprise; and even though the process by which we arrived here was one that I would recommend to absolutely no one in the future, I think that the contents are something which we can go home

with justifiable pride, because they will, in fact, help meet the needs of a changing and growing Nation.

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

□ 1815

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume, and I will be very brief. I realize Members have planes to catch.

But I want to take a moment to thank the gentleman from Florida (Mr. YOUNG), my chairman, who has worked tirelessly to bring this legislation to fruition. He is wonderful to work with, a man of good humor and goodwill, great patience, a true leader in the House of Representatives.

I want to thank the gentleman from Wisconsin (Mr. OBEY.) It has been one of my real pleasures to work with him. I have great respect for him. We have worked well together. It has been a tremendous pleasure to have been able to work with him all these years and to share in many respects, although we have certainly had our differences, many of the same agenda items.

Let me say that I have been pleased to have a subcommittee staff that has been absolutely outstanding, the best on the Hill, led by Tony McCann, our clerk; and Francine Salvador; Carol Murphy; Susan Firth; Jeff Kenyon; and Tom Kelly, our detailees. They have done an absolutely outstanding job throughout this year and previous years in bringing this bill to fruition.

I want to thank my administrative assistant, Katherine Fisher. I want to thank our front office staff, led by Jim Dyer, including John Mikel and Chuck and Dale and Brian and Elizabeth and John. They all do a magnificent job for the people of this country and for this Congress.

I want to thank Scott Lilly, as the gentleman from Wisconsin (Mr. OBEY) has said, Cheryl Smith, Mark Mioduski, and Christina Hamilton. All of them do a tremendous job and work well with us to get the work of the Congress done.

Mr. Speaker, as Bill Natcher would have said, this is a good bill, and I commend it to all of the Members.

I have said my farewells to this body long ago, but let me just say in closing it has been a tremendous honor and privilege to serve with all of the Members of this body. I have served, I have counted them up, I have served with 1,346 different Members over my 21 years.

I wish all the Members of this Congress a very Merry Christmas and a Happy New Year. I wish them a wonderful new 107th Congress. I hope our paths will cross many times in the years ahead.

Mr. SALMON. Mr. Speaker, I rise to urge my colleagues to vote in favor of the Computer Crime Enforcement Act of 2000. The bill provides $25 million in grants (from the Department of Justice) to local law enforcement officials to combat computer crime. Specifically, the grants will be used to: teach state and city law enforcement agents how to investigate hi-tech crimes; purchase the necessary equipment to assist in the investigation of computer crimes; and train prosecutors to conduct investigations and forensic analysis of evidence in prosecutions of computer crime.

As you know, many businesses, educational institutions, banks, hospitals, and other information-intensive entities have fallen prey to hi-tech criminals who illegally break into computer systems and steal sensitive information.

A recent poll conducted by the Information Technology Association of America (who endorse my bill) found that 61 percent of consumers questioned are less likely to shop over the Internet as a result of the rise in cybercrimes. Clearly, e-commerce and e-crime cannot co-exist.

The FBI refers many of these cases to local law enforcement agencies. Unfortunately, local law enforcement agents have not had the necessary equipment or training to protect the public from hi-tech thieves. At a cybercrime summit I hosted in Phoenix this summer, many local law enforcement officials told me that they do not have the necessary equipment nor have they received adequate training to protect the public from hi-tech thieves.

As a follow-up to my cybercrime summit, I asked several law enforcement agencies from Arizona to respond to a questionnaire regarding computer crime. Forty-three percent of the agencies do not have funds specifically set aside for computer crime investigations even though 50 percent of the agencies investigate more than 10 cases a month. More frightening is the fact that 43 percent of the agencies have personnel who are only moderately trained in computer crime investigation.

Computer crime has been on the rise for some time. And companies are requiring more federal assistance. According to a recent report released by the FBI and the Computer Security Institute, 32 percent of companies surveyed required help from law enforcement agencies—up 17 percent from the prior year. And, according to a recent report by San Francisco's Computer Security Institute, nearly a third of U.S. companies, financial institutions, government agencies and universities say their computer systems were penetrated by outsiders last year. More than half of the organizations said their computer systems were subject to unauthorized access by insiders, and 57 percent said the Internet was a "frequent point of attack" by hackers, up 37.5 percent from three years ago.

We can no longer afford to be mystified by those who commit these hi-tech crimes. The small network that once was the electronic home to a few scientists has become an electronic labyrinth where hundreds of millions of people regularly pay taxes, trade stock, bank, buy goods, and send intensely personal information. When criminals gain access to this sensitive information, the consequences can be devastating.

Computer criminals know no boundaries. And they are becoming sophisticated to the point that most companies aren't even aware that they are under attack. Therefore, it is imperative that Congress address the needs of local police officers who are fighting this new wave of crime on the front lines. To have a successful, national cybercrime strategy, the FBI's expertise in fighting hi-tech crimes will need to filter down to the states. I urge my colleagues to vote for this bill.

Ms. PELOSI. Mr. Speaker, I rise in support of this omnibus measure, which includes funding for many programs of vital importance to the American people. The programs funded within the Labor-HHS-Education Appropriations bill are so important because they affect families at work, in school, at home, and in their communities. I commend Chairman PORTER and Ranking Member OBEY for negotiating a strong bill that reflects our national values. In particular, I would like to thank Chairman PORTER for his many years of dedicated service on our subcommittee and in Congress. His knowledge, dedication, and ability to reach across party lines will be sorely missed. DAVID OBEY's hard work, commitment, and advocacy for Democratic priorities must also be recognized. In addition, I commend the Clinton Administration for holding firm on its initiatives and funding priorities, which helped us provide the largest single year increase for health and education programs in our nation's history.

Funding for health programs is increased significantly over the measure passed by the House in June. The increase of $6.6 billion, 16 percent over fiscal year 2000, includes significant increases for HIV/AIDS programs, community health centers, biomedical research, substance abuse treatment, breast and cervical cancer screening, and programs that reduce the harmful impacts of environmental pollutants on human health. The bill also increases education programs $6.5 billion or 18 percent above last year, significantly increasing funding for Class Size Reduction, Title I grants for disadvantaged students, teacher quality improvement programs, and student financial aide assistance, including Pell Grants, and providing $1.2 billion for a new School Renovation Program. It also helps children's programs, including Head Start, the Community Child Care Block Grant, After School Centers, and campus based child care [CAMPUS]. To further address the nation's shortage of high quality child care facilities, I also pushed to create a new $2.5 million demonstration program to provide technical assistance to child care providers in low-income communities, which is included in the final bill. The $664 million increase for the Labor Department is 6 percent more than last year's funding level and increases Youth Job Training Programs and worker protection programs, including OSHA and the International Labor Affairs Bureau. These are great accomplishments, and we should all be very proud.

I am especially pleased that we were able to substantially increase funds for HIV/AIDS prevention, care, and research. My community in San Francisco has been devastated by this terrible epidemic, but we have seen tremendous progress over the past decade as the resources available to fight HIV/AIDS have been increased. The Ryan White CARE Act, which was reauthorized for 5 additional years earlier this session, will receive $1.808 billion this year, an increase of $213 million over last year. Approximately two-thirds of the people living with HIV/AIDS in this country receive CARE Act services, and the recent declines in AIDS deaths are a direct result of the therapies and services made more widely available through this vital program. In addition, we have provided a combined increase of $159 million for our global and domestic HIV prevention programs. This investment, which now totals $923 million, will allow greater access to voluntary counseling and testing, stronger linkages between prevention and treatment, and a

reduction in the number of the new HIV infections worldwide. Finally, we have succeeded in securing a substantial increase of $100 million for the Minority HIV/AIDS Initiative. The impact of HIV/AIDS on communities of color has steadily increased in recent years, and now the majority of people living with AIDS are people of color. This initiative will provide $350 million to enhance existing systems of HIV/AIDS care in minority communities.

For the third year in a row, we have provided dramatic increases in biomedical research at the National Institutes of Health. In addition to progress in the search for better treatments and, eventually, a vaccine for AIDS, these investments are yielding phenomenal progress in our understanding of the human body and how we are affected by our environment. One of the great achievements in the history of science, the mapping of the human genome, was completed by NIH researchers earlier this year. The potential impact on human health cannot be over-exaggerated. This map will soon enable scientists to identify genetic causes and develop precise medical interventions for Alzheimer's, cancer, heart disease, and many other health conditions that adversely affect millions of Americans each year.

We have also dramatically strengthened our commitment to understanding and preventing illnesses that result from environmental pollutants. The Center for Disease Control and Prevention will receive nearly $47 million to assess human exposures to toxic substances, screen newborns for treatable conditions linked to such exposures, and respond to emerging environmental health threats as they develop.

Access to quality health care for the uninsured has been improved in a number of important ways. Funding for the National Breast and Cervical Cancer Early Detection Program at the CDC has been increased $18 million to $174 million. This program provides lifesaving screening to uninsured and underinsured women, and prevents thousands of cases of cancer each year. Currently, these programs reach only 12–15 percent of the women eligible for services in each state. This year's increases will allow more at-risk women to be reached, but clearly we must further expand this program in fiscal year 2002. An increase of $150 million was also included for the nation's community health centers. The number of uninsured individuals in need of health care continues to increase and community health centers provide high quality primary and preventive care that would otherwise be obtained through costly emergency room visits, or not at all. An additional $125 million has been included for the Community Access Program which provides funds that community health centers across the country use to streamline administrative procedures and expand crucial primary care services.

This omnibus measure also includes important provisions that correct changes to reimbursement rates in the Balanced Budget Act of 1997 which drastically reduced payments for Medicare and other federally funded health care programs. These refinements will help hospitals, nursing homes, and academic health centers continue to provide the high quality care that beneficiaries deserve.

Although funding for the Substance Abuse Block Grant increased by $65 million above last year's level, it is disappointing that the leadership did not support a larger increase. An estimated 3.6 million Americans do not receive the substance abuse treatment they need. Earlier this year, to address the treatment gap, I offered a $1.3 billion amendment to increase treatment and prevention, the most effective means to address abuse. In that debate, we cited a Rand Corporation study sponsored by the Office of Drug Control Policy and the United States Army which demonstrated that to reduce cocaine consumption funds invested in drug treatment were 23 times more effective than source country control, 11 times more effective than interdiction, and 7 times more effective than law enforcement. It is unfortunate that on party lines, the Republicans nonetheless voted in Committee to oppose increased treatment and prevention funds, and voted in the Rules Committee to prevent my amendment from being offered on the House floor. I urge the 107th Congress to address this treatment and increase funding.

This bill takes important needed steps to address America's troubling child care crisis by significantly increasing funding for child care programs. The bill substantially increases the Community Child Care Block Grant by 70 percent or $817 million above last year and increases Head Start $933 million or 18 percent. Funding for After School Centers will nearly double, increasing $393 million, and the Child Care Access Means Parents in School program will increase 400 percent from $5 million to $25 million. This small, but important program supports and enhances campus based child care opportunities for low-income parents. We must grow this program and work to ensure all parents attending school have access to child care on campus so they are able to pursue their educational goals. While I commend these significant and much needed increases, we must recognize the gravity of America's child care problems.

To address the nation's shortage of child care facilities, I pushed to create a new $2.5 million demonstration program that will provide technical assistance to child care providers to improve the quality and supply of child care facilities in low-income communities. America's child care facilities are inadequate and many low-income communities face a severe shortage of quality child care space and equipment. This crisis is expected to worsen as increasing numbers of welfare recipients enter the workforce, and it threatens the ability of parents to find and maintain stable employment. This demonstration will provide grant funds to nonprofit intermediaries to deliver technical assistance to home and center-based child care providers to strengthen the physical infrastructure of child care facilities and enhance business management and entrepreneurial skills to ensure the long-term viability of their centers. This federal investment would leverage funds from the private sector, stimulate valuable public/private partnerships, and provide small, seed-money investments to leverage existing community resources. While this demonstration starts small, I know it will succeed and expect that we will increase this funding in subsequent years.

I commend the bill for its large funding increase for education and know that local school districts will put their Class Size Reduction and new School Renovation Program funds to excellent use. There is no more important priority than educating our children and passing our knowledge and values to the next generation. These funds will help local schools recruit, hire, and retain more quality teachers and enhance the school learning environment for both teachers and students. Teacher quality improvement funds also ensure that new teachers, as well as seasoned veterans, may enhance their professional development. The increases for Title I grants, Special Education, and student financial assistance increase access at all educational levels for students with low-incomes, learning disabilities, or social disadvantages. Together, this bill ensures that teachers can teach, students can learn, and parents can participate in the learning process.

I am pleased that this agreement deletes a GOP rider to stop the Department of Labor from moving forward with and enforcing its recently published final Ergonomics Standard. This Standard is vitally important to protect America's working men and women and will annually prevent 460,000 workplace injuries. The final standard requires employers to identify and fix workplace hazards that cause ergonomic injuries and follows the existing business practices of competitive firms such as the Ford Motor Company and Xerox. It provides Work Restriction Protection to workers suffering on the job injuries and enables them to maintain their earnings and full benefits for a limited period while it is unsafe to return to work. After years of Republican-led delays, it is significant that Congress will now permit the Labor Department to enforce ergonomics protections. This success demonstrates the value we place on safeguarding America's workers. It is my hope that Congress will not revisit this issue in our next session, and that the Labor Department will fully enforce these important workplace protections.

Programs dedicated to the education, health, and working conditions of America's families are among our most important responsibilities in the Congress. This bill responds to these responsibilities, and I urge my colleagues to support it.

Mr. EWING. Mr. Speaker, today, I am introducing the Commodity Futures Modernization Act of 2000 which provides us with an historic opportunity to modernize the U.S. futures and over-the-counter market laws. The time is now to ensure that the United States continues to be the world's financial leader. We have two of the three largest futures exchanges in the world, however, our antiquated laws and regulations prevent them from being as efficient and effective as possible to compete in global markets. The legal uncertainty surrounding the U.S. over-the-counter markets must be removed to prevent domestic business from migrating overseas and causing our share of these $90 trillion markets to shrink.

The Commodity Futures Modernization Act of 2000 contains the major provisions of the House passed H.R. 4541. These provisions are in titles I and II of the legislation and provide regulatory relief for the domestic futures exchanges, legal certainty for over-the-counter products, and allow for the trading of single stock futures. The bill promotes innovation and competition by giving exchanges, banks, brokerage firms and others involved in derivatives markets the flexibility to decide how best to structure their businesses with legal certainty as to the regulatory implications of those decisions. It provides unbiased guidelines on what kinds of activities are subject to and excluded from the Commodity Exchange Act. Further,

the legislation makes those exclusions available to transactions in financial interests or securities that do not occur on trading facilities or occur on excluded electronic trading facilities, no matter who operates those facilities.

By breaking down the Shad-Johnson barrier, the bill will foster a healthy competitive environment for futures on single stock and narrow-based futures indices, risk-management instruments that heretofore have been prohibited by an outdated U.S. law. Because foreign competitors have already focused considerable resources to attract these markets to their shores, I would urge all agencies involved in administering the new framework for single stock futures to act as expeditiously as possible to ensure that our markets in single stock futures and narrow-based futures indices are able to meet this competition promptly and not suffer from regulatory arbitrage with overseas markets.

By refraining from altering certain sections of the Act, this legislation reaffirms the importance of specific authorities granted the CFTC, including its anti-fraud and anti-manipulation powers. Section 4b is the principal anti-fraud provision of the Act and the Commission has consistently used Section 4b to combat fraudulent conduct by bucket shops and boiler rooms that entered into transactions directly with their customers and thus did not involve a traditional broker-client type of relationship. See, e.g., CFTC v. P.I.E., Inc., 853 F.2d 721 (9th Cir. 1988) (fraudulent sale of illegal precious metals futures contracts marketed as cash-forward transactions); CFTC v. Wellington Precious Metals, Inc., 950 F.2d 1525 (11th Cir.), cert. denied, 113 S. Ct. 66 (1992) (boiler room operation fraudulently selling illegal precious metals contracts to members of the general public). This is consistent with both Congress' understanding of and past Congressional amendments to Section 4b that confirmed the applicability of Section 4b to fraudulent boiler rooms and bucket shops that enter into transactions directly with their customers.

It is the intent of Congress in retaining Section 4b of the Act that the provision not be limited to fiduciary, broker/customer or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework. This latest version of the legislation adds two new titles not included in the original House passed bill. Title III, Legal Certainty for Swap Agreements, provides guidelines for the SEC's role in regulating swaps.

Title IV, the ''Legal Certainty for Bank Products Act of 2000'', excludes identified banking products from the Commodity Exchange Act. It provides guidelines to determine the proper regulator for hybrid products. If the regulators do not agree on who should regulate a product, the court will decide.

Senator LUGAR and Senator GRAMM have worked tirelessly in the Senate, with the House, and with the Administration to make this bill possible. Secretary Summers in coordination with Chairman Rainer and Chairman Levitt and countless numbers of their staff put in many hours working through this language to reach agreement. Finally, I would like to thank Chairman COMBEST, Chairman LEACH, Chairman BLILEY and all the Ranking Members who have worked so hard on this legislation, particularly to pass the H.R. 4541 version of this bill through the House, and to produce the final package we have presented today. Everyone involved and their staff should be commended for their extraordinary efforts.

It is my hope that this legislation will enable America to continue being the world leader in financial markets for decades to come.

Mr. TOWNS. Mr. Speaker, while this legislation contains many positive restorations in terms of Medicare beneficiaries and providers, I deeply regret that we did not permit the states to offer health coverage for lawful immigrant pregnant women and children through Medicaid and the State Child Health Insurance program (SCHIP).

Because of our inaction, many hard working, tax paying, lawfully present immigrants will remain ineligible for basic health care. We had an opportunity to restore the human rights to lawfully present children and pregnant women; yet, we failed to take this first step to make health care available to a group of taxpayers who have no other affordable access to health services. It is a shortfall that I hope we can remedy in the next Congress.

Ms. DEGETTE. Mr. Speaker, this Congress is considering legislation which would authorize the construction of a dam and reservoir that will implement the Colorado Ute Indian Water Rights Settlement Act of 1988. The Settlement Act, through the construction of the Animas La-Plata project, (ALP) is intended to provide the Colorado Southern Ute and Ute Mountain Ute Indian Tribes an assured long-term water supply in order to satisfy the Tribes' senior water rights.

That said, what we really are addressing is justice. The Ute Tribes once held the majority of the Western Slope of Colorado, but that land was slowly and systematically taken from them by the United States Government. For over one hundred and thirty years, the Ute Tribes have been denied their rights as stewards of the land. Some object to the ALP project in any form because of its environmental impacts or cost to the taxpayer. I understand and share those concerns. However, it is time to right the past wrongs that the federal government inflicted upon the Ute people. It is unjust to delay this settlement any longer, for doing so would continue a cycle of broken promises to the Ute Tribes that is far too familiar.

The Utes have been extraordinarily patient. Thirty-two years of debate and delay have brought us numerous versions of this project—ALP, ALP-Lite, ALP Ultra-lite—it has become difficult to keep track. The project has been evaluated by numerous federal and state agencies, and subject to multiple lawsuits and negotiation sessions. All of which have brought us here today to vote on this proposal, which is vastly different from the original Animas La-Plata project put forth in 1968. It is narrowly tailored and significantly downsized. In fact, it cannot even be called Animas La-Plata anymore because the La-Plata River has been taken out of the equation. Yet, this project still satisfies the senior water rights of the Southern Ute and Ute Mountain Ute Tribes and finally fulfills our promises to them.

I also am pleased that this bill instructs the Department of the Interior to complete a thorough environmental analysis of the current proposal. Previous versions of ALP were appropriately delayed in order to fully assess the impact on endangered species and the environment. The resulting discussions and additional research contributed to the redesigned project proposed today. Since the final proposal of ALP is vastly different from previous designs, it is critical that the environmental impacts of this new version continue to be carefully evaluated in order to ensure adequate protection of the environment.

I support the Animas La Plata project as outlined in this legislation as the most viable manner in which to satisfy the Ute Tribes' water rights that were established under their 1868 treaty with the United States, and subsequently upheld by the Supreme Court decision in Winters v. United States (1908). Colorado's Ute Tribes have waited long enough for the fulfillment of that treaty. I urge passage of this bill so that the tribes may regain some of what we have taken from them.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of the Omnibus package before us. Let me highlight a few matters:

COMMERCE-JUSTICE-STATE

Provides $1 billion for the COPS program, which is $437 million above the Y 2000 level. This total includes $535 million for core COPS program, $100 million for community prosecutors, and $140 million for a new COPS technology initiative.

State and local law enforcement assistance program—Provides $2.8 million for state and local law enforcement block grants, $687 for state prison grants, $228 million for violence against women grants, $250 million for juvenile crime block grants, and 569 million for Byrne grants.

FBI—Provides $3.3 billion for the FBI, which is $161 million above the FY 2000 level.

Drug Enforcement Administration—Provides $1.4 billion for the DEA, which is $82 million more than last year.

Commerce Department—Provides for a total of $5.2 for the Commerce Department and related agencies.

State Department—Provides a total of 6.6 billion for State Department programs, which is $729 million more than in the FY 2000 budget. This includes $3.2 billion for diplomatic and consular programs and some $871 million for international peacekeeping operations.

Mr. Speaker, I would like to take opportunity to express my appreciation to the Clinton Administration, House and Senate Leadership for working to finally complete the business of the 106th Congress. This bill before the House will provide appropriations for several separate appropriations bills, which have been combined to speed their adoption into law.

In my testimony to the Appropriations Subcommittee on Labor/HHS, I urged the committee to increase the funding for children's mental health services, which they have done through the appropriation of a Mental Health Block Grant program in the amount of $240 million, $63 million more than last year's funding.

As for my request for additional funding for HIV/AIDS this appropriation measure will place an additional $97 million over the amount initially requested by the Administration bring their appropriation to $767 million for Fiscal year 2001. It is my hope that this additional funding will go those who are in greatest need minority HIV/AIDS programs. Minority AIDS

programs have been woefully under funded over the last few Congresses, despite the fact that minorities are the fastest growing population infected with AIDS/HIV.

I thank the Clinton Administration for taking the bold step of formally recognizing that the spread of HIV/AIDS in the world today is an international crisis, through his declaration of HIV/AIDS to be a National Security threat. I am pleased to see that funding for the Ryan White AIDS program has been increased by 13% to $2.5 billion for the next fiscal year. Further, funding for the National Institutes of Medicine has been increased to $2.4 billion, which is 14% over last year's appropriations. 13.7 million children suffer from mental health problems. The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression and although one in five children and adolescents had a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

This bill will also fund education for our nation's children at $6.5 billion, which is 18% more than was appropriated last year, and is in fact the largest annual increase in the history of the Department of Education. This legislation will allow school districts throughout the United States to work on reducing class sizes in the early grades, create small, successful, safer schools, renovate over 3,500 schools, and increase the number of children who have access to Head Start by an additional 600,000.

This bill also incorporates the Fiscal Year 2001 appropriations for the Department of Labor at $664 million or 64 percent over last year's funding. I am very pleased to see that the funding for the Health and Human Services Department is at $48.8 billion, which is $6.6 billion over last year's appropriations. After the years of cuts to this vital program today we are finally recognizing that the health safety and welfare of America's disadvantaged should be addressed with adequate resources by the agency charged with providing care to them.

Many Houstonians' lives were saved by the additional funding from LIHEAP and this appropriations will provide $1.4 billion for the coming year. I thank my colleagues and urge them to support this appropriation measure.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of the omnibus appropriations legislation that includes funding for the Departments of Labor, Health and Human Services (HHS), and Education, Treasury, and Legislative appropriations bill as well as $35 billion for the Medicare and Medicaid programs. This comprehensive legislation is critically important and will ensure that all Federal agencies receive sufficient federal funds for Fiscal Year 2001. I am also pleased that legislation includes tax provisions as well as provisions to modernize the Commodity Futures Trade Commission, and reauthorize the Small Business Administration.

I am especially pleased that this legislation includes provisions similar to legislation which I sponsored (H.R. 1298) which would allow schools, homeless shelters, and housing program agencies to presumptively enroll those children who are eligible for either Medicaid or the State Children's Health Insurance Program (SCHIP). It is estimated that up to 800,000 of the 1.4 million uninsured children in Texas are eligible for, but not enrolled, in the Medicaid program. This provision will speed up the application process and ensure that these children are immediately enrolled in Medicaid to get the services that they need. I believe that this provision is the right thing for these children and will actually save taxpayer funds by ensuring that these children get the preventive care they need. It is cheaper to provide health care for these children rather than to pay for their care in emergency rooms. I also pleased that these provisions ensure that states will not be penalized if they expand their presumptive eligibility program. Under current law, states are required to deduct any costs related to this presumptive program from their SCHIP allotment. These provisions would correct this inequity by permitting states to simply expand this program without a penalty.

A second priority item in this omnibus appropriations bill is the $20.3 billion NIH budget included in this bill. As a Co-Chair for the Congressional Biomedical Research Caucus, maximizing the NIH budget is one of my highest priorities. This $20.3 billion is 14 percent higher than last year's budget and is our third installment in doubling the NIH's budget over five years. This additional funding will help to ensure that more than one third of the peer-reviewed, meritorious grants will be funded to help find a cure for such diseases as AIDS, cancer, Alzheimer's, and diabetes.

Another important provision would provide $235 million for pediatric graduate medical education for independent childrens' hospitals such as Texas Children's Hospital in my district for next year. This provision is similar to legislation I have cosponsored to provide guaranteed Federal funding to train pediatricians. Under current law, independent children's hospitals are not eligible for much graduate medical education funding. This provision would correct this inequity.

This bill also provides $18.4 billion over ten years in Medicare reimbursements for Medicare managed care plans. Just this week, Congressman BENTSEN sponsored a Town Hall in Houston to inform seniors of their health care options in the wake of the massive Medicare HMO withdrawal from Texas on January 1, 2001. This critical funding will establish two minimum floor payments of $475 per person for rural areas and $525 for urban areas to help ensure that Medicare beneficiaries will continue to have health care options. It also provides a ten-year risk adjuster for Medicare managed care plans to ensure higher payments. With higher reimbursements, more managed care plans will remain part of the Medicare program.

I am also pleased that this bill includes provisions to improve and strengthen the Medicare and Medicaid programs. The Medicare provisions will save hospitals $10.7 billion over ten years. The first provisions will increase Medicare reimbursements for Indirect Medical Education (IME) payments to teaching hospitals such as those at the Texas Medical Center which I represent. This provision will restore $600 million for teaching hospitals by providing an average 6.5 percent IME payment in Fiscal Year 2001, a 6.375 IME payment for Fiscal Year 2002 and 5.5 IME payment for Fiscal Year 2003. This bill also includes provisions to add $100 million to the Medicare disproportionate share hospitals (DSH) program for those hospitals which serve a disproportionate share of the uninsured and underserved communities. This bill would also provide a full annual inflation update for hospitals prospective payment system (PPS) payments in Fiscal Year 2001. In Fiscal Year 2002 and Fiscal Year 2003, the update will be Market Basket Index minus .55 percent. These two provisions will save hospitals $9.5 billion over ten years and are similar to legislation which I have cosponsored to protect our nations' hospitals.

This legislation also includes Medicaid provisions to save hospitals $7.2 billion over ten years. The first provision will increase Medicaid DSH payments, similar to legislation which I have cosponsored. These provisions will also give the state of Texas two extra years to spend their $446 million SCHIP allotment for Fiscal Year 1998 and 1999. Since Texas has only recently begun to enroll children in their SCHIP program, the state of Texas did not spend all of their FY 1998 and FY 1999 allotments in a timely manner. These provisions are critically important to enrolling all of the children who will benefit from this health insurance program.

I am also pleased that this bill includes a provision similar to legislation which I have cosponsored to help patients with Amyotrophic Lateral Sclerosis (ALS) or Lou Gehrig's disease. This provision requires the Institute of Medicine to conduct a study on the 24-month waiver in the Medicare disability program. Since many ALS patients do not live for more than 24 months, the current system prevents many patients from enrolling in Medicare. With more information, it is my hope that we will have the research available to convince our colleagues that this waiver should be granted.

I am also pleased that this bill includes several benefits for beneficiaries. I am especially pleased that this bill eliminates the time limits for immunosuppressive drugs. For Medicare patients who have had transplants, these lifesaving drugs are critically important. Under current law, we provide limited coverage for these immunosuppressive drugs. Yet many of these patients must take these immunosuppressive drugs for the rest of their lives to ensure that their transplanted organs are not rejected. This bill also would modernize the mammography benefits for Medicare beneficiaries by ensuring access to cutting-edge digital mammograms. This bill provides higher reimbursements for these digital mammograms and ensures that Medicare reimbursements will be based upon the physician fee schedule rather the current fixed rate system. It also provides coverage for colon cancer tests for all Medicare beneficiaries, instead of only high-risk individuals. With proper screenings, these preventive benefits can save lives and reduce health care costs. I also support provisions that will provide coverage for medical nutritional therapy for beneficiaries with diabetes. For many diabetics, maintaining their diet is part of their treatment and nutritional therapy has been shown to reduce complications from this disease. This provision is based upon legislation which I have cosponsored and will help many diabetics to get proper nutritional training.

I also want to highlight several local projects included in this bill. I am especially pleased that this conference report includes $850,000 for the Center for Excellence in Minority

Health Research (CERMH) at MD Anderson Cancer Center. This is the second installment in my efforts to ensure that we have provided sufficient federal funding for research on the high rate of cancer among minorities and underserved patients. With more information on cancer, we will learn more about how to reduce these high rates and how to provide cutting-edge treatments for these patients.

I am gratified that the 106th Congress' final piece of legislation includes $1.75 million in very important funding for the revitalization of Houston's urban center. These funds will enable the Mainstreet Coalition, a unique city-county-private sector partnership, to continue effectively addressing Houston's urgent urban public transportation, development planning, and aesthetic design needs.

I am very pleased that the final appropriations agreement provides $2 million for the construction of a police training driving track for the Pasadena Police department. Many are aware of the public dangers posed by high-speed police chases. Since 30 percent of peace officer deaths occur in motor vehicle accidents, it is critical for the Pasadena Police Academy to have access to a quality training facility, and the Houston Police Department facility is mostly unavailable. Thousands of current and future officers and tens of thousands of residents in southeast Harris County will benefit from increased public safety.

I am also pleased that this measure provides $1.3 million for the construction of an Emergency Operations Center (EOC) by local emergency management authorities in Baytown, Texas. Under this provision, the EOC would be a secure location from which public safety officials can direct a safe and orderly evacuation during disaster situations such as industrial accidents and hurricanes.

For all of these reasons, I strongly support this conference report and urge my colleagues to also vote for it.

Mr. STENHOLM. Mr. Speaker, I rise in support of provisions contained in the Conference Report on H.R. 4577 that will enact legislation to reform the Commodity Exchange Act.

It is a great accomplishment that an agreement has been reached on this matter. It would not have occurred without the dedication and determination of the gentleman from Illinois, Mr. EWING.

Mr. Speaker, the agreement tackles and accomplishes the three main tasks the Agriculture Committee set for itself at the beginning of our CEA reform process:

Modernizing our Commodity Exchange Act regulatory system;

Providing legal certainty for our over-the-counter derivatives market; and

Repealing the outdated prohibition on the trading of single stock futures in the U.S.

Mr. Speaker, the agreement is broadly supported by the Administration, by the President's Working Group on Financial Markets, and by the financial services industry.

Mr. Speaker, the portions of this bill that reform our regulation of trading on futures exchanges will hopefully bring about opportunities for great improvement in the efficiency of our markets. The Commodity Futures Trading Commission deserves the credit for the design of these provisions. As included in this bill, the reform provisions serve as our acknowledgment that as technology and research transform our trading systems, Congress must ensure that regulatory statutes are well-suited to helpful innovations.

Mr. Speaker, the CFTC's role in preventing and detecting fraudulent activity will continue under its new system of regulation. The legislation before us deliberately retains the authority of the Commission to punish those who commit fraud in violation of section 4b of the Commodity Exchange Act. While section 4b makes it a crime for a futures commission merchant or other fiduciary to defraud a customer in connection with a futures trade, it also is intended to make criminal the type of fraud that may occur when a bucket shop or boiler room defrauds a customer and no agent-principal relationship is present.

Mr. Speaker, again I want to clarify that with this bill, section 4b is retained in its entirety. It will continue to be a crime for anyone to commit fraud in connection with a futures contract—whether or not an agency relationship is established. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

Mr. Speaker, again I support the inclusion of CEA reform in this bill, and I congratulate Chairman EWING for his achievement.

Mr. UDALL of Colorado. Mr. Speaker, while I have some serious reservations about this conference report, I will vote for it.

One of my concerns relates to the way this bill has been brought to the floor of the House.

We all expect that this will be the last real appropriations bill—as opposed to a continuing resolution—of the year, and that when it is enacted funding will be available to keep all federal agencies running.

This is the good news about the parliamentary situation in which we find ourselves.

The bad news is that we must vote yes or no, up or down, on an omnibus bill that few if any of us have had much time to review and that includes many substantive provisions that have little or nothing to do with appropriations and that may well be contrary to good public policy in several areas, including protection of the environment.

This is not the way the Congress should do its business.

It is not the fault of the House—we completed action on all the appropriations bills in a relatively timely way. But regardless of how we got here, this is not where we should be.

From my perspective, there is also both good news and bad news about the bill's specific provisions.

The good news is that the bill includes many provisions that will greatly benefit the nation as a whole and Colorado in particular. The bad news is that it includes some things that should not be included and omits some things that should be part of the conference report.

Let me first mention some of the good news about the conference report.

EDUCATION

While not all I would have liked, the conference report will allow for $6.5 billion increase over last year in education spending, with increased funding for Special Education Grants, the TRIO Program for minority and disadvantaged students and Head Start. The bill allows for an increase in Pell Grants, bringing the maximum award to $3,750. The conference report also provides $1.2 billion for school modernization.

I think we should be doing more in several areas, including assisting school districts to repair schools and build new ones, but overall this is part of the good news.

HEALTH CARE PROVISIONS

The conference report will increase the National Institutes of Health budget $2.5 billion. It also restores funding to health care service providers and managed care plans that provide health care services to Medicare beneficiaries that have been hard hit by the Balanced Budget Act of 1997.

This is also good news, although more remains to be done.

In 1997, Congress passed and the President signed into law the Balanced Budget Act, which made cuts in Medicare and Medicaid in order to balance the budget and secure the solvency of these two critical health care programs. However, these cuts have left America's hospitals in a state of crisis. Cuts in funding for disproportionate share hospitals (DSH), coupled with the skyrocketing costs for prescription drugs, have left some of the Nation's premier hospitals operating in the red and at the brink of bankruptcy.

In late January 2000, the Congressional Budget Office (CBO) released its revised baselines for fiscal year 2001 spending programs and projections for fiscal year 2001 through 2005. Budget officials project that Federal health program spending will be cut by more than $226 billion—approximately $123 billion more than Congress or the Administration ever intended. In addition, the BBA 97 backloaded the cuts in Medicaid, so the real hemorrhaging hospitals will experience will be in 2001 and 2002.

During 1999 total Medicare spending fell by almost one percent—the first absolute spending reduction in Medicare history. And the Medicare Hospital Insurance Trust Fund (which provides payment for inpatient hospital and nursing home services) fell by 4.4 percent. Simultaneously, our Nation's uninsured rate continues to climb, to the tune of 100,000 people every month. Cutting DSH payments while the uninsured rate increases does not make sense. At a time of budget surpluses, Congress should provide relief to our Nation's safety net hospitals that provide critical health care access to the uninsured, and I'm pleased we've addressed this is the bill.

Also, the bill provides more funding for Medicare managed care organizations. Since the inception of the Medicare HMO Program three years ago, managed care companies have discontinued participation in the program, leaving many seniors scrambling to find another managed care plan or enrolling in traditional Medicare. Many HMOs argue that the reimbursement rates are not adequate enough for them to continue to provide coverage to Medicare beneficiaries. In fact, in the last two years in my district, the number of Medicare HMOs has dropped from five to one. Many seniors rely on managed care plans for affordable and quality health care.

While I believe the funding in this bill for Medicare HMOs is only a band-aid solution to a growing problem, I think it's an acceptable move at this point. But I think we need to think seriously about how we will continue to provide quality health care coverage for our current and future retirees.

NOAA FUNDING

Another part of the good news is that the conference report is a definite improvement over the House bill in terms of the funding it provides for the National Oceanic and Atmospheric Administration (NOAA).

NOAA operates six of its twelve environmental research laboratories in Colorado, and Boulder has the largest concentration of NOAA research staff in the nation—300—as well as the largest concentration of university staff funded by NOAA research. We in Colorado are proud to be the home of so many top-quality scientists engaged in unraveling the secrets of the Earth.

Earlier this year, the work of NOAA's scientists and researchers was threatened by much reduced FY 2001 funding levels in the House. Particularly devastating would have been cuts to NOAA's Office of Oceanic and Atmospheric Research. So, it is definitely good news that in the course of the conference process, funding was increased—almost to the higher Senate-passed levels. Although we can and should do better next year, I am glad that conferees were able to realize the value of NOAA's programs.

NIST FUNDING

It is also good news that the conference report includes increased the funding levels for the National Institute of Standards and Technology (NIST).

The earlier House-passed bill not only would have cut NIST's science programs, but also would have provided inadequate funding for critically needed repairs and maintenance for NIST's laboratories in my hometown of Boulder, Colorado.

About 530 scientists, engineers, technicians, and visiting researchers are based at NIST-Boulder, where they conduct research in a wide range of chemical, physical, materials, and information sciences and engineering. But NIST's deteriorating labs—most of them 45 years old—mean that scientists can't do their work. So I am pleased that maintenance funds for NIST—Boulder have been increased in the final bill. I am hopeful that this is only the beginning of what must be a long-term commitment to maintenance and construction funding for NIST-Boulder. I will continue to fight to ensure NIST's needs are addressed.

SBIR REAUTHORIZATION

I am also pleased that the conferees saw fit to include the reauthorization of the Small Business Innovation Research (SBIR) Program in this omnibus legislation. This has been a long time in coming—the Senate and the House have spent most of the 106th Congress finetuning the SBIR reauthorization language. But we finally have a reauthorization bill that all parties can support and that will extend this important program through 2008.

I come from an area of the country that is home to many innovative small businesses at the cutting edge in a number of fields. As creative as these companies are, they often struggle to come up with the funds necessary to refine their ideas, turn them into products, and to take those products to the commercial marketplace.

This SBIR Program has filled a real need for these companies over the years, giving them easier access to capital and functioning as a seal of approval. It is an important source of funding for the ideas that will lead to our future prosperity, and I welcome the inclusion of its reauthorization in this omnibus bill.

BROOMFIELD INTERCHANGE

I also want to express my appreciation to the Appropriations Committee for allocating $1 million to the City of Broomfield, Colorado to complete an environmental impact study on the U.S. 36—Wadsworth Blvd. Interchange. This will be an important step towards relieving traffic gridlock along this seriously overcrowded route that serves an area where growth and development have been occurring at a fast pace, and in particular a complex intersection that serves the Interlocken business park, the Jefferson County Airport, the Flatirons Crossing Mall, and the city—soon to be the county—of Broomfield. I greatly appreciated being able to work with the committee and with Broomfield to help provide this federal assistance to begin to unclog this transportation ''bottleneck.''

NAVAJO CODE TALKERS

I also am very pleased that the conference report includes legislative language similar to H.R. 4527, authorizing the President to present a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation. Last year, a high school history teacher in my district, Jim Hamilton of Centarus High School in Lafayette, Colorado brought a group of students to Washington. Through meeting with Mr. Hamilton and his students, I learned that for several years he has been teaching his classes at Centarus High School the history of the Navajo Code Talkers service in World War II. Like many other Westerners, I am very familiar with the inspiring story of these Navajo Code Talkers, whose unique and highly successful communications operation greatly assisted in saving countless lives and in hastening the end of World War II in the Pacific. So, I am happy to have played a role in drawing our colleagues attention to the appropriateness of their receiving this long overdue honor.

Now I have to mention some of the bad news about this conference report.

Part of the bad news is that there are areas where the amounts included are short of what is needed.

RECA SHORTFALLS

One important example of a shortcoming is the funding for awards under the Radiation Exposure Compensation Act (RECA).

RECA provides for payments to individuals who contracted certain cancers and other serious diseases as a result of their exposure to radiation released during above-ground nuclear weapons tests or as a result of their exposure to radiation during employment in underground uranium mines. Some of my constituents are covered by RECA, as are many other Coloradans as well as residents of New Mexico and other states. On July 10th of this year, RECA was amended to cover more people and additional compensable diseases, to lower radiation exposure thresholds, to modify the medical documentation requirements, and to remove certain disease restrictions. These are improvements that I supported.

Unfortunately, Congress has not appropriated sufficient money to pay all the awards that have been made under RECA. As a result, the Justice Department has had to send successful claimants letters—IOUs, in effect—indicating that payments must await further appropriations. And while this conference report does provide some $10 million for RECA payments, that still is far from adequate. In fact, the Justice Department tells me that an additional $70 million to $80 million would be required just to pay what the government already owes RECA claimants.

We need to do better. We need to provide all the needed funds—but that is not all. We should act so that RECA payments will no longer be subject to appropriations, but instead will be paid automatically in the way that we now have provided for payments under the new compensation program for certain nuclear-weapons workers made sick by exposure to radiation, beryllium, and other hazards.

OTHER LEGISLATION PROVISIONS

Finally, another part of the bad news about this conference report is that it also includes a number of legislative items that more properly should be considered on their own rather than as part of this appropriations bill.

I want to highlight one of those provisions that is of particular importance to Colorado.

ANIMAS-LA PLATA PROJECT

The conference report includes legislation to authorize a revised version of the Animas-La Plata project, in southwestern Colorado. In our state, few things have been so controversial for so long. The original authorization for an Animas-La Plata Project dates back more than thirty years, but for many years it seemed that nothing would ever come of that authorization.

The idea was given new life in 1988 by enactment of the Colorado Ute Indian Water Rights Settlement Act. By that Act, Congress ratified an agreement under which the two Ute tribes agreed that water from the project would resolve their water-rights claims and they and the other parties could dispense with litigation.

However, since then more than a dozen more years have gone by without a resolution—and unless the current law is changed the tribes will have to decide either to go back into court or to continue to wait.

So, I fully understand why the tribes and many others said it is time to resolve this matter. Like them, I am troubled about the time that has already elapsed without achieving a final resolution of these tribal claims and I am very uncomfortable with the prospect of reopening litigation that could be very long and costly for all concerned.

In addition, the project that would be authorized by this legislation is not the same as the original proposal and in its revised form it has the support of the Clinton Administration.

Still, while I think notable progress has been made, it is clearer that there is not—and may never be—complete consensus on either the environmental issues or the fiscal questions that over the years have been part of the debate about this contentious matter.

Personally, I have serious concerns about the very idea of constructing a large water storage project as a way to resolve the kinds of water-rights claims that are involved here.

I think that over the past century we have learned—or should have learned—that water projects like the one proposed here represent an old approach that is not very well-tuned to today's realities. They are costly, environmentally disruptive, and inefficient for many reasons, including the amount of water they simply lose through evaporation.

In fact, it is because we have learned about these shortcomings that across the country we are seeing a greater emphasis on removing dams than on building new ones.

In addition, as I said earlier I find it very unsatisfactory that the House must today vote on this strictly on a take-it-or-leave-it basis, with no opportunity to consider amendments or even a separate up-or-down vote on this or any other part of the overall conference report.

It would have been much better if the House had had a chance to consider this matter separately under an open rule, to permit full debate on the legislation and consideration of amendments.

We could have done that if the similar bill reported by the Resources Committee had ever been brought to the floor.

When the Resources Committee debated that bill, I voted ''present'' even though, as I said, I found—and still find—it very hard to support even the scaled-down water project now being proposed.

My vote in the committee was based on three things.

First, because while I had—and still have—serious doubts about this project, I was persuaded that the time has come for the Congress to resolve this matter.

Second, I recognized the West-wide significance of this project and believed the Congress in its entirety—and not just one Committee—should have an opportunity to debate and vote on this matter.

And there was a third reason—perhaps the most important one. It has to do with the involvement of the Ute tribes.

If it were up to me alone, the Resources Committee would have considered a different bill and neither the bill the committee approved nor the Animas-La Plata provisions of this conference report would be before us.

As I told the Resources Committee, I am hard pressed to see how the project that would be authorized by this bill can adequately provide the tribes with ''wet'' water, barring some future distribution system that will have significant environmental consequences—consequences that it may not be possible to fully and adequately mitigate.

But it was my view—it is still my view—that I must take very seriously the fact that the tribes have asked for this project. I thought then—and I still think—it would not be right for me to substitute my judgment for theirs when it comes to the option they prefer. Whatever I may think about the merits of the project, I feel that I must respect their decision about what is best for them and their future.

So, I did not oppose the action of the Resources Committee in ordering the bill reported to the House. I expected that the reported bill would by now have been brought up for debate. But, for whatever reasons, that did not happen.

The Senate did give separate consideration to a similar measure, which it passed in October. Prior to passage, the Senate revised the bill, and I think the result was to improve it—particularly by making it even less likely that the bill could be construed as somehow waiving any of the requirements of applicable environmental laws or as limiting any judicial review in connection with this project.

Had that Senate bill been considered separately here in the House, it would have been possible to amend it further to make this absolutely clear—something that I think would have been desirable even though perhaps not absolutely necessary.

But, on balance, I support resolving this contentious matter in a way that is finally acceptable to the Tribes rather than allowing this issue to continue to languish. While I would have preferred that this Animas-La Plata legislation not be included in this conference report, I think it is sufficiently acceptable—particularly considering the desirable provisions of the conference report I have already mentioned—that I will support the conference report even though it is included.

Mr. JACKSON of Illinois. Mr. Speaker, although I have very serious concerns, I rise today in support of this conference report. It is not a perfect product, but I believe it is a compromise we can all live with. By passing this conference report, Congress demonstrates its commitment to the employment, education and health needs of all Americans. So much is at stake. I urge you to support it.

I want to commend Chairman JOHN PORTER, Ranking Member OBEY, my other colleagues on the Labor-HHS-Education Appropriations Subcommittee and the subcommittee staff for their tireless work to get us here today. I want to especially thank the Chairman and the Ranking Member for working with me to address the needs of my constituents and all Americans.

For some in America, the economy is booming and unemployment is at its lowest rate in 30 years. But there are others.

In the congressional districts on the north side of the Chicago metro area, there are more jobs than people. In my district, the south side of Chicago and south suburbs, there are more people than jobs. And what about health care? While the economy was booming, the number of Americans uninsured or under-insured has increased by several million. We should not, and cannot settle for this! This conference report provides the opportunity for us to leverage our resources and the benefits of this booming economy, to ensure that no American is left behind.

There may be some members of this House who disagree with the programs that Labor-H provides, but it is in our national interest to help those we represent receive skills training to move into an economy that is becoming less industrial and more service oriented. It is in our national interest to provide educational opportunities so every American has a strong foundation that will serve them as they pursue their dreams. But education in the head and money in the bank mean nothing if there is no health in the body. So it is most definitely in our national interest to ensure that every American has the health care they need by increasing investment in research, prevention and treatment.

However, as I stated when I began, despite some of the positive aspects of this bill, there are four areas which I find problematic.

(1) The FY 2002 advance for LIHEAP was eliminated. Advance appropriations for LIHEAP are vitally necessary so states like Illinois can properly plan before the summer and winter for any severe weather that puts some of our most vulnerable citizens at risk. No one ever wants to be put in the position of deciding between food for their children and heat for their homes.

(2) The FY 2002 advance for the Child Care and Development Block Grant was eliminated. This is a missed opportunity to show ''family values,'' especially to parents who are making the transition from welfare to work.

(3) The immigration amnesty provisions in the Commerce-Justice-State portion of the conference report are inadequate. In whole, the Latino Immigration and Fairness Act simply tries to bring fairness and justice to our nation's immigration laws by keeping families together, especially the families of Central American and Carribean refugees who fled civil unrest in their homelands.

(4) Although I support the New Markets initiative attached to this omnibus conference report, I object to the charitable choice language because it allows for federally funded employment discrimination. Despite the fact that charitable choice provisions were included in legislation signed in October, I still believe civil rights and constitutional problems exist, and we should not overlook them.

Even with these objections, I can think of 108.9 billion reasons to support this conference report.

The budget authority for the Labor-HHS-Education bill is $108.910 billion. Education funding is $42.1 billion, a $6.5 billion or 18 percent increase over FY2000. Funding to train America's workforce is $11.9 billion, a $664 million of 6 percent increase over FY2000. Funding for the Department of Health and Human Services is $48.8 billion, a $6.6 billion or 16 percent increase over 2000. Specifically, this omnibus conference report contains:

$2.9 billion to expand Youth Job Training Programs, $175 million or 7 percent over last year—which will train 812,000 disadvantaged youth, an increase of 78,000 over last year.

$3.2 billion for Adult Job Training Programs, $63 million or 2 percent over last year—which will train 1.6 million adults who need skills training—223,000 more than were trained last year.

$20.5 billion for NIH, a $2.5 billion or 14 percent increase over last year to expand the federal investment in biomedical research.

$1.8 billion for Ryan White AIDS Programs, a $213 million or 13 percent increase; and $767 million for CDC AIDS prevention, an increase of $147 million or 24 percent.

$350 million for the Minority HIV/AIDS Initiative, an increase of $99.1 million.

$1.7 billion for Community Health Centers, an increase of $150 million or 15 percent; plus an additional $125 million for the Community Access Program.

$185 million for Historically Black Colleges and Universities, an increase of $37 million over FY 2000.

$45 million for Historically Black Graduate Institutions, an increase of $14 million over FY 2000.

Again, I want to reiterate my support for this omnibus conference report.

I want to thank Chairman PORTER and Ranking Member OBEY and their staffs for working with me. Mr. Chairman, I am disappointed to see you retiring from Congress, but I want to congratulate you on the work you have done as a legislator, on your distinguished career and your dedication to public service. I wish you and your family well in your future endeavors.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this conference report that incorporates the four outstanding FY 2001 appropriations bills—Labor-HHS-Education, Commerce-Justice-State, Legislative Branch, and Treasury-Postal Service—as well as $550 million in across-the-board cuts from all non-defense discretionary accounts except Labor-HHS, and $450 million in defense cuts.

In addition, this conference report incorporates: (1) various immigration provisions; (2) the Medicare, Medicaid, and S–CHIP Benefits Improvement and Protection Act; (3) the New Markets Initiative; and (4) the Commodity Futures Modernization Act.

The version of the FY 2001 Treasury-Postal Service/Legislative Branch Appropriations conference agreement included in this legislative

package is identical to the one vetoed by the President on October 30, except that it does not include repeal of the telephone tax.

Following are highlights of the various key components of this omnibus legislative package being brought to the House Floor.

LABOR-HHS-EDUCATION APPROPRIATIONS

The Clinton Administration and Congressional Democrats were disappointed that the Republican leadership scuttled a bipartisan agreement on the Labor-HHS-Education bill that was reached by negotiators on the night of October 30. However, it is important to note that, through their efforts, the Administration and Congressional Democrats were able to secure in this final conference report an historic increase in education funding—providing an increase of $6.5 billion (or 18 percent) in education funding over FY 2000. Indeed, the final education funding bill has received the support of the National Education Association and other education groups. Following are highlights of the final conference report on the Labor-HHS-Education bill.

Class Size Reduction—Provides $1.623 billion for the Class Size Reduction Initiative, which is $323 million above the FY 2000 level and $127 million less than the President's request.

Urgent School Renovation—Provides $1.2 billion for President Clinton's new Urgent School Renovation Program, providing support for short-term emergency repairs at schools, which is $100 million less than the President's request.

Title I Accountability—Provides $225 million for the Title I Accountability Fund, which strengthens accountability by accelerating state and local efforts to turn around the lowest-performing Title I schools, which is $91 million above the FY 2000 level.

After-School Programs—Provides $846 million for After-School Programs, which is $393 million above the FY 2000 level.

Teacher Quality—Provides $692 million to improve teacher quality, an increase of $244 million or 54 percent over FY 2000, to provide training in core academic subjects to up to 1 million teachers, reduce the number of uncertified teachers, and provide technology training to 110,000 future teachers.

Pell Grants—Provides $8.756 billion for the Pell Grant Program, which is $1.116 billion above the FY 2000 level. Also provides for a maximum Pell Grant of $3,750, an increase of $450 over the maximum grant in FY 2000.

GEAR-UP—Provides $295 million for the GEAR-UP Program, providing college preparation for low-income middle school and high school students, which is $95 million above the FY 2000 level.

Head Start—Provides $6.2 billion for Head Start, which is $933 million above the FY 2000 level.

LIHEAP—Provides $1.4 billion for the Low-Income Home Energy Assistance Program, which is $300 million above the FY 2000 level. (The agreement does not include the FY 2002 advance appropriation for LIHEAP that had been included in the October 30th tentative conference agreement.)

NIH—Provides $20.3 billion for the National Institutes of Health, which is $2.5 billion or 14 percent above the FY 2000 level.

Ryan White AIDS Programs—Provides $1.8 billion for Ryan White AIDS programs, which is $213 million above the FY 2000 level.

No Ergonomics Rider—Contains no policy riders regarding ergonomics, unlike the original House-passed bill.

COMMERCE-JUSTICE-STATE APPROPRIATIONS

Following are highlights of the final conference report on Commerce-Justice-State Appropriations (the funding levels in the conference report are identical to those in the conference report adopted by the House back on October 26).

COPS—Provides $1 billion for the COPS program, which is $437 million above the FY 2000 level. This total includes $535 million for the core COPS program, $100 million for community prosecutors, and $140 million for a new COPS technology initiative.

State and Local Law Enforcement Assistance Programs—Provides $2.8 billion for state and local law enforcement assistance programs, slightly more than the FY 2000 level—including $523 million for local law enforcement block grants, $687 million for state prison grants, $288 million for violence against women grants, $250 million for juvenile crime block grants, and $569 million for Byrne grants.

INS—Provides $4.8 billion for the Immigration and Naturalization Service (INS), which is $548 million above the FY 2000 level.

FBI—Provides $3.3 billion for the Federal Bureau of Investigation (FBI), which is $161 million above the FY 2000 level.

Drug Enforcement Administration—Provides $1.4 billion for the Drug Enforcement Administration, which is $82 million above the FY 2000 level.

Commerce Department—Provides a total of $5.2 billion for the Commerce Department and related agencies. This includes $3.1 billion for programs of the National Oceanic & Atmospheric Administration; $1 billion for the Patent and Trademark Office; $563 million for the National Institute of Standards and Technology; $146 million for the Advanced Technology Program; $440 million for the Economic Development Administration; and $337 million for the International Trade Administration.

State Department—Provides a total of $6.6 billion for State Department programs, which is $729 million above the FY 2000 level. This includes $3.2 billion for diplomatic and consular programs; $1.1 billion for embassy security, construction and maintenance; $871 million for membership in international organizations; and $846 million for international peacekeeping.

IMMIGRATION PROVISIONS

Democrats advocated the inclusion in this final appropriations conference report of immigration provisions found in the Latino and Immigrant Fairness Act (LIFA) that would have provided fair treatment for individuals fleeing political violence and instability in their home countries, relief for individuals who have been left in legal limbo because of the Immigration and Naturalization Service's misinterpretation of immigration law, and relief for individuals who are eligible for permanent residency. Instead, the Republicans have included a package of immigration provisions that provide limited relief and fail to address due process concerns or fairness for Central Americans, Haitians and Liberians who have fled persecution. The immigration package includes:

Restoring the 245(i) adjustment of status mechanism (under which a person eligible for an immigrant visa and for whom a visa is currently available can get permanent resident status in the U.S. rather than having to return abroad to get a visa) available to anyone who is the beneficiary of a petition for an immigrant visa or application for labor certification filed before April 30, 2001, provided that the beneficiary is physically present in the U.S. on the date of enactment of the Act.

Providing relief to immigrants who have been here since 1982 and who were prevented from adjusting their status under a one-time amnesty program passed in 1986. Specifically, this provision would provide permanent residency to individuals who were members of the classes in the lawsuits Catholic Social Services, Inc. v. Meese, League of United Latin American Citizens v. INS and Zebrano v. INS. The spouses and minor children of these individuals will be allowed to stay in the country and work while their immigrant visas are being processed.

Amending the Nicaraguan Adjustment and Central American Relief Act (NACARA) and the Haitian Refugee Immigration Fairness Act (HRIFA)—two laws which passed in the mid-1990s to provide relief for refugees—to ensure that qualifying applicants for relief are not turned away because of previous deportation orders.

MEDICARE, MEDICAID AND SCHIP BENEFITS IMPROVEMENT AND PROTECTION ACT

The final package includes the Medicare, Medicaid and SCHIP Benefits Improvement Act—a revised version of provisions that were included in the tax cut bill passed by the House on October 26. This legislation invests about $35 billion over five years to restore Medicare and Medicaid health care provider payments; add preventive benefits and reduce beneficiary cost sharing under Medicare; and improve health insurance options for low-income children, families and seniors. The total of $35 billion includes restored Medicare and Medicaid health care provider payments of approximately $12 billion for hospitals, $11 billion for managed care plans, $2 billion for nursing homes, $2 billion for home health agencies, and $3 billion for other providers. The total also includes approximately $5 billion for Medicare and Medicaid beneficiary improvements.

The Clinton Administration and Congressional Democrats are particularly pleased that over the last few weeks they have been successful in adding to the bill passed in October increased payment restorations for rural and teaching hospitals, hospices, and home health agencies. They are also pleased about being successful in adding a number of other provisions including: (1) extending for a year provisions allowing welfare families who leave the rolls for jobs to retain Medicaid coverage temporarily; (2) allowing states the option of enrolling eligible uninsured children in Medicaid and the State Children's Health Insurance Program (SCHIP) through schools, child support enforcement agencies, and other sites; (3) suspending the normal 24-month waiting period for Medicare for individuals disabled by Lou Gehrig's disease; and 4) simplifying enrollment of low-income Medicare beneficiaries for Medicaid assistance with premiums and cost-sharing.

COMMUNITY RENEWAL AND NEW MARKETS TAX PROVISIONS

The legislative package contains community renewal and New Markets tax provisions, similar to those passed by the House twice earlier this year. These provisions expand the community renewal efforts undertaken in the Empowerment Zone legislation first enacted in 1993 and expanded in 1997. The provisions include those that:

Create nine additional empowerment zones and forty ''renewal communities'' which are eligible for a number of tax incentives for investment and job creation;

Provide the President's ''New Markets'' tax credit;

Increase the per-capita annual volume cap on the low-income housing tax credit and the per capita state volume cap on tax-exempt private activity bonds and extends the tax benefits for existing zones through 2009; and

Extend the Brownfields tax incentive.

In addition, the bill extends the availability of Medical Savings Accounts (MSAs) for two years through 2002, corrects the effect of an error in the Consumer Price Index on a number of Federal benefit programs and indexing of tax brackets and exemptions, and provides an extension and enhancement of the charitable deduction for corporate contributions of computers and other high-tech equipment to schools and public libraries. The tax provisions needed to implement the newly authorized single-stock futures contracts in the Commodity Futures Modernization Act of 2000 (also incorporated in this conference report) are contained in the bill. There are also numerous technical corrections and administrative provisions.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Finally, the legislative package includes the language of the Commodity Futures Modernization Act of 2000, legislation that makes major changes in the regulatory structure of the commodity futures and financial derivatives markets. The bill is similar to H.R. 4541 that was passed by the House on October 19, but it contains revisions based on negotiations between Senate Banking Committee Chairman Gramm, House Republicans and the Treasury, SEC and CFTC. It reauthorizes the funding for the Commodity Futures Trading Commission, incorporates many of the recommendations of the President's Working Group on Financial Markets regarding the regulation of financial derivatives, lifts the ban on trading of single-stock and narrowly-based index futures, and updates the regulatory structure for financial and commodity futures and options markets. The tax provisions needed to implement creation of single-stock futures are contained in the Community Renewal and New Markets tax bill that is also included in the conference report.

This version of the bill is acceptable to the Treasury Department, Securities and Exchange Commission and the Commodity Futures Trading Commission. Basic investor protections in current law and regulations are preserved. However, some consumer advocates have expressed concern that the deregulation of derivatives markets in this bill weakens the protections against fraud and manipulation and could lead to future instability of the financial markets.

Mr. DAVIS of Florida. Mr. Speaker, as we all know, we are approaching an education crisis in our country. Over the next decade, school districts throughout the country will need to hire over 2 million new teachers. Four months after the school year started, my school district, Hillsborough County, Florida, still needs to hire over 150 new teachers. Over the next decade, our school district will need more than 7,000 new teachers. To meet this need and address this critical shortage of teachers that our school districts are facing, talented Americans of all ages should be recruited to become successful, qualified teachers. That's why I, along with Representative TIM ROEMER, introduced the Transition to Teaching Act.

I am pleased to stand here today in support of the provisions in this Omnibus Appropriations Bill, which will provide $34 million over the next fiscal year to help us recruit quality teachers through the Transition to Teaching program. This money will allow us to begin to develop this program to train mid-career professionals who want to become teachers.

Our bill is intended to help people get the training they need to become teachers. The funding in this bill will help us move people from the boardroom to the classroom, from the firehouse to the schoolhouse or from the police station on Main Street to the classroom on Main Street.

Under this program, we will encourage professional associations, business and trade groups, unions and other organizations to follow the military's example and encourage their retiring employees to become teachers. Under the bill before us tonight, these groups, along with institutions of higher learning, would be awarded grants to design a program, modeled after Troops to Teachers, to train these targeted individuals to teach our children. The institutions of higher learning would tailor the program to meet the particular needs of the professionals who are leaving their previous career to become teachers.

In addition, to help the individuals with the educational cost of becoming a qualified teacher, the bill provides a stipend of up to $5,000 per participant. In exchange for the stipend, the individuals must agree to teach in a high-need school district for at least three years.

In closing, I would like to thank Mr. OBEY, the Ranking Democrat on the Appropriations Committee, Chairman YOUNG, and Chairman PORTER for their help in funding this important program.

The time is now for us to do more to encourage additional talented people to consider the call of the classroom. I encourage my colleagues to support the bill before us.

Mr. EVANS. Mr. Speaker, I rise today in support of this omnibus bill. I am pleased that after months of hard work, we are prepared to pass a Balanced Budget Act (BBA) package that will bring long awaited relief to our nation's hospitals.

It has long been apparent that the savings that have resulted from the 1997 BBA package have far exceeded expectations. These savings have been realized at the expense of the health care industry, particularly hospitals. I have seen the effects of these cuts first hand in the hospitals of western Illinois, where hospitals are in danger of closing their doors to those in need. Today, we are taking action to lift this financial burden from the backs of hospitals. I am particularly pleased to see that this bill includes provisions to address the unique needs of rural hospitals.

Of particular importance to patients in Illinois is the increase in DSH payments to public hospitals who serve a disproportionate share of Medicaid patients. Without these provisions, the state of Illinois was poised to lose $500 million per year in federal Medicaid funding. The inclusion of this provision will allow Illinois' hospitals to continue their mission of expanding health care services to low income and underserved populations.

While this bill makes great strides in restoring the cuts made by the 1997 BBA bill, we still have work to do. This year, I have heard from hundreds of Medicare patients and their health care providers who have suffered from severe lung and heart disorders and are unable to get the treatment that they need to restore their health because Medicare does not cover cardiac and pulmonary rehabilitation.

Evidence is ample that cardiac and pulmonary rehabilitation services result in increased longevity and quality of life. But even more telling are the stories that I have heard from cardiac and pulmonary rehabilitation patients, who are discarding their wheelchairs and canes to resume the lives they enjoyed before being afflicted with their conditions. It is for those patients that have not been able to benefit from these services that I will continue my work in the 107th Congress to bring this sensible coverage to the Medicare program.

On the whole, this bill will bring meaningful relief to our nation's health care institutions and move us closer to a day when every American will have access to affordable, quality care. I am proud to support this bill.

Mr. KLECZKA. Mr. Speaker, the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (H.R. 5561), which passed as part of the final Omnibus Appropriations package, contains important provisions (Title III, Section 301) needed by institutions that provide blood and blood products to the nation's hospitals.

The legislation directs the Health Care Financing Agency (HCFA) to consider the prices of blood and blood products purchased by hospitals in the next rebasing and revision of the hospital market basket to determine if prices are adequately reflected. In addition, the bill requires that Medicare Payment Advisory Commission (MedPAC) to analyze the increased hospital costs attributable to new blood technologies and to recommend necessary changes to provide fair reimbursement.

These provisions are greatly needed because two recent technologies have been introduced to increase the safety of our nation's blood supply, Nucleic Acid Testing and Leukoreduction. Nucleic Acid Testing allows for the early detection of infectious diseases, such as HIV and Hepatitis C, by detecting the genetic material of the viruses, while Leukoreduction removes white cells and has the potential to shorten the severity of the illness and duration of hospital stays for patients who receive blood.

In its first 15 months of implementation, the nucleic acid test detected and intercepted four HIV-positive donations and more than 57 Hepatitis C-positive donations. This means that roughly 150 potential HIV and Hepatitis C infections were prevented, and lives were saved. While these new technologies are remarkable, these innovations have significantly increased costs. Nationally, these new blood safety procedures add approximately 40 percent to the cost of blood.

The purpose of the blood-related provisions in this legislation is to determine how much of an update increase may be needed to defray these costs that markedly improve the quality of our blood supply. By restoring the full inflationary update to the market basket index, Congress is providing the nation's hospitals with the means to afford new blood therapies and to ensure that patients are treated with the safest possible products.

All Americans deserve the peace of mind of safe blood and blood products, and I am pleased these provisions were included in the final Medicare relief package.

Mr. GREEN of Texas. Mr. Speaker, I rise today to voice my opinions on the Labor-HHS-Education portion of the Omnibus package.

Now that we have reached an agreement on this bill, I suggest that we take a look at what has changed from the bill that was practically a ''done deal'' in October to the piece of legislation that is before us.

While the overall funding for education has risen approximately $6.5 to $6.6 billion over FY 2000, which would be the largest increase in education funding ever, funding was cut by over $1.3 billion from the figures agreed to in the October version of the budget.

The whole Labor-HHS bill was cut approximately $2.5 billion from that agreement, so over half of the cuts to this bill come from education funding. Here is a sampling of the final funding levels for education programs in this bill: $1.2 billion for the School Renovation Initiative; funding for Head Start is at $6.2 billion, an increase of $933 million over FY 2000; $851 billion for 21st Century Community Learning Centers, an increase of $372 million; $1.62 billion for the Class Size Reduction and Teacher Assistance program; $8.8 billion for Pell Grants, which would set the maximum award at $3,750, an increase of $450 from FY 2000; and $295 million for GEAR UP, an increase of $100 million over FY 2000.

While I applaud the increases in education funding that this bill represents, I am saddened that we have chosen to cut education funding from the agreement we reached in October 2000. By leaving this important bill until the final days of the 106th Congress, we have subjected these programs to more scrutiny than other appropriations, and have chosen to cut the hopes and dreams of future generations.

Mr. Speaker, while I plan to vote in favor of this bill, I do so with a heavy heart. I only hope that this Congress is not remembered as the Grinch that stole the Christmas gift of education that our children have been waiting for all year long.

Ms. JACKSON-LEE of Texas. I rise mainly to state that I have some concerns about what is not in the Immigration proposal that we will vote to add in this final appropriations bill.

The proposed ''V'' nonimmigrant visitor's visa would allow the spouses and children of lawful permanent residents to live and work in the United States while they are waiting for a immigrant visa that would enable them to become permanent residents. This would make a compassionate change in the law that would unite families that have been separated by the long waiting lines for immigrant visas.

I am disappointed though that the visa would only be available to spouses and children who have waited three years or longer for an immigrant visa. The United States government does not benefit from keeping these families apart for three years, and it would work a great hardship on the people in these families.

The bill also provides relief for some other applicants for visas. For the next three years, it would establish a waiver of certain grounds of inadmissibility for individuals who are otherwise qualified for a ''V'' or ''K'' visa and who are already physically present in the United States. The waiver would apply to inadmissibility on account of prior unlawful entry or for overstaying as a visitor for more than six months.

Once again, I welcome a compassionate change in the law, and once again, I am concerned that the change would not go far enough. The waiver only applies to people who are already physically present in the United States. Those bars to admissibility would continue to separate the families whose foreign members are identically situated in every respect except that they are outside of the United States.

This bill also has a ''late amnesty fix'' which would provide assistance for people who were wrongly prevented from applying for amnesty under the Immigration Reform and Control Act of 1986. This is good start, but it still misses the mark Mr. Chairman.

Many of the late amnesty applicants already have a court ordered right to apply for amnesty. We need to do more. We need to change the registry date.

The ''registry'' provision gives long-time foreign residents who have been here without proper documents an opportunity to adjust to permanent status if they have nothing in their background that would disqualify them from immigrant status. The registry date is currently set at 1972.

The majority of immigrants who would benefit from updating the registry date are the late amnesty applicants, but a change in the registry date also would help other deserving groups such as the 15,000 Liberian nationals in this country who came to the United States ten years ago because of the civil unrest in Liberia. The situation of the Liberians is typical of the long time residents of this country who would benefit from a change in the registry date. They have had children who are citizens of the United States, purchased homes, and become upstanding members of American communities. They have fully assimilated into our society.

If the registry date is not changed, thousands of people will be forced to abandon their homes, will have to separate from their families, move out of their communities, be removed from their jobs, and return to countries where they no longer have ties.

Mr. WELDON of Florida. Mr. Speaker, I am pleased that the bill before us would add an additional $35 billion to Medicare's budget over the next five years. As you may recall, the principle reason I voted against the 1997 Balanced Budget Agreement (BBA) was my concern that the budget restraints on the Medicare budget included in that bill were unsustainable. That has proven to be the case and that is why we are moving forward with legislation to add money to the Medicare budget.

I have cosponsored legislation that would add billions of dollars to Medicare, and I was pleased to vote for this legislation when it was before the House a few months ago. I am glad that this bill will also increase spending on Medicare+Choice HMOs. I have heard from many of my constituents who are enrolled in these plans and who have become increasingly concerned about the availability of these plans in their communities. This funding will help ensure that these plans remain available to seniors. Given the opportunity to vote separately on this additional Medicare funding, I would again vote in favor of it.

While I am very supportive of this additional funding for Medicare and have recently voted in favor of this added funding, I am disappointed that Congressional leaders and President Clinton have chosen to lump this provision into a single catchall omnibus bill with hundreds of billions of dollars in spending and a various unrelated legislative provisions. This omnibus bill was just finalized earlier this morning and no one member of Congress is quite sure what is in the bill.

We do know of several things that are in the bill. Some of these are troubling. I understand that the omnibus bill would provide a 26 percent increase in funding for programs funded under the Labor, Health and Human Services (Labor/HHS) Appropriations bill, increasing funding from $85 billion in fiscal year 2000 to over $111 billion in 2001. This will result in additional spending of at least $180 billion over the next ten years for these programs. I also understand that this bill may have several hundred million dollars in last minute pork barrel spending. I am concerned that spending this money here will make it more difficult to find the money needed to pay for Medicare prescription drugs plans, a tax deduction for health insurance and long-term care insurance, and other important initiatives.

Also, dropped from the bill is a provision that was adopted by the Senate and supported by the House on a 250–170 vote. This provision would have prohibited taxpayer funding from being used to provide the morning after abortion pill to school age children at school based health clinics. Without this provision, federally funded school clinics will be able to distribute morning after abortion pills to 12 and 15 year old children without their parents permission. This undermines the rights of parents and should not be allowed to continue. It will also foster promiscuity among teenagers and contribute to the rapid progression of sexually transmitted diseases among teenagers. It was wrong to drop this provision due to President Clinton's objections.

This bill also creates a new federal school construction program but does so in a way that will force school construction in Florida to increase between 15 and 30 percent. President Clinton insisted that Florida school construction projects funded under this program be subject to the more expensive Davis-Bacon, prevailing union wage requirements. This means that the taxpayers will get 15 to 30 percent fewer classrooms for the same amount of money. I believe that if the federal government is going to return tax dollars to Florida, the people of Florida should determine what rules will apply to school construction. I could not in good conscience agree to the creation of a new federal government program under these conditions.

I am also very troubled that the bill before us would cut national defense spending by $500 million from what was recently enacted into law. Defense spending is being cut to fund Labor/HHS programs at a time when our military leaders tell us they do not have enough money to meet their demands and provide adequate training to our men and women in uniform.

I am sure that over the next few weeks we will discover additional objectionable provisions in this bill. It is for the reasons listed above that I rise in opposition to this bill.

Ms. DELAURO. Mr. Speaker, I rise in support of the bill, and I want to thank Chairman YOUNG, Mr. OBEY, and Chairman PORTER for their tireless work in getting us, finally, to this

day. They are not to blame for why it took so long, but they deserve our thanks for delivering a bill that, while it is not everything I had hoped, makes a number of critical investments in America's children and health research.

Because we worked together, this bill will make the largest single investment in education in a generation, helping reduce class size with funds to renovate and repair 3,500 schools and to hire 8,000 new teachers. And it will help prepare those teachers with a more than 50 percent increase in funding for teacher training. These are important steps toward strengthening America's public schools and make every classroom a place of learning and discipline.

Child care also receives a tremendous boost with a 70 percent increase in the Child Care Development Block grant program. By lifting funding to $2 billion, more families will have access to high quality, affordable child care. How much more information do we need about the critical zero to five years of a child's life before we ensure that EVERY child in America will learn and grow in an enriching child care environment. By supporting child care in America—and by providing a nearly $1 billion increase for Head Start—we help ensure that every child in America gets the right start in life.

The bill before us will also support a number of organizations in my district that help to make our community stronger and more caring. I am particularly grateful that the Committee chose to support the efforts of Connecticut Children's Hospice, which provides much needed help and care to families and their children in very difficult and tragic times.

And because of a bipartisan commitment to health research, this bill keeps us on track to doubling research at the National Institutes of Health with a 14 percent increase this year. That is a tribute to the members of the subcommittee, and particularly, to our chairman, JOHN PORTER. He leaves behind a great legacy, and I thank him.

We should be proud of the achievements in this bill, but a great deal of work remains. Even with this record investment, too many children and families will not have access to high quality child care. Medical research into chronic disease remains underfunded. Bipartisan legislation to support school modernization efforts with construction bonds should be on this floor. Yet I am pleased with the progress we have made, and I will support the bill. It represents progress, but we can, and should, do more.

Mr. COMBEST. Mr. Speaker, I concur with the remarks of the gentleman from Virginia, Mr. BLILEY, concerning title II of H.R. 5660, the Commodity Futures Modernization Act.

It is my understanding as well that nothing in title II of the bill would: Authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; authorize depository institutions either to take delivery of equity securities under a security futures product or under any other circumstance, or otherwise to invest in any equity security, otherwise prohibited for depository institutions; and allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Mr. DINGELL. Mr. Speaker, I support H.R. 5660, the Commodity Futures Modernization Act, despite the curious process that produced this final version of the bill. The critical investor protection and market integrity provisions approved overwhelmingly by the House in October remain intact, making it possible for many Democrats to support this important legislation.

The fundamental purposes of this bill are to modernize the regulation of our futures markets, to provide legal certainty for the over-the-counter derivatives market, and to authorize the trading of security futures products, consistent with maintaining the innovation, efficiency, transparency, honesty, and integrity of these vital markets.

Title I on commodity futures modernization places greater responsibility on contract markets and execution facilities to regulate themselves and their members. However, the CFTC is charged with supervising the exercise of this self-regulatory power in order to assure that it is used effectively to fulfill the responsibilities assigned to these organizations and that it is not used in a manner inimical to the public interest. The Congress intends that the CFTC use its oversight and enforcement powers to correct self-regulatory lapses where they occur. Although self-regulation has not always performed up to expectations, on the whole it has worked well, and we believe it should be preserved and strengthened under strong CFTC oversight.

Title II creates a coordinated regulatory structure for SEC and CFTC regulation of securities-based futures. I have significant reservations about the efficacy and wisdom of single stock futures. These products will most likely be used by day traders and other speculators and raise concerns about excessive speculation and excessive volatility in the underlying securities markets. However, this legislation provides a strong framework for the prudential regulation of these products. We intend a high degree of cooperation and coordination between the SEC and CFTC. With respect to volatility, this bill provides that single stock futures are subject to the same rules that cover other securities, including circuit breakers and market emergency rules. With respect to excessive speculation and leverage, the bill requires that margin treatment of stock futures must be consistent with the margin treatment for comparable exchange-traded options. This ensures that margin levels will not be set dangerously low and that stock futures will not have an unfair competitive advantage vis-a-vis stock options. Most importantly, single stock futures are subjected by this bill to protections to curb the potential for market manipulation, insider trading, and other fraudulent schemes. We expect these requirements to be vigorously enforced for the protection of investors and to maintain the integrity and efficiency of these markets.

One of the most important provisions of the bill, Title III, gives the SEC antifraud authority over securities-based swap agreements. By authorizing the SEC to apply Section 10(b) of the Securities Exchange Act of 1934 to these swap agreements, the bill provides important additional protections to the vital and dynamic markets for these instruments. In extending these protections, the bill explicitly makes rules adopted under Section 10(b) to address fraud, manipulation, or insider trading applicable to securities-based swap agreements. Thus, the antifraud rules currently in existence—and those needed in the future—apply to such swap agreements to the same extent that they apply to securities. This permits the SEC to use its tested methods to enhance the protection in theses markets and to respond as necessary to developments in the future. The bill also explicitly makes judicial precedent relating to Section 10(b), as well as Section 17(a) of the Securities Act, applicable to securities-based swaps, to the same extent as it applies to securities. Thus, for example, cases establishing theories of liability and private rights of actions will apply directly to securities-based swaps.

Section 4b is the principal antifraud provision of the Commodity Exchange Act. It is the intent of Congress in retaining Section 4b in this bill that the provision be given its broadest reading for the protection of investors and these markets. Thus, Section 4b provides the CFTC with broad authority to police fraudulent conduct within its jurisdiction, whether the transactions are directly with customers or involve a traditional broker-client relationship, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

The purpose of Title IV of this bill is clear: to clarify what is already the current state of the law that the CFTC does not regulate the traditional array of products that banks have been offering for years, or in the words of the Gramm-Leach-Bliley statute, identified—banking products. These products are deposit accounts, savings accounts, CDs, banker's acceptances, letters of credit, loans, credit card accounts, and loan participation.

The language of Title IV is very tightly worded. Title IV requires that, to obtain this bill's exclusion, a bank must first obtain a certification from its regulator that the identified banking product was commonly offered by that bank prior to December 5, 2000. This means that the product was actively bought, sold, purchased or offered—not just a customized deal that the bank may have done for a handful of clients. Also, the product cannot be a product that was either prohibited by the Commodity Exchange Act or regulated by the CFTC.

In other words—a bank can't try to sneak futures contracts out of regulation by using this provision.

With respect to new products, Title IV is also abundantly clear: the Commodity Exchange Act doesn't apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear: Congress' intent is that no bank use this exclusion for products that are properly regulated under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a ''predominance test'' that indicates that they are primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. While the statute provides a mechanism for resolving disputes about the application of this test, there is no intent that a product which flunks this test not be regulated by the CFTC.

Finally, I received a letter dated December 14, 2000, from the Chairman of the New York Mercantile Exchange stating that: ''The New York Mercantile Exchange has serious concerns regarding provisions . . . that would

have the effect of removing energy trades conducted on electronic trading systems from nearly all public scrutiny and accountability.'' On December 12, 2000, a coalition that includes the Consumer Federation of America, the Derivatives Study Center, and the Economic Policy Institute wrote to Members of the Senate and the House, complaining that this bill ''goes too far in deregulating derivatives markets'' and ''recklessly reduces market protections.'' I want to assure these groups that I have heard their concerns. The changes made by this legislation do not need to yield the dire results that they predict. A great deal will depend on how the law is implemented and enforced by the federal financial regulators and the self-regulatory organizations.

The importance of these markets cannot be underestimated. It is our intent, with the passage of this legislation, that these markets be regulated and supervised in the public interest. It is not the job of government to protect fools from themselves, but it is the job of government to protect the rest of us from the dangerous machinations of fools, knaves and scoundrels. I pledge my vigorous efforts to seeing that this legislation accomplishes that result.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of H.R. 4577, the FY 2001 Appropriations for the Departments of Labor, Health and Human Services, Education and Related Agencies. This Member strongly supports the funding level for the Medicare, Medicaid, and State Children's Health Insurance Program (SCHIP) givebacks, the increase in spending for education, and the tax assistance for affordable housing.

First, under the Balanced Budget Act of 1997, cuts were made that put a great deal of stress on many Medicare and Medicaid providers, particularly in rural areas. In a predominately rural state, such as Nebraska, a growing elderly population greatly relies upon the services Medicare and Medicaid reimburse. Hospitals and other health service providers throughout my district have been in constant communication with my office describing the financial stress that they have been put under as a result of these cuts. This Member strongly supports the ''givebacks'' provided in the bill that will not only shore up the financial stability of our health service providers but also extend the benefits that Medicare will be able to provide our senior population as a result of its enactment.

Second, this Member supports the $44.5 billion that the bill provides for education spending. This is a $6.5 billion increase over last year's education funding level and is $2 billion more than the President's request. Specifically, this Member supports the $1.34 billion increase in special education grants, the $994 million allocated for Impact Aid, and the increase in the funding level for Pell grants.

However, the Member believes we are setting a bad precedent by beginning grant programs for school modernization. Obviously, this money can be well used by a number of school districts; however, funding public school buildings and renovation is a responsibility of states and local school districts and not the Federal Government. Once we start funding school renovation, this effort could possibly extend to construction of new schools with no end expected. The Federal Government thus would provide a reward for those states who have not kept up with their responsibilities for their school buildings; sometimes because they lack the will to raise the revenue locally. The school districts in my state and many others have generally met their responsibilities and should not be expected to have resources from their Federal income taxes subsidize states and school districts that are not meeting their responsibilities.

Mr. Speaker, the funding of public elementary and secondary schools, under the U.S. Constitution, is primarily the responsibilities of the states. We should not start this Federal grant program.

Lastly, this Member supports the essential tax assistance for affordable housing in this legislation. In particular, the measure increases the highly successful Federal Low Income Housing Tax Credit from $1.25 per capita to $1.75 per capita in 2002. This tax credit provides an essential incentive to developers to construct affordable housing. In addition, this legislation increases the Private Activity Bond Cap from the current $50 per capita to $75 per capita and it increases the small state bond cap limit from $150 million to $225 million in 2002. The private activity bond cap in Nebraska provides tax exempt financing for, among other things, single and multifamily housing.

Mr. Speaker, for these reasons and others, this Member encourages his colleagues to support H.R. 4577. The measure provides a necessary increase in the essential services upon which so many Nebraskans and others throughout the country rely.

Mr. LEACH. Mr. Speaker, last year, after nearly two decades of work, the U.S. Congress passed the Financial Modernization Act to bring our nation's banking and securities laws in line with the realities of the marketplace. Today, an analogous opportunity presents itself to modernize the Commodity Exchange Act (CEA) that governs the trading of futures and options.

The important role of the over-the-counter derivatives industry in the historic economic expansion of the last decade is largely unchronicled. These contracts, which allow manufacturers, multi-national corporations, energy producers, governments and others to hedge themselves against the risk of financial calamity, ensure that unforeseen market movements do not bankrupt business and thus constrain economic productivity.

Because of anachronistic constraints established under the CEA, however, legal uncertainty exists for trillions of dollars of existing contractual obligations.

The issue facing the Congress has been whether an appropriate regulatory framework can be established to deal not only with certain problems that confront today's risk management markets, but new dilemmas that appear to be on the horizon. The compromise language before us today as a part of this appropriations bill largely accomplishes our goals.

The fact is that the Commodity Exchange Act (CEA) is an awkward legislative vehicle designed in an era in which financial products of a nature now in place were neither in existence, nor much contemplated. Indeed, the Commodity Futures Trading Commission (CFTC) was fundamentally designed to supervise agriculture and commodities markets, not financial institutions.

Legislation of this nature involves different committees with different concerns and sometimes-competitive jurisdictional interests. From the Banking Committee's perspective, I would like to make clear my respect for the work of the Agriculture Committee, led by Chairmen COMBEST and EWING, which produced a bill that reflected a credible way of dealing with the concerns that had developed during much of the last decade as derivatives-related products have grown.

Nonetheless, the Banking Committee in July adopted on a bipartisan manner a number of clarifying amendments, and this fall the House approved H.R. 4541 with only a handful of dissenting votes. After continued negotiation, involving the other body and the Administration, further modifications have been made to the legislation to provide an even greater level of assurance that over-the-counter derivatives will continue to be a vital part of America's financial innovation and continued success.

The legislation will ensure that most over-the-counter derivatives offered by banks and other financially sophisticated parties are legal and enforceable. It provides that these contracts will be allowed to be negotiated via new means of electronic commerce. While retaining the role of the Federal financial regulators, it will allow these new contracts to be offered, sold and cleared without having to jump through new, unwarranted bureaucratic processes.

While this legislation represents a great leap forward there remain issues that will require the further scrutiny and due diligence of this body and it will be necessary to closely monitor the application of this bill, with a mindful eye on further innovation, to ensure that the genius of our financial services industry is not again restricted by outdated and overly burdensome laws.

In this regard, H.R. 5660 contains several provisions which require further clarification. Title II of the legislation empowers the Securities and Exchange Commission (SEC) to regulate certain securities-based futures contracts. It is important to note that excluded from the definition of ''security future,'' contained in section 201 of the legislation, and thus from the jurisdiction of the SEC, are contracts excluded from the Commodity Exchange Act under section 2(c), (d), (f) and (g) of that Act, and those products excluded under Title IV of the Commodity Futures Modernization Act of 2000.

These exclusions are intended to clarify that over-the-counter derivatives transactions among eligible contract participants related to the prices of securities are outside the jurisdiction of the SEC, and the SEC is not to use the new authority granted the agency by this act to attempt to regulate over-the-counter derivatives activities. The jurisdiction granted the SEC by this Act, like that granted to the Commodity Futures Trading Commission (CFTC) under the Commodity Exchange Act, is limited to transactions conducted on organized exchanges otherwise regulated by the respective agency. Over-the-counter derivatives transactions offered by banks and other highly sophisticated end users remain outside the jurisdiction of the SEC.

Additionally, Title III of the act contains further limitations on the authority of the SEC with respect to the jurisdiction of that agency related to swap agreements. As Title III makes clear, ''security based swap agreements'' are not securities, and the SEC is prohibited from regulating them as such.

In general, it should be clear that nothing in this legislation is intended to permit the SEC to regulate equity securities derivative transactions entered into by banks. The exclusions from the definition of ''security future,'' as well as Title III, are designed to ensure that the regulatory reach of the SEC is limited to entities over which the securities laws explicitly require registration. Banks have been engaging in equity related derivatives for well over a decade, under the supervision of the appropriate banking regulators. Nothing in this legislation is intended to alter that regulatory structure, nor to place new regulatory burdens on banks.

A separate matter which requires attention is the treatment to be afforded ''principal-to-principal'' transactions. Section 101 of the legislation contains a definition of ''organized exchange'' which incorporates this ''principal-to-principal'' concept. Under this legislation, whether an entity is an organized exchange or not has ramifications as to whether the entity might be regulated by the CFTC and, in some cases, the SEC. Additionally, sections 103, 106, 202, and 402 of the legislation utilize this ''principal-to-principal'' concept in providing exemptions and exclusions from the jurisdiction of the CFTC and SEC.

A ''principal-to-principal'' transaction includes any transaction whereby a party to the transaction books the transaction for the party's own account. It includes ''riskless principal'' transactions, whereby one party enters into a transaction and thereafter or contemporaneously enters into an offsetting transaction so that the risk or payments under the transactions net out. The fact that the party has entered into off-setting transactions in no way alters the ''principal-to-principal'' nature of the transaction, and any party that has entered into a ''riskless principal'' transaction may be assured that its contracts remain legally enforceable and excluded or exempted from the jurisdiction of the CFTC and/or SEC, as applicable.

A final matter which deserves attention is the definition of ''trading facility'' contained in section 103 of the legislation. Whether an entity is a ''trading facility'' has ramifications as to whether or not the entity might be regulated by the CFTC and/or the SEC. It should be made clear that the definition of ''trading facility'' is not to be construed so broadly as to include existing and developing electronic systems which permit parties to negotiate and enter into over-the-counter derivatives transactions.

For instance, Derivatives Net Inc., which maintains the ''Blackbird'' electronic trading system, operates a facility whereby parties may meet in a centralized electronic forum to conduct over-the-counter derivatives transactions. The swap agreements entered into by participants entered into on this system are themselves excluded from the jurisdiction of the CFTC, and will remain excluded from the jurisdiction of the SEC under the new powers granted that agency under this bill. Nothing in the definition of ''trading facility,'' nor anything else in this legislation, is intended to provide authority to either the CFTC or the SEC to exercise jurisdiction over entities such as Blackbird.

Mr. Speaker, I congratulate all who worked from so many different perspectives to develop this landmark legislation and urge its passage.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this piece of legislation because, among other things, it fails to correct some of the most basic inequities in our immigration code. For months, we have worked to obtain passage of the Latino and Immigrant Fairness Act. Unfortunately, the Republican Leadership has been held hostage by a small group of anti-immigrant members within their caucus.

The result of the Presidential election has hardened this groups' determination to keep immigrants, particularly people of color, out of this country. If this is the spirit of compassionate conservatism and bipartisanship we have to look forward to under a Republican Administration, then I am not at all impressed.

First, we sought to establish legal parity among Central American, Liberian and Carribean refugees—so that all refugees that fled political turmoil in the 1980s and early 1990s are treated the same. In 1997, the Republicans gave the ''right'' type of immigrants—Cubans and Nicaraguans—immigration relief, leaving behind immigrants from other countries who did not have the same political influence.

The Republicans have completely refused to even meet in good faith to discuss the issue.

Second, we sought to update what's known as the ''registry'' date, so that all immigrants who have lived in this country since 1986 qualify to remain here. This provision would have helped people who were eligible under the Reagan era legalization program but were improperly denied permanent residency by the INS in the late 1980s. It also would have reinforced our long held belief that long time immigrants in America should be given the opportunity to solidify their families and economic stability by becoming permanent residents.

The Republicans begrudgingly have agreed to help only a small class of people who have lived in the United States since 1982 and are covered by a class action suit.

Third, we sought to restore section 245(i) of the Immigration Act. This would let all immigrants who have a legal right to seek permanent resident status to stay in this country with their families while they await a decision. Because Congress failed to extend section 245(i) in 1997, families who have a right to be together here in the United States are being torn apart for up to 10 years.

Instead of restoring section 245(i), the Republicans have merely agreed to re-authorize section 245(i) for four months from the date this bill is enacted.

Fourth, we sought inclusion of H.R. 5062, legislation which had bipartisan support and passed the House under suspension of the rules. The bill was a modest step towards addressing the most widely recognized injustices of the overly harsh 1996 law, and in particular, eliminating the retroactivity of the 1996 law's deportation legislation.

After reaching an agreement on these provisions, the Republicans caved to anti-immigrant members of their caucus, and refused to include any part of H.R. 5062 in this legislation.

Finally, and most offensive to me, there appeared to be bipartisan agreement to include certain technical fixes to the 1997 Nicaraguan Adjustment and Central American Relief Act and the 1998 Haitian Refugee Immigration Fairness Act. These provisions would not have allowed into the country a single person that Congress intended to cover in the original bills.

The Republicans have agreed to provide relief to affected Central Americans but have refused similar assistance to Haitian refugees. There is no principled, intellectual or rational reason for not assisting Haitians and other persons of color who were originally covered by the 1998 legislation.

One of the greatest measures of our Nation's strength is the diversity of our people. If we look above us we see inscribed our national motto—e pluribus unum—''Out of many, one.'' It reminds us that we are a Nation of immigrants. Because this bill fails to uphold the principles that are most dear to us as a Nation, I must oppose this legislation and will continue to seek a fairer and more decent piece of legislation—it is long overdue.

Mr. CLAY. Mr. Speaker, I rise in support of this historic $6.5 billion increase in education spending and several important initiatives included in this conference report. While I am disappointed that the Republican leadership insisted on reducing the amount of education funding in an earlier bipartisan deal reached in late October, this conference report still provides significant increases for programs that serve some of our most vulnerable populations.

I want to start by highlighting the inclusion of the $1.2 billion school modernization initiative. Modeled after the proposal announced by President Clinton in his last State of the Union address and a bill I introduced earlier this year, this initiative will provide much needed assistance to renovate and repair our crumbling and overcrowded public schools. This proposal will provide $900 million for school renovation and $300 million for technology and special education costs. I have long known that the Federal Government has a very important role to play in ensuring that our children do not learn in crumbling and overcrowded schools with health and safety violations. The enactment and funding of this proposal shows that Congress as a whole finally recognizes the importance of a Federal role in this area.

The need for this program is well documented. From GAO's 1995 report which found $112 billion in school construction needs to a recent analysis by the National Education Association, which found over $300 billion in renovation needs, our schools, and in turn our children, are suffering in outdated buildings which are in a state of horrible disrepair.

I also want to express by support for continued funding of the Clinton/Clay Class Size Reduction Program. This initiative, first enacted in the 1999 Omnibus Appropriation package, has helped communities hire close to 38,000 teachers to reduce class size in the early grades. This year's increase of $323 million over last year will approximately 8,000 additional fully qualified teachers to be hired—reducing class size for thousands of young children. Nothing in our educational system can substitute for the individual attention a child receives in a small class from a fully qualified teacher.

This Appropriations Conference Report also provides much needed increases for other vital education programs. The cornerstone of our Federal education effort, Title I, will receive a $661 million increase over last year. After-school programs, through the 21st Century Community Learning Centers Program, will receive a $393 million boost over last year. Also, the Eisenhower Professional Development Program and other teacher quality

initiative will receive nearly $200 million in additional funding.

I am pleased that this bill recognize that the Federal Government has an active and vital role in helping improve education—a reality that I have been advocating throughout my time in Congress. This legislation represents what I hope will be a continued effort to expand and enhance the role of the Federal Government in a way that ensures educational excellence for all our school children.

Mr. WELLER. Mr. Speaker, than you for this opportunity to offer my support and thanks for a provision included in H.R. 5662 which extends the existing brownfields cleanup tax incentive through January 1, 2004, and removes the targeting requirement. My colleagues Nancy Johnson, Bill Coyne and I have worked hard to ensure that the current law tax provision be extended and made eligible for brownfield cleanups in all communities across the nation. I am pleased that we have accomplished this in this bill and I urge my colleagues to support this legislation.

Brownfield sites exist throughout our districts—abandoned eyesores that blight our communities and drag down local economies. Many brownfield properties are located in prime business locations near critical infrastructure, including transportation, and close to a productive workforce. These sites need to be put back into productive use, contributing to the economy and producing good paying jobs where they are needed most.

The first step towards doing this is to remediate these sites environmentally. This U.S. Conference of Mayors estimates that there are over 400,000 brownfields sites across the country. We clearly should not limit the treatment of Section 198 to merely targeted areas. Development of these sites will help restore many blighted areas, create jobs where unemployment is high and ease pressure to develop beyond the fringes of communities. Small, urban centered businesses often benefit most directly by this redevelopment. Currently, many of these brownfield sites do not meet the existing targeting requirements and are not cleaned up because they cannot take advantage of the Section 198 brownfields expensing provision. U.S. EPA estimates that the existing provision will ultimately clean-up only 14,000 brownfields nationwide, but GAO estimates that more than 420,000 brownfields exist. Clearly, the current provision needs to reach further into our communities. I am pleased that H.R. 5662 will solve this problem.

By expanding the existing provision, more disadvantaged communities in urban, suburban and rural areas can take advantage of the expensing provision and revitalize their brownfield sites. This would offer important economic and environmental improvements for these communities. The U.S. Conference of Mayors recently completed a survey of 187 large and small cities throughout the Nation, including Chicago, Houston, New York and Miami. According to the responses to this survey, the 187 cities estimated that if their 21,000 existing brownfield sites were redeveloped, this would bring additional tax revenues of up to $2.4 billion annually and could create up to 550,000 jobs. In Chicago alone, developing 2,000 brownfield sites would mean $78 million in additional tax revenue to the city and 34,000 new jobs.

Mr. Speaker, I applaud the inclusion of this provision in H.R. 5662 which will extend the existing brownfields expensing provision through January 1, 2004, and remove the targeting requirement. This provision is pro-environmental and pro-community legislation and I urge my colleagues to support this legislation.

Mr. BARCIA. Mr. Speaker, I am extremely pleased that H.R. 828, the Wet Weather Water Quality Act of 2000, has been included in this measure. I would like to thank Chairman SHUSTER, Ranking Member OBERSTAR and my Subcommittee Chairman Mr. BOEHLERT, and Ranking member Mr. BORSKI for their support and dedication in moving this important legislation forward. H.R. 828 enjoys strong, national bipartisan support, with almost 70 cosponsors.

As the primary sponsor of H.R. 828, I am pleased to have played a role in halting and reversing the Federal Government's decade-long disinvestment in municipal water quality infrastructure needs nationwide. While the funding this important legislation calls for will be helpful, it is only a start given the immense water quality infrastructure needs that we face as a nation. My hope is that the 107th Congress will continue to address this critical issue which affects all Americans—in as strong a bipartisan manner as we witness today in passing H.R. 828 as part of the last Act of the 106th.

In addition to authorizing infrastructure funding for CSO and Sanitary Sewer Overflow control programs nationwide, H.R. 828 also will codify EPA's 1994 National Combined Sewer Overflow Policy. This is a step that has been proposed by both sides of the aisle since 1995. I am pleased it will become a reality today. The National CSO Policy provides a proven roadmap for America's communities with combined sewers to follow as they strive to implement CSO controls. It offers important flexibility for CSO communities to develop individually tailored control programs. In addition to the reasonable amount of time to implement CSO controls that is implicit in the Act, it will also require EPA to complete an important guidance document on the required step of developing, as appropriate, wet weather designated uses and water quality standards to be achieved by CSO control programs.

This important Act marks the first time that the Clean Water Act will speak to the issue of CSO control—a major environmental problem and challenge in my district, the Great State of Michigan, and in 34 states nationwide. In taking this bold step, Congress has set out nation on a course to finally resolve sewer overflow problems which have persisted in our nation for more than one hundred years.

Mr. BONIOR. Mr. Speaker, today's education funding bill will repair crumbling schools, hire 8,000 new teachers, open 3,100 new after school centers, and help send 100,000 more needy students to college.

For students in Macomb and St. Clair Counties, we are providing $850,000 for our school districts to develop after-school programs. The network of ''Kids Klubs,'' as they are known, in our community provides a safe-haven for our children and a great service for our families. For schools which need repair, this bill provides $1.2 billion to renovate 1,200 schools nationwide. We also continue our commitment to reducing class size in the early grades and making schools safer by providing $1.6 billion to hire new teachers. Further, our bill will increase federal funding for financial aid by 15%—including raising the maximum Pell Grant award to $3,750.

The enactment of this historic bill, renews our commitment to our students, teachers and families—the pillars of our community, and the pillars of our future.

Mr. MOAKLEY. Mr. Speaker, at long last, the end is in sight. Today's Omnibus Appropriations bill contains all the major unfinished business remaining this session. It contains the Labor-Health and Human Services Appropriations bill the Commerce-Justice-State Appropriations changes the Legislative Branch Appropriations bill. The Treasury-Postal Appropriations bill, the reform of the Commodities Exchange markets, the balanced budget amendment fix for Medicare, the new market initiative and a whole lot else.

In fact the bill is right here next to me on the desk. I hear the three people who carried it up here are in traction. But, despite its size all in all. I am pleased with the bill and I congratulate my colleagues for their hard work. However, Mr. Speaker, I want to point out one major problem in this bill the Low Income Home Energy Assistance Program, or LIHEAP.

Although the bill includes $1.4 billion for LIHEAP funding in this fiscal year, it cuts the advanced appropriations for next fiscal year.

Mr. Speaker, hundreds of thousands of Massachusetts residents, not to mention millions of other Americans, rely on LIHEAP to help heat their homes during the freezing winter months. If the advanced funding is cut, states will be unable to get their programs in place before the cold hits and millions of Americans could be faced with the horrible choice between heating their homes and putting food on the table.

Mr. Speaker, no one should have to make that choice and if we wait too long to pass this funding, they might have to. I certainly hope appropriations will include full funding for LIHEAP during next year's appropriations debate. Americans everywhere are facing record high fuel prices and they are looking to Congress to do the right thing.

Mr. LARGENT. Mr. Speaker, I want to offer my strong support for those provisions of H.R. 4577 that send much needed relief to the Medicare program. By passing this legislation, Congress will improve health care for millions of Americans by strengthening Medicare, Medicaid, and the Children's Health Insurance Program (S–CHIP).

Over three years ago, Congress made important changes to the Medicare and Medicaid programs when the Balanced Budget Act of 1997 was passed and signed into law. At the time, the Medicare program was facing bankruptcy and changes were needed to keep this vital program for our Nation's seniors.

As those changes were implemented, many hospitals, home health facilities, and outpatient health service professionals expressed concerns to me about low reimbursements from HCFA for their services.

In response to those concerns, Congress passed legislation last fall, the Balanced Budget Refinement Act (BBRA), to fix some of the unintended consequences of the BBA by returning some $16 billion to hospitals and other providers.

Throughout this year, I have received considerable feedback from hospitals, home health care companies, and nursing home providers concerned that BBRA did not go far enough in adjusting current reimbursement

rates. I have been closely watching these developments and have urged my fellow members of Congress to support this important legislation.

In particular, I am pleased with several of the legislation's important provisions, including those addressing the Medicare+Choice program. The Medicare+Choice program was created as part of the 1997 Balanced Budget Act to increase health care options for Medicare beneficiaries by allowing them to enroll in private plans, such as HMOs or PPOs. While the majority of beneficiaries remain in the traditional fee-for-service Medicare, enrollment in managed care plans has grown in recent years. Many seniors enrolled in Medicare+Choice have come to enjoy greater benefits than traditional Medicare such as prescription drug coverage, eyeglasses, and dental care.

Unfortunately, the Medicare+Choice program has been grossly mismanaged and underfunded by the Health Care Financing Administration (HCFA). In the last year alone, 41 plans terminated service to Medicare beneficiaries in 58 service areas, forcing 327,000 seniors to choose a new plan or to move back into traditional Medicare.

Fortunately, the legislation before us today will send billions of dollars to the Medicare+Choice program. Much of this new funding will be directed toward raising the minimum ''floor payment,'' which will greatly aid Oklahoma's rural areas that have been most affected by low reimbursement rates.

Additionally, I am pleased to see increased funding for our community health centers and hospitals. This will also particularly benefit Oklahoma's rural areas and areas with large uninsured populations.

I also support increasing drug coverage for patients with life threatening diseases. Congress worked hard last year to ensure that we committed funds in the Balanced Budget Refinement Act to extend coverage of immunosuppressive drugs for Medicare patients beyond the previous 36 month time limit. We all know how important these drugs are to persons with organ transplants. I do not believe it is a wise policy to cut them off from the coverage. I'm delighted that this legislation removes the time limitation on immunosuppressive drug coverage.

Furthermore, many of Oklahoma's seniors lack adequate access to first rate medical facilities because they live in areas that are medically underserved. Innovative health delivery and education programs using telemedicine can go a long way to addressing those unmet needs. I am pleased that we are able to incorporate provisions in this legislation that allow for Medicare reimbursement of telehealth services in certain settings. I believe these provision will have a positive impact on the delivery of health care to Oklahoma seniors.

The American people can be proud of the hard work that has gone into the product we have today. It's a good bill, that not only makes health coverage for all seniors more affordable, but improves health care for millions of Americans. Today, I am proud to see Congress and the Administration put politics aside and come together to support these important programs.

Mr. BLILEY. Mr. Speaker, as you know, H.R. 5660, the Commodity Futures Modernization Act of 2000, is incorporated by reference into the conference report to accompany H.R. 4577, the Departments of Labor, Health and Human Services, Education, and Related Agencies Appropriations Act for 2001. In order to clarify the legislative history of this legislation, I want to clarify some of the language of this legislation.

It is my understanding that nothing in title II of the House bill would authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; authorize depository institutions either to take delivery of equity securities under a security futures product or under any other circumstance, or otherwise to invest in any equity security, otherwise prohibited for depository institutions; or allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Mr. MURTHA. Mr. Speaker, there is no more important part of this year's final budget negotiations than the provisions we debate today on Medicare reimbursement levels.

This debate is not about dollars or statistics. It's about the toll that past cutbacks have taken on our health care system.

I've visited with hospital CEO's and workers throughout Western Pennsylvania and seen their frustration at not being able to provide the full care their patients need. I've gone on home health care visits where citizens simply can't understand the cutbacks that make it harder for them to stay in their homes. I've exchanged emails with families of organ transplant recipients who can't understand why immunosuppressive drugs are only covered for a limited time period. And in our largely rural area, I've spoken with citizens who are concerned about the loss of their neighborhood hospital, who fear a longer trip to an emergency center that can literally mean the difference between life and death, and who can't understand why the health care professionals at area hospitals are so stretched and lacking Medicare support.

People understand that we have the finest health care system in the world and the finest-trained professionals. But we must not hinder that system—we must provide the support that allows those professionals to do their jobs fully. The Medicare relief legislation helps to move us toward that goal.

In no area more than health care does our debate need to be nonpartisan and goal-oriented. Today's bill is not the end of the fiscal battle for Medicare; we will need further steps. Let us not assign blame, but rather let us aim at streamlining the increasingly complex health care system, at providing the support needed by our medical professionals. Let's build on this step in the coming months to expand health care coverage, preventive care coverage in Medicare and make sure Senior Citizens can afford their prescription drugs, streamline the paperwork bureaucracy, and get health care decision-making back into the hands of the patients and medical professionals.

We have more to do—on reimbursements and on health care overall—but this Medicare reimbursement improvement provides a key step in the right direction, a step we can build on, and a step toward the partnership we need to assure that all Americans, of all ages, have access to the full health care they need. Moreover, it's a step toward creating the partnership we need with our hospitals, home health care personnel and other medical care providers to help our citizens receive quality health care and have a better quality of life.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to take this opportunity to express my appreciation to the Clinton Administration, House and Senate Leadership for working to finally complete the business of the 106th Congress. This bill before the House will provide appropriations for several separate appropriations bills, which have been combined to speed their adoption into law.

In my testimony to the Appropriations Subcommittee on Labor/HHS, I urged the committee to increase the funding for children's mental health services, which they have done through the appropriation of a Mental Health Block Grant program in the amount of $420 million, $63 million more than last year's funding.

As for my request for additional funding for HIV/AIDS this appropriation measure will place an additional $97 million over the amount initially requested by the Administration bringing their appropriation to $767 million for Fiscal Year 2001. It is my hope that this additional funding will go to those who are in greatest need minority HIV/AIDS programs. Minority AIDS programs have been woefully under funded over the last few Congresses, despite the fact that minorities are the fastest growing population infected with AIDS/HIV.

I thank the Clinton Administration for taking the bold step of formally recognizing that the spread of HIV/AIDS in the world today is an international crisis, through his declaration of HIV/AIDS to be a National Security threat.

I am pleased to see that funding for the Ryan White AIDS program has been increased by 13 percent to $2.5 billion for the next fiscal year. Further, funding for the National Institutes of Medicine has been increased to $2.4 billion, which is 14 percent over last year's appropriations.

Over 13 million children suffer form mental health problems. The National Mental Health Association reports that most people who commit suicide have a mental or emotional disorder. The most common is depression and although one in five children and adolescents has a diagnosable mental, emotional, or behavioral problem that can lead to school failure, substance abuse, violence or suicide, 75 to 80 percent of these children do not receive any services in the form of specialty treatment or some form of mental health intervention.

This bill will also fund education for our nation's children at $6.5 billion, which is 18% more than was appropriated last year, and is in fact the largest annual increase in the history of the Department of Education.

This legislation will allow school districts throughout the United States to work on reducing class sizes in the early grades, create small, successful, safer schools, renovate over 3,500 schools, and increase the number of children who have access to Head Start by an additional 600,000.

This bill also incorporates the Fiscal Year 2001 appropriations for the Department of Labor at $664 million or 64 percent over last year's funding.

I am very pleased to see that the funding for the Health and Human Services Department is at $48.8 billion, which is $6.6 billion over

year's appropriations. After the years of cuts to this vital program today we are finally recognizing that the health safety and welfare of America's disadvantaged should be addressed with adequate resources by the agency charged with providing care to them.

Many Houstonians' lives were saved by the additional funding from LIHEAP and this appropriations will provide $1.4 billion for the coming year.

I thank my colleagues and urge them to support this appropriation measure.

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

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the conference report.

There was no objection.

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

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

The vote was taken by electronic device, and there were—yeas 292, nays 60, not voting 80, as follows:

[Roll No. 603]

YEAS—292

Abercrombie
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Boehner
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Buyer
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Ewing
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Green (TX)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastert
Hastings (WA)
Hayes
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Hooley
Horn
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kuykendall
LaHood
Lampson
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McIntyre
McNulty
Meehan
Meeks (NY)
Menendez
Miller (FL)
Minge
Mink
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Peterson (MN)
Petri
Phelps
Pickering
Pomeroy
Porter
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (TX)
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—60

Aderholt
Barr
Bartlett
Barton
Blunt
Boswell
Burton
Cannon
Chabot
Chenoweth-Hage
Cook
Cox
Crane
Deal
DeFazio
DeLay
DeMint
Duncan
Frank (MA)
Goodlatte
Graham
Granger
Green (WI)
Hayworth
Herger
Hoekstra
Hostettler
Inslee
Johnson, Sam
Jones (NC)
Kind (WI)
Kingston
Kucinich
Manzullo
Metcalf
Paul
Pitts
Pombo
Radanovich
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Sensenbrenner
Sessions
Smith (MI)
Smith (NJ)
Smith (WA)
Stark
Stearns
Tancredo
Terry
Thurman
Toomey
Vitter
Weldon (FL)
Wicker

NOT VOTING—80

Ackerman
Baker
Ballenger
Berman
Bilbray
Blumenauer
Boehlert
Bonilla
Bonior
Bono
Brown (FL)
Callahan
Calvert
Campbell
Clay
Coburn
Conyers
Danner
Delahunt
Dooley
Eshoo
Everett
Farr
Fattah
Filner
Forbes
Gejdenson
Gillmor
Gutierrez
Hansen
Hastings (FL)
Hefley
Hill (MT)
Hobson
Holt
Houghton
Klink
Kolbe
LaFalce
Lantos
Largent
Latham
Lofgren
McDermott
McInnis
McIntosh
McKeon
McKinney
Meek (FL)
Mica
Millender-McDonald
Miller, Gary
Miller, George
Moakley
Mollohan
Moran (VA)
Napolitano
Norwood
Oberstar
Ortiz
Pelosi
Peterson (PA)
Pickett
Portman
Price (NC)
Rogers
Ros-Lehtinen
Sanchez
Sandlin
Scarborough
Schaffer
Shadegg
Shuster
Snyder
Souder
Walden
Walsh
Waters
Waxman
Young (FL)

☐ 1839

Mr. TERRY and Mr. BURTON of Indiana changed their vote from ''yea'' to ''nay.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BONIOR. Mr. Speaker, on rollcall No. 603, I was not able to vote on this important legislation because of my son's college graduation. Had I been here, I would have voted ''yea'' because of the dramatic increases for public education.

Ms. BROWN of Florida. Mr. Speaker, on rollcall No. 603, had I been present, I would have voted ''yea.''

Mr. DOOLEY of California. Mr. Speaker, I was unavoidably detained during the vote on the conference report on H.R. 4577 on December 15, 2000. Had I been present, I would have voted ''yea'' on the measure.

Mr. PORTMAN. Mr. Speaker, because I was unavoidably detained, I was absent for rollcall vote No. 603. Had I been present, I would have voted ''yea.''

Mr. WALDEN of Oregon. Mr. Speaker, I regret that I was not able to be present for the rollcall vote on H.R. 4577, the FY 2001 Labor, Health and Human Services, and Education Appropriations bill on December 15, 2000. Unfortunately inclement weather prevented me from returning to Washington, DC. Had I been present for this vote, I would have voted ''yea.''

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 603, I am on ''leave of absence'' for the week of December 11. Had I been present, I would have voted ''nay.''

Mr. McDERMOTT. Mr. Speaker, I was absent and unable to vote the evening of December 15, 2000. I would have voted against H.R. 4577 (rollcall No. 603).

MESSAGE FROM THE SENATE

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

H.R. 2570. An act to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, and for other purposes.

The message also announced that the Senate has passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4020. An act to authorize the addition of land to Sequoia National Park, and for other purposes.

PROVIDING FOR PRINTING AND BINDING OF REVISED EDITION OF RULES AND MANUAL OF HOUSE OF REPRESENTATIVES

Mr. McCOLLUM. Mr. Speaker, I offer a resolution (H. Res. 678) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 678

Resolved, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of

Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

APPOINTMENT OF COMMITTEE OF TWO MEMBERS TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS

Mr. MCCOLLUM. Mr. Speaker, I call up a privileged resolution (H. Res. 679) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 679

Resolved, That a committee of two Members be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them.

□ 1845

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF THE COMMITTEE TO INFORM THE PRESIDENT THAT THE TWO HOUSES HAVE COMPLETED THEIR BUSINESS OF THE SESSION AND ARE READY TO ADJOURN

The SPEAKER pro tempore. Pursuant to House Resolution 679, the Chair appoints the following Members of the House to the Committee to notify the President:

The gentleman from Texas, Mr. ARMEY,

The gentleman from Missouri, Mr. GEPHARDT.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR HOUSE NOT WITHSTANDING SINE DIE ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the second session of the 106th Congress, the Speaker, the majority leader and the minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

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

There was no objection.

AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

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

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND AND REVISE REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die.

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

There was no objection.

EXPRESSING COMMITMENT OF MEMBERS OF HOUSE TO FOSTERING PRODUCTIVE AND COLLEGIAL PARTNERSHIP WITH 43RD PRESIDENT

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 677) expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Ms. DUNN. Mr. Speaker, reserving the right to object, nearly 2 years ago I pledged to dedicate my energies toward electing George W. Bush as the 43rd President of the United States.

It is a commitment that many of us in this body make. Whether we are Democrats or Republicans, we are drawn to a candidate with whom we share values, somebody we can trust to carry the burdens of a large and diverse Nation.

It is not a commitment we make lightly.

Being a Member of Congress is an all-consuming lifestyle and often we find it difficult to even find time for families and friends.

Yet we sacrifice because the cause compels us to do so.

My colleague and good friend, the gentleman from Washington State (Mr. DICKS) made a similar sacrifice for Vice President AL GORE.

We saw firsthand the energy and dedication that a campaign can instill in the American people.

People from every walk of life and every background came together to comprise the large enthusiastic crowds that brought spirit and life to a movement.

We all experienced the ebb and flow of a long campaign and felt the exhilaration of its highs and the disappointments of its lows. We felt it deeply because it was inseparable from our own spirit and because our investment was in human capital, time away from family and time away from friends.

But the campaign ended. And when the campaign ends, governing begins.

This treasured body is the soul of governance. Our Founding Fathers intended for the House of Representatives to reflect the will of the people.

I believe the will of the people is progress.

The American people showed extraordinary patience and faith in its governing institutions during this long and uncertain Presidential election. Let us reward them with progress.

Today we pledge to form a productive and collegial relationship with President-elect Bush.

Just two nights ago, both President-elect Bush and Vice President GORE urged us to put the campaign behind us and begin to develop the relationships that will lead to the progress the American people deserve.

I am grateful for their words, and I am encouraged by my colleagues' commitment to fostering this relationship.

Many challenges lie ahead, and I do not assume that all of our differences can be easily bridged, yet there is a remarkable agreement on the important issues that we must address.

Mr. Speaker, campaigns end and governing begins.

I wish all of my colleagues best wishes in this holiday season.

When we return in the new year, let us begin the work of addressing the needs of this great Nation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 677

Whereas the Presidential election in 2000 was the closest in the Nation's history;

Whereas both Governor George W. Bush and Vice President Albert Gore campaigned admirably for the Presidency;

Whereas the closeness of the election led to a long and trying process to determine the winner;

Whereas both Governor George W. Bush and Vice President Albert Gore have called for national unity;

Whereas, during this time of uncertainty, the American people have showed extraordinary patience and confidence in the Nation's system of government;

Whereas it is incumbent upon the Members of the House of Representatives, as elected officials, to demonstrate that the faith of the American people in the Nation's governing institutions is warranted; and

Whereas the many issues confronting the Nation must be addressed for the benefit of those who have entrusted the Government with their voice, the American people: Now, therefore, be it

Resolved, That the Members of the House of Representatives are committed to fostering a productive and collegial partnership with the 43rd President in order to bring comity to the Government and progress to the United States.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT OF HONORABLE FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH THE REMAINDER OF THE SECOND SESSION OF THE 106TH CONGRESS

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

WASHINGTON, DC,
December 15, 2000.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Sixth Congress.

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

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

RE-REFERRAL OF H.R. 420 AND H.R. 4694 TO COMMITTEE ON BUDGET AND RE-REFERRAL OF H.R. 167 TO COMMITTEE ON BUDGET AND COMMITTEE ON WAYS AND MEANS

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that the bills, H.R. 420 and H.R. 4694 be re-referred to the Committee on the Budget and that the bill, H.R. 167 be re-referred to the Committee on the Budget, and in addition the Committee on Ways and Means.

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

There was no objection.

INTERNATIONAL MALARIA CONTROL ACT OF 2000

Mr. GILMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments, as follows:

Senate Amendment to House Amendments:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Assistance for International Malaria Control Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

Sec. 101. Short title.
Sec. 102. Findings.
Sec. 103. Assistance for malaria prevention, treatment, control, and elimination.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

Sec. 201. Short title.
Sec. 202. Findings and declarations; sense of Congress.
Sec. 203. Continued application of United States law.
Sec. 204. Reporting requirement.
Sec. 205. Definitions.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

Sec. 301. Short title.
Sec. 302. Findings.
Sec. 303. Agreement for a United States-Canada bilateral commission.
Sec. 304. Composition of Commission.
Sec. 305. Governance and staffing of Commission.
Sec. 306. Duties.
Sec. 307. Commencement and termination of Commission.
Sec. 308. Funding.
Sec. 309. Definitions.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

Sec. 401. Short title.
Sec. 402. Purposes.
Sec. 403. Establishment of commission.
Sec. 404. Duties of Commission.
Sec. 405. Membership of Commission.
Sec. 406. Powers of Commission.
Sec. 407. Staff and support services of Commission.
Sec. 408. Termination.
Sec. 409. Authorization of appropriations.
Sec. 410. Effective date.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Assistance efforts in Sudan.
Sec. 502. Authority to provide towing assistance.
Sec. 503. Sense of Congress on the American University in Bulgaria.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

Sec. 601. Short title.
Sec. 602. Findings.
Sec. 603. Designation of Paul D. Coverdell World Wise Schools Program.

TITLE I—ASSISTANCE FOR INTERNATIONAL MALARIA CONTROL

SEC. 101. SHORT TITLE.

This title may be cited as the ''International Malaria Control Act of 2000''.

SEC. 102. FINDINGS.

Congress makes the following findings:

(1) The World Health Organization estimates that there are 300,000,000 to 500,000,000 cases of malaria each year.

(2) According to the World Health Organization, more than 1,000,000 persons are estimated to die due to malaria each year.

(3) According to the National Institutes of Health, about 40 percent of the world's population is at risk of becoming infected.

(4) About half of those who die each year from malaria are children under 9 years of age.

(5) Malaria kills one child each 30 seconds.

(6) Although malaria is a public health problem in more than 90 countries, more than 90 percent of all malaria cases are in sub-Saharan Africa.

(7) In addition to Africa, large areas of Central and South America, Haiti and the Dominican Republic, the Indian subcontinent, Southeast Asia, and the Middle East are high risk malaria areas.

(8) These high risk areas represent many of the world's poorest nations.

(9) Malaria is particularly dangerous during pregnancy. The disease causes severe anemia and is a major factor contributing to maternal deaths in malaria endemic regions.

(10) ''Airport malaria'', the importing of malaria by international aircraft and other conveyances, is becoming more common, and the United Kingdom reported 2,364 cases of malaria in 1997, all of them imported by travelers.

(11) In the United States, of the 1,400 cases of malaria reported to the Centers for Disease Control and Prevention in 1998, the vast majority were imported.

(12) Between 1970 and 1997, the malaria infection rate in the United States increased by about 40 percent.

(13) Malaria is caused by a single-cell parasite that is spread to humans by mosquitoes.

(14) No vaccine is available and treatment is hampered by development of drug-resistant parasites and insecticide-resistant mosquitoes.

SEC. 103. ASSISTANCE FOR MALARIA PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

(a) ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the heads of other appropriate Federal agencies and nongovernmental organizations, shall provide assistance for the establishment and conduct of activities

designed to prevent, treat, control, and eliminate malaria in countries with a high percentage of malaria cases.

(2) CONSIDERATION OF INTERACTION AMONG EPIDEMICS.—In providing assistance pursuant to paragraph (1), the Administrator should consider the interaction among the epidemics of HIV/AIDS, malaria, and tuberculosis.

(3) DISSEMINATION OF INFORMATION REQUIREMENT.—Activities referred to in paragraph (1) shall include the dissemination of information relating to the development of vaccines and therapeutic agents for the prevention of malaria (including information relating to participation in, and the results of, clinical trials for such vaccines and agents conducted by United States Government agencies) to appropriate officials in such countries.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out subsection (a) $50,000,000 for each of the fiscal years 2001 and 2002.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

TITLE II—POLICY OF THE UNITED STATES WITH RESPECT TO MACAU

SEC. 201. SHORT TITLE.

This title may be cited as the ''United States-Macau Policy Act of 2000''.

SEC. 202. FINDINGS AND DECLARATIONS; SENSE OF CONGRESS.

(a) FINDINGS AND DECLARATIONS.—Congress makes the following findings and declarations:

(1) The continued economic prosperity of Macau furthers United States interests in the People's Republic of China and Asia.

(2) Support for democratization is a fundamental principle of United States foreign policy, and as such, that principle naturally applies to United States policy toward Macau.

(3) The human rights of the people of Macau are of great importance to the United States and are directly relevant to United States interests in Macau.

(4) A fully successful transition in the exercise of sovereignty over Macau must continue to safeguard human rights in and of themselves.

(5) Human rights also serve as a basis for Macau's continued economic prosperity, and Congress takes note of Macau's adherence to the International Covenant on Civil and Political Rights and the International Convention on Economic, Social, and Cultural Rights.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should play an active role in maintaining Macau's confidence and prosperity, Macau's unique cultural heritage, and the mutually beneficial ties between the people of the United States and the people of Macau;

(2) through its policies, the United States should contribute to Macau's ability to maintain a high degree of autonomy in matters other than defense and foreign affairs as promised by the People's Republic of China and the Republic of Portugal in the Joint Declaration, particularly with respect to such matters as trade, commerce, law enforcement, finance, monetary policy, aviation, shipping, communications, tourism, cultural affairs, sports, and participation in international organizations, consistent with the national security and other interests of the United States; and

(3) the United States should actively seek to establish and expand direct bilateral ties and agreements with Macau in economic, trade, financial, monetary, mutual legal assistance, law enforcement, communication, transportation, and other appropriate areas.

SEC. 203. CONTINUED APPLICATION OF UNITED STATES LAW.

(a) CONTINUED APPLICATION.—

(1) IN GENERAL.—Notwithstanding any change in the exercise of sovereignty over Macau, and subject to subsections (b) and (c), the laws of the United States shall continue to apply with respect to Macau in the same manner as the laws of the United States were applied with respect to Macau before December 20, 1999, unless otherwise expressly provided by law or by Executive order issued pursuant to paragraph (2).

(2) EXCEPTION.—Whenever the President determines that Macau is not sufficiently autonomous to justify treatment under a particular law of the United States, or any provision thereof, different from that accorded the People's Republic of China, the President may issue an Executive order suspending the application of paragraph (1) to such law or provision of law. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning any such determination and shall publish the Executive order in the Federal Register.

(b) EXPORT CONTROLS.—

(1) IN GENERAL.—The export control laws, regulations, and practices of the United States shall apply to Macau in the same manner and to the same extent that such laws, regulations, and practices apply to the People's Republic of China, and in no case shall such laws, regulations, and practices be applied less restrictively to exports to Macau than to exports to the People's Republic of China.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as prohibiting the provision of export control assistance to Macau.

(c) INTERNATIONAL AGREEMENTS.—

(1) IN GENERAL.—Subject to subsection (b) and paragraph (2), for all purposes, including actions in any court of the United States, Congress approves of the continuation in force after December 20, 1999, of all treaties and other international agreements, including multilateral conventions, entered into before such date between the United States and Macau, or entered into force before such date between the United States and the Republic of Portugal and applied to Macau, unless or until terminated in accordance with law.

(2) EXCEPTION.—If, in carrying out this subsection, the President determines that Macau is not legally competent to carry out its obligations under any such treaty or other international agreement, or that the continuation of Macau's obligations or rights under any such treaty or other international agreement is not appropriate under the circumstances, the President shall take appropriate action to modify or terminate such treaty or other international agreement. The President shall promptly notify the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate concerning such determination.

SEC. 204. REPORTING REQUIREMENT.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31 of each of the years 2001, 2002, and 2003, the Secretary of State shall transmit to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate a report on conditions in Macau of interest to the United States. The report shall describe—

(1) significant developments in United States relations with Macau, including any determination made under section 203;

(2) significant developments related to the change in the exercise of sovereignty over Macau affecting United States interests in Macau or United States relations with Macau and the People's Republic of China;

(3) the development of democratic institutions in Macau;

(4) compliance by the Government of the People's Republic of China and the Government of the Republic of Portugal with their obligations under the Joint Declaration; and

(5) the nature and extent of Macau's participation in multilateral forums.

(b) SEPARATE PART OF COUNTRY REPORTS.—Whenever a report is transmitted to Congress on a country-by-country basis, there shall be included in such report, where applicable, a separate subreport on Macau under the heading of the country that exercises sovereignty over Macau.

SEC. 205. DEFINITIONS.

In this title:

(1) JOINT DECLARATION.—The term ''Joint Declaration'' means the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau, dated April 13, 1987.

(2) MACAU.—The term ''Macau'' means the territory that prior to December 20, 1999, was the Portuguese Dependent Territory of Macau and after December 20, 1999, became the Macau Special Administrative Region of the People's Republic of China.

TITLE III—UNITED STATES-CANADA ALASKA RAIL COMMISSION

SEC. 301. SHORT TITLE.

This title may be cited as the ''Rails to Resources Act of 2000''.

SEC. 302. FINDINGS.

Congress finds that—

(1) rail transportation is an essential component of the North American intermodal transportation system;

(2) the development of economically strong and socially stable communities in the western United States and Canada was encouraged significantly by government policies promoting the development of integrated transcontinental, interstate and interprovincial rail systems in the states, territories and provinces of the two countries;

(3) United States and Canadian federal support for the completion of new elements of the transcontinental, interstate and interprovincial rail systems was halted before rail connections were established to the State of Alaska and the Yukon Territory;

(4) rail transportation in otherwise isolated areas facilitates controlled access and may reduce overall impact to environmentally sensitive areas;

(5) the extension of the continental rail system through northern British Columbia and the Yukon Territory to the current terminus of the Alaska Railroad would significantly benefit the United States and Canadian visitor industries by facilitating the comfortable movement of passengers over long distances while minimizing effects on the surrounding areas; and

(6) ongoing research and development efforts in the rail industry continue to increase the efficiency of rail transportation, ensure safety, and decrease the impact of rail service on the environment.

SEC. 303. AGREEMENT FOR A UNITED STATES-CANADA BILATERAL COMMISSION.

The President is authorized and urged to enter into an agreement with the Government of Canada to establish an independent joint commission to study the feasibility and advisability of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

SEC. 304. COMPOSITION OF COMMISSION.

(a) MEMBERSHIP.—

(1) TOTAL MEMBERSHIP.—The Agreement should provide for the Commission to be composed of 24 members, of which 12 members are appointed by the President and 12 members are appointed by the Government of Canada.

(2) GENERAL QUALIFICATIONS.—The Agreement should provide for the membership of the Commission, to the maximum extent practicable, to be representative of—

(A) the interests of the local communities (including the governments of the communities), aboriginal peoples, and businesses that would be affected by the connection of the rail system in Alaska to the North American continental rail system; and

(B) a broad range of expertise in areas of knowledge that are relevant to the significant issues to be considered by the Commission, including economics, engineering, management of resources, social sciences, fish and game management, environmental sciences, and transportation.

(b) UNITED STATES MEMBERSHIP.—If the United States and Canada enter into an agreement providing for the establishment of the Commission, the President shall appoint the United States members of the Commission as follows:

(1) Two members from among persons who are qualified to represent the interests of communities and local governments of Alaska.

(2) One member representing the State of Alaska, to be nominated by the Governor of Alaska.

(3) One member from among persons who are qualified to represent the interests of Native Alaskans residing in the area of Alaska that would be affected by the extension of rail service.

(4) Three members from among persons involved in commercial activities in Alaska who are qualified to represent commercial interests in Alaska, of which one shall be a representative of the Alaska Railroad Corporation.

(5) One member representing United States Class I rail carriers and one member representing United States rail labor.

(6) Three members with relevant expertise, at least one of whom shall be an engineer with expertise in subarctic transportation and at least one of whom shall have expertise on the environmental impact of such transportation.

(c) CANADIAN MEMBERSHIP.—The Agreement should provide for the Canadian membership of the Commission to be representative of broad categories of interests of Canada as the Government of Canada determines appropriate, consistent with subsection (a)(2).

SEC. 305. GOVERNANCE AND STAFFING OF COMMISSION.

(a) CHAIRMAN.—The Agreement should provide for the Chairman of the Commission to be elected from among the members of the Commission by a majority vote of the members.

(b) COMPENSATION AND EXPENSES OF UNITED STATES MEMBERS.—

(1) COMPENSATION.—Each member of the Commission appointed by the President who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. Each such member who is an officer or employee of the United States shall serve without compensation in addition to that received for services as an officer or employee of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission appointed by the President shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Agreement should provide for the appointment of a staff and an executive director to be the head of the staff.

(2) COMPENSATION.—Funds made available for the Commission by the United States may be used to pay the compensation of the executive director and other personnel at rates fixed by the Commission that are not in excess of the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) OFFICE.—The Agreement should provide for the office of the Commission to be located in a mutually agreed location within the impacted areas of Alaska, the Yukon Territory, and northern British Columbia.

(e) MEETINGS.—The Agreement should provide for the Commission to meet at least biannually to review progress and to provide guidance to staff and others, and to hold, in locations within the affected areas of Alaska, the Yukon Territory and northern British Columbia, such additional informational or public meetings as the Commission deems necessary to the conduct of its business.

(f) PROCUREMENT OF SERVICES.—The Agreement should authorize and encourage the Commission to procure by contract, to the maximum extent practicable, the services (including any temporary and intermittent services) that the Commission determines necessary for carrying out the duties of the Commission. In the case of any contract for the services of an individual, funds made available for the Commission by the United States may not be used to pay for the services of the individual at a rate that exceeds the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

SEC. 306. DUTIES.

(a) STUDY.—

(1) IN GENERAL.—The Agreement should provide for the Commission to study and assess, on the basis of all available relevant information, the feasibility and advisability of linking the rail system in Alaska to the North American continental rail system through the continuation of the rail system in Alaska from its northeastern terminus to a connection with the continental rail system in Canada.

(2) SPECIFIC ISSUES.—The Agreement should provide for the study and assessment to include the consideration of the following issues:

(A) Railroad engineering.

(B) Land ownership.

(C) Geology.

(D) Proximity to mineral, timber, tourist, and other resources.

(E) Market outlook.

(F) Environmental considerations.

(G) Social effects, including changes in the use or availability of natural resources.

(H) Potential financing mechanisms.

(3) ROUTE.—The Agreement should provide for the Commission, upon finding that it is feasible and advisable to link the rail system in Alaska as described in paragraph (1), to determine one or more recommended routes for the rail segment that establishes the linkage, taking into consideration cost, distance, access to potential freight markets, environmental matters, existing corridors that are already used for ground transportation, the route surveyed by the Army Corps of Engineers during World War II and such other factors as the Commission determines relevant.

(4) COMBINED CORRIDOR EVALUATION.—The Agreement should also provide for the Commission to consider whether it would be feasible and advisable to combine the power transmission infrastructure and petroleum product pipelines of other utilities into one corridor with a rail extension of the rail system of Alaska.

(b) REPORT.—The Agreement should require the Commission to submit to Congress and the Secretary of Transportation and to the Minister of Transport of the Government of Canada, not later than 3 years after the Commission commencement date, a report on the results of the study, including the Commission's findings regarding the feasibility and advisability of linking the rail system in Alaska as described in subsection (a)(1) and the Commission's recommendations regarding the preferred route and any alternative routes for the rail segment establishing the linkage.

SEC. 307. COMMENCEMENT AND TERMINATION OF COMMISSION.

(a) COMMENCEMENT.—The Agreement should provide for the Commission to begin to function on the date on which all members are appointed to the Commission as provided for in the Agreement.

(b) TERMINATION.—The Commission should be terminated 90 days after the date on which the Commission submits its report under section 306.

SEC. 308. FUNDING.

(a) RAILS TO RESOURCES FUND.—The Agreement should provide for the following:

(1) ESTABLISHMENT.—The establishment of an interest-bearing account to be known as the ''Rails to Resources Fund''.

(2) CONTRIBUTIONS.—The contribution by the United States and the Government of Canada to the Fund of amounts that are sufficient for the Commission to carry out its duties.

(3) AVAILABILITY.—The availability of amounts in the Fund to pay the costs of Commission activities.

(4) DISSOLUTION.—Dissolution of the Fund upon the termination of the Commission and distribution of the amounts remaining in the Fund between the United States and the Government of Canada.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to any fund established for use by the Commission as described in subsection (a)(1) $6,000,000, to remain available until expended.

SEC. 309. DEFINITIONS.

In this title:

(1) AGREEMENT.—The term ''Agreement'' means an agreement described in section 303.

(2) COMMISSION.—The term ''Commission'' means a commission established pursuant to any Agreement.

TITLE IV—PACIFIC CHARTER COMMISSION ACT OF 2000

SEC. 401. SHORT TITLE.

This title may be cited as the ''Pacific Charter Commission Act of 2000''.

SEC. 402. PURPOSES.

The purposes of this title are—

(1) to promote a consistent and coordinated foreign policy of the United States to ensure economic and military security in the Asia-Pacific region;

(2) to support democratization, the rule of law, and human rights in the Asia-Pacific region;

(3) to promote United States exports to the Asia-Pacific region by advancing economic cooperation;

(4) to assist in combating terrorism and the spread of illicit narcotics in the Asia-Pacific region; and

(5) to advocate an active role for the United States Government in diplomacy, security, and the furtherance of good governance and the rule of law in the Asia-Pacific region.

SEC. 403. ESTABLISHMENT OF COMMISSION.

(a) IN GENERAL.—The President is authorized to establish a commission to be known as the Pacific Charter Commission (hereafter in this title referred to as the ''Commission'').

(b) EXPIRATION OF AUTHORITY.—The authority to establish the Commission under this section shall expire at the close of December 31, 2002.

SEC. 404. DUTIES OF COMMISSION.

(a) DUTIES.—The Commission should establish and carry out, either directly or through nongovernmental organizations, programs, projects, and activities to achieve the purposes described in section 402, including research and educational or legislative exchanges between the United States and countries in the Asia-Pacific region.

(b) MONITORING OF DEVELOPMENTS.—The Commission should monitor developments in countries of the Asia-Pacific region with respect to United States foreign policy toward such countries, the status of democratization, the rule of law and human rights in the region, economic relations among the United States and such countries, and activities related to terrorism and the illicit narcotics trade.

(c) POLICY REVIEW AND RECOMMENDATIONS.—In carrying out this section, the Commission

should evaluate United States Government policies toward countries of the Asia-Pacific region and recommend options for policies of the United States Government with respect to such countries, with a particular emphasis on countries that are of importance to the foreign policy, economic, and military interests of the United States.

(d) CONTACTS WITH OTHER ENTITIES.—In performing the functions described in subsections (a) through (c), the Commission should, as appropriate, seek out and maintain contacts with nongovernmental organizations, international organizations, and representatives of industry, including receiving reports and updates from such organizations and evaluating such reports.

(e) ANNUAL REPORT.—Not later than 18 months after the date of the establishment of the Commission, and not later than the end of each 12-month period thereafter, the Commission shall prepare and submit to the President and Congress a report that contains the findings of the Commission, in the case of the initial report, during the period since the date of establishment of the Commission, or, in the case of each subsequent report, during the preceding 12-month period. Each such report shall contain—

(1) recommendations for legislative, executive, or other actions resulting from the evaluation of policies described in subsection (c);

(2) a description of programs, projects, and activities of the Commission for the prior year or, in the case of the initial report, since the date of establishment of the Commission; and

(3) a complete accounting of the expenditures made by the Commission during the prior year or, in the case of the initial report, since the date of establishment of the Commission.

SEC. 405. MEMBERSHIP OF COMMISSION.

(a) COMPOSITION.—If established pursuant to section 403, the Commission shall be composed of seven members all of whom—

(1) shall be citizens of the United States who are not officers or employees of any government, except to the extent they are considered such officers or employees by virtue of their membership on the Commission; and

(2) shall have interest and expertise in issues relating to the Asia-Pacific region.

(b) APPOINTMENT.—

(1) IN GENERAL.—The individuals referred to in subsection (a) shall be appointed—

(A) by the President, after consultation with the Speaker and Minority Leader of the House of Representatives, the Chairman and ranking member of the Committee on International Relations of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and the Chairman and ranking member of the Committee on Foreign Relations of the Senate; and

(B) by and with the advice and consent of the Senate.

(2) POLITICAL AFFILIATION.—Not more than four of the individuals appointed under paragraph (1) may be affiliated with the same political party.

(c) TERM.—Each member of the Commission shall be appointed for a term of 6 years.

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

(e) CHAIRPERSON; VICE CHAIRPERSON.—The President shall designate a Chairperson and Vice Chairperson of the Commission from among the members of the Commission.

(f) COMPENSATION.—

(1) RATES OF PAY.—Except as provided in paragraph (2), members of the Commission shall serve without pay.

(2) TRAVEL EXPENSES.—Each member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) MEETINGS.—The Commission shall meet at the call of the Chairperson.

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

(i) AFFIRMATIVE DETERMINATIONS.—An affirmative vote by a majority of the members of the Commission shall be required for any affirmative determination by the Commission under section 404.

SEC. 406. POWERS OF COMMISSION.

(a) HEARINGS AND INVESTIGATIONS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony and receive such evidence, and conduct such investigations as the Commission considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this title. Upon request of the Chairperson of the Commission, the head of any such department agency shall furnish such information to the Commission as expeditiously as possible.

(c) CONTRIBUTIONS.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of assisting or facilitating the work of the Commission. Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall be deposited in the Treasury and shall be available for disbursement upon order of the Commission.

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

SEC. 407. STAFF AND SUPPORT SERVICES OF COMMISSION.

(a) EXECUTIVE DIRECTOR.—The Commission shall have an executive director appointed by the Commission who shall serve the Commission under such terms and conditions as the Commission determines to be appropriate.

(b) STAFF.—The Commission may appoint and fix the pay of such additional personnel, not to exceed 10 individuals, as it considers appropriate.

(c) STAFF OF FEDERAL AGENCIES.—Upon request of the chairperson of the Commission, the head of any Federal agency may detail, on a nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out its duties under this title.

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

SEC. 408. TERMINATION.

The Commission shall terminate not later than 6 years after the date of the establishment of the Commission.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—In the event the Commission is established, there are authorized to be appropriated to carry out this title $2,500,000 for the initial 24-month period of the existence of the Commission.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under subsection (a) are authorized to remain available until expended.

SEC. 410. EFFECTIVE DATE.

This title shall take effect on February 1, 2001.

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. ASSISTANCE EFFORTS IN SUDAN.

(a) ADDITIONAL AUTHORITIES.—Notwithstanding any other provision of law, the President is authorized to undertake appropriate programs using Federal agencies, contractual arrangements, or direct support of indigenous groups, agencies, or organizations in areas outside of control of the Government of Sudan in an effort to provide emergency relief, promote economic self-sufficiency, build civil authority, provide education, enhance rule of law and the development of judicial and legal frameworks, support people-to-people reconciliation efforts, or implement any program in support of any viable peace agreement at the local, regional, or national level in Sudan.

(b) EXCEPTION TO EXPORT PROHIBITIONS.—Notwithstanding any other provision of law, the prohibitions set forth with respect to Sudan in Executive Order No. 13067 of November 3, 1997 (62 Fed. Register 59989) shall not apply to any export from an area in Sudan outside of control of the Government of Sudan, or to any necessary transaction directly related to that export, if the President determines that the export or related transaction, as the case may be, would directly benefit the economic development of that area and its people.

SEC. 502. AUTHORITY TO PROVIDE TOWING ASSISTANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States LST Association (in this section referred to as the ''Association'') is a patriotic organization dedicated to honoring the memories of those brave American servicemen who selflessly served, and often made the ultimate sacrifice, in the defense of the United States, its allies, and the principles of democracy and freedom.

(2) The Association is currently engaged in efforts to return to the United States the former United States warship, Landing Ship Tank 325 (LST 325) to serve as a memorial to those American servicemen who went into harm's way aboard and from such warships.

(b) AUTHORIZATION.—The Secretary of the Navy is authorized to provide towing services from a suitable vessel of the Unites States Navy to tow the former LST 325 from its present location, or a location to be determined by the Secretary, to a port on the East Coast of the United States to be determined by the Secretary. The Secretary of the Navy may not provide such services unless the Secretary finds that the provision of such services will not interfere with military operations, military readiness, naval force presence requirements, or the accomplishment of the specific missions of the vessel providing the towing services.

(c) LIMITATIONS.—The services authorized by subsection (b) may not be provided except as part of a regular rotation of the vessel providing the services back to the United States. Such services may be provided only after—

(1) the former LST 325 has been determined by a professional marine survey or by the United States Coast Guard to be seaworthy for towing and meeting requirements for entry into a United States port; and

(2) the Association has named the United States Navy as an additional insured party to the tow hull policy covering the former LST 325, including a waiver of subrogation.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of Navy may require such additional terms and conditions in connection with the provision of towing services under this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 503. SENSE OF CONGRESS ON THE AMERICAN UNIVERSITY IN BULGARIA.

(a) FINDINGS.—Congress finds that the American University in Bulgaria—

(1) is a fine educational institution that has received generous and well-deserved financial assistance from the United States Government;

(2) has a successful track record and is educating a generation of leaders who will shape and determine the future of their own societies;

(3) has instilled in students in the Balkan region of Europe the intellectual rigor of the American system of higher education;

(4) promotes the study and understanding of democratic governance principles;

(5) maintains entrance and academic standards that are exemplary and has a commitment

to providing educational opportunities that is based upon merit rather than solely on the ability of students to bear the entire cost of their education; and

(6) is a cost-effective institution of higher learning and offers a high-quality education.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should assist the American University in Bulgaria to become a self-sustaining institution of higher education in the Balkan region of Europe.

TITLE VI—PAUL D. COVERDELL WORLD WISE SCHOOLS ACT OF 2000

SEC. 601. SHORT TITLE.

This title may be cited as the ''Paul D. Coverdell World Wise Schools Act of 2000''.

SEC. 602. FINDINGS.

Congress makes the following findings:

(1) Paul D. Coverdell was elected to the Georgia State Senate in 1970 and later became Minority Leader of the Georgia State Senate, a post he held for 15 years.

(2) As the 11th Director of the Peace Corps from 1989 to 1991, Paul Coverdell's dedication to the ideals of peace and understanding helped to shape today's Peace Corps.

(3) Paul D. Coverdell believed that Peace Corps volunteers could not only make a difference in the countries where they served but that the greatest benefit could be felt at home.

(4) In 1989, Paul D. Coverdell founded the Peace Corps World Wise Schools Program to help fulfill the Third Goal of the Peace Corps, ''to promote a better understanding of the people served among people of the United States''.

(5) The World Wise Schools Program is an innovative education program that seeks to engage learners in an inquiry about the world, themselves, and others in order to broaden perspectives; promote cultural awareness; appreciate global connections; and encourage service.

(6) In a world that is increasingly interdependent and ever changing, the World Wise Schools Program pays tribute to Paul D. Coverdell's foresight and leadership. In the words of one World Wise Schools teacher, ''It's a teacher's job to touch the future of a child; it's the Peace Corps' job to touch the future of the world. What more perfect partnership.''.

(7) Paul D. Coverdell served in the United States Senate from the State of Georgia from 1993 until his sudden death on July 18, 2000.

(8) Senator Paul D. Coverdell was beloved by his colleagues for his civility, bipartisan efforts, and his dedication to public service.

SEC. 603. DESIGNATION OF PAUL D. COVERDELL WORLD WISE SCHOOLS PROGRAM.

(a) IN GENERAL.—Effective on the date of enactment of this Act, the program under section 18 of the Peace Corps Act (22 U.S.C. 2517) referred to before such date as the ''World Wise Schools Program'' is redesignated as the ''Paul D. Coverdell World Wise Schools Program''.

(b) REFERENCES.—Any reference before the date of enactment of this Act in any law, regulation, order, document, record, or other paper of the United States to the Peace Corps World Wise Schools Program shall, on and after such date, be considered to refer to the Paul D. Coverdell World Wise Schools Program.

Mr. GILMAN (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 New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I rise in support of S. 2943, a bill that authorizes the appropriation of $50 million for each of fiscal years 2001 and 2002 to combat malaria in the developing world.

The International Malaria Control Act of 2000 establishes a program to combat the spread of malaria in the developing world and encourage other governments and nongovernmental organizations to join the United States in this effort.

I commend Senator HATCH, the Senate sponsor of this legislation, for his efforts to stem the spread of malaria and eradicate this disease that kills over one million people annually.

This bill also contains a title, H.R. 825, sponsored by the gentleman from Nebraska, Mr. BEREUTER, the distinguished Chairman of the Subcommittee on Asia and the Pacific Affairs of the International Relations Committee, that provides for the continued application of U.S. laws and treaties to Macau in the same manner as prior to December 20, 1999, when Macau was a Portuguese dependency. This title would also apply U.S. export control laws and practices with regard to Macau in the same manner as the People's Republic of China.

The title contains no authorization of appropriations but is an important policy statement on the relationship of the U.S. with regard to Macau.

Title III of the bill contains the The Rails to Resources Act of 2000, S. 2253, a bill introduced by Senator MURKOWSKI, which authorizes to be appropriated $6 million for the establishment of the Rails to Resources Fund and urges the President to enter into an agreement with the government of Canada to establish a joint commission of 20 members to study the technological and economic feasibility of linking the rail system in Alaska to the nearest appropriate point on the North American continental rail system.

Mr. Speaker, title IV of the bill authorizes the establishment of a Pacific Charter Commission to carry out the monitor projects in the Pacific region of Asia with regard to human rights, rule of law, and security issues and to advise the Congress of the United States on significant foreign policy issues of interests of the United States.

Title V of the measure contains three miscellaneous provisions. First, it provides the authorities needed to ensure that the Agency for International Development pursues development-oriented activities inside Sudan and enables U.S. government agencies, including AID and USDA, to provide assistance designed to rebuild sustainable agriculture inside Sudan. Second, it authorizes the President to provide towing services for the former LST 325 from its present location to one deemed suitable by the Secretary of the Navy. Third, it expresses the sense of Congress that the U.S. should continue to assist the American University in Bulgaria to become a self-sustaining institution.

Finally, Mr. Speaker, title VI of the bill would re-designate the Peace Corps World Wise Schools Program as the Paul D. Coverdell World Wise Schools Program.

It incorporates H.R. 5357, a bill introduced by the gentleman from Georgia, Mr. LEWIS, and is a fitting tribute to our late colleagues, the distinguished senior Senator form Georgia, Paul D. Coverdell, who also served as Peace Corps Director with great distinction.

Mr. Speaker, I urge my colleagues to support and pass S. 2943.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from New York?

There was no objection.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS THAT DAY OF PEACE AND SHARING SHOULD BE ESTABLISHED AT BEGINNING OF EACH YEAR

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 138) expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year, 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 New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 138

Whereas human progress in the 21st century will depend upon global understanding and cooperation in finding positive solutions to hunger and violence;

Whereas the turn of the millennium offers unparalleled opportunity for humanity to examine its past, set goals for the future, and establish new patterns of behavior;

Whereas the people of the United States and the world observed the day designated by the United Nations General Assembly as ''One Day in Peace, January 1, 2000'' (General Assembly Resolution 54/29);

Whereas the example set on that day ought to be recognized globally and repeated each year;

Whereas the people of the United States seek to establish better relations with one another and with the people of all countries; and

Whereas celebration by the breaking of bread together traditionally has been the means by which individuals, societies, and nations join together in peace: Now, therefore, be it

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

(1) each year should begin with a day of peace and sharing during which—

(A) people around the world should gather with family, friends, neighbors, their faith community, or people of another culture to pledge nonviolence in the new year and to share in a celebratory new year meal; and

(B) Americans who are able should match or multiply the cost of their new year meal with a timely gift to the hungry at home or abroad in a tangible demonstration of a desire for increased friendship and sharing among people around the world; and

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

Mr. GILMAN. Mr. Speaker, I have been delighted to meet over the past several weeks with proponents of this resolution and the movement they represent. Their energy and dedication to the cause of peace is commendable.

The idea of an annual meal with someone of another culture is patently a good one. It should lead, of course, to more such meals

over the course of a year as people throughout the world get to know fellow-humans of other backgrounds.

I hope that Members of our House and of the public will carefully consider the sense of the House and the Senate as expressed in this resolution and if they feel it is appropriate that they will act accordingly.

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

The Senate concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF CONGRESS REGARDING APPROPRIATE ACTIONS OF UNITED STATES GOVERNMENT TO FACILITATE SETTLEMENT OF CLAIMS OF FORMER MEMBERS OF ARMED FORCES AGAINST JAPANESE COMPANIES

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of the Senate concurrent resolution (S. Con. Res. 158) expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II, 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 New York?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 158

Whereas from December 1941 to April 1942, members of the United States Armed Forces fought valiantly against overwhelming Japanese military forces on the Bataan peninsula of the Island of Luzon in the Philippines, thereby preventing Japan from accomplishing strategic objectives necessary for achieving early military victory in the Pacific during World War II;

Whereas after receiving orders to surrender on April 9, 1942, many of those valiant combatants were taken prisoner of war by Japan and forced to march 85 miles from the Bataan peninsula to a prisoner-of-war camp at former Camp O'Donnell;

Whereas, of the members of the United States Armed Forces captured by Imperial Japanese forces during the entirety of World War II, a total of 36,260 of them survived their capture and transit to Japanese prisoner-of-war camps to be interned in those camps, and 37.3 percent of those prisoners of war died during their imprisonment in those camps;

Whereas that march resulted in more than 10,000 deaths by reason of starvation, disease, and executions;

Whereas many of those prisoners of war were transported to Japan where they were forced to perform slave labor for the benefit of private Japanese companies under barbaric conditions that included torture and inhumane treatment as to such basic human needs as shelter, feeding, sanitation, and health care;

Whereas the private Japanese companies unjustly profited from the uncompensated labor cruelly exacted from the American personnel in violation of basic human rights;

Whereas these Americans do not make any claims against the Japanese Government or the people of Japan, but, rather, seek some measure of justice from the Japanese companies that profited from their slave labor;

Whereas they have asserted claims for compensation against the private Japanese companies in various courts in the United States;

Whereas the United States Government has, to date, opposed the efforts of these Americans to receive redress for the slave labor and inhumane treatment, and has not made any efforts to facilitate discussions among the parties;

Whereas in contrast to the claims of the Americans who were prisoners of war in Japan, the Department of State has facilitated a settlement of the claims made against private German businesses by individuals who were forced into slave labor by the Government of the Third Reich of Germany for the benefit of the German businesses during World War II: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that it is in the interest of justice and fairness that the United States, through the Secretary of State or other appropriate officials, put forth its best efforts to facilitate discussions designed to resolve all issues between former members of the Armed Forces of the United States who were prisoners of war forced into slave labor for the benefit of Japanese companies during World War II and the private Japanese companies who profited from their slave labor.

Mr. GILMAN. Mr. Speaker, this resolution sets out the sense of Congress that the United States Government should support ex-Prisoners of War held by Japan who were slave laborers in their effort to obtain an apology and just compensation for the period they suffered in Japan.

They suffered months of forced labor, beatings, and starvation; many of their fellow-prisoners, of course, did not survive.

As a veteran of the Japanese theater in World War II, I, together with my contemporaries look at our comrades who were held as slave laborers and readily say "there but for the grade of God to I."

But everyone who values freedom should put themselves in the shoes of those valiant survivors. I am gratified that my friend, the gentleman from California (Mr. HUNTER), has led this fight. What would we ask for in their position?

We are not legislating a solution. We are asking that the Administration devote itself, in the time remaining in the lives of these brave men, to facilitating the discussions they are seeking.

I hope that the strong support that this resolution will surely gain today will send a signal both to the Administration and to Tokyo.

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

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S. 2943, S. Con. Res. 138, and S. Con. Res. 158.

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

There was no objection.

(Mr. GILMAN asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks).

EXPRESSING THANKS TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. GILMAN. Mr. Speaker, these were the last three bills I will bring to the floor in my capacity as chairman of the Committee on International Relations, and I would like to express my thanks to all of the members of the committee and all of our colleagues for their constructive cooperation over these past years.

I have some additional remarks that I would like to insert in the RECORD.

The House leadership, for whom we have great regard, has made it possible to bring our bills and resolutions to the floor and I appreciate their support and understanding of our concerns.

I would like to thank the gentleman from Indiana (Mr. PEASE) in particular. Through him and the other presiding officers who stood in the place of the Speaker, we have brought innumerable matters to the floor. And I would like to say to the leadership staff, to those who work on the floor and in the leadership offices our particular thanks. We have had able help over the years from the Office of the House Legislative Counsel, especially from Mark Synnes, Yvonne Haywood, Sandy Stokfoff, the unsung heroes.

Our chief of staff, Dr. Garon, has coordinated the work of a wonderful group of professionals; and we thank all of them for their good work.

I particularly want to wish the gentleman from Indiana (Mr. PEASE) well in the days ahead.

COMPUTER CRIME ENFORCEMENT ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 2816) to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida (Mr. MCCOLLUM) for an explanation of the bill.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman very much for yielding.

Mr. Speaker, I am offering a bill tonight, H.R. 2816, the Computer Crime Enforcement Act of 2000, which was introduced by the gentleman from Arizona (Mr. SALMON).

The bill would authorize $25 million in grants to be awarded by the Department of Justice to local law enforcement agencies in order to assist them in combatting computer crime. Crime committed by computers is one of the most rapidly growing areas. With ever-innovating computers come new innovations and crimes committed by those computers.

Of course, to fight this crime, law enforcement agencies must have equipment that is equal of that used by criminals and the training to effectively use that equipment. Much of the investigation of this type of crime has been done at the Federal level, but there is simply not sufficient resources for the Federal Government to do all the work.

State and local law enforcement agencies stand ready to investigate these crimes but often the financial resources are lacking to do so. This bill will help address the problem.

According to a recent report released by the FBI and the Computer Security Institute, 32 percent of companies surveyed required assistance from law enforcement agencies, up 17 percent from the prior year. And according to a recent report by the San Francisco Computer Security Institute, nearly a third of U.S. companies, financial institutions and Government agencies and universities say their computer systems were penetrated by outsiders last year.

A recent poll conducted by the Information Technology Association of America found that 61 percent of consumers questioned are less likely to shop over the Internet as a result of a rise in cyber crimes.

Mr. Speaker, we simply cannot allow this type of crime to hinder a robust expansion in this new area of commerce. The bill before us will help put more law enforcement agencies on the trail of these criminals. It will make our business in other commercial activities more secure. And so, I strongly urge support of the bill.

As introduced, it authorizes award of grants from fiscal year 2002 to 2003. Because we are now well into the 2000 fiscal year, the amendment that I offer will start the 4-year authorization in fiscal year 2001.

I want to thank the gentleman from Arizona (Mr. SALMON) for his leadership in introducing this bill. I urge my colleagues to support it.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2816

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Computer Crime Enforcement Act''.

SEC. 2. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof in accordance with subsection (b).

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement agencies in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement agencies in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as criminal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2000 through 2003.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 4, line 17, strike ''2000 through 2003'' and insert the following: ''2001 through 2004''.

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

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

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1900

GENERAL LEAVE

Mr. MCCOLLUM. 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. 2816.

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

There was no objection.

AMENDING CHARTER OF AMVETS ORGANIZATION

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 604) to amend the charter of the AMVETS organization, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman for an explanation of the bill.

Mr. MCCOLLUM. I thank the gentleman from Virginia (Mr. SCOTT) for yielding to me on this bill.

Mr. Speaker, H.R. 604 would amend the Federal charter for the American Veterans of World War II, Korea and Vietnam, the AMVETS. At the 1998 AMVETS annual convention, the delegates voted to change the name of the American Veterans of World War II, Korea and Vietnam to American Veterans to more accurately reflect the membership of AMVETS.

AMVETS membership now includes not only veterans from those three wars but also anyone who served honorably after 1940 and national guardsmen and reservists. At that convention, the AMVETS also voted to change the structure of their governing body. H.R. 604 contains language to reflect the structure change in the statute.

Also, because AMVETS moved the location of their headquarters from the District of Columbia to Lanham, Maryland, the headquarters and principal place of business section of their charter needs to be changed to indicate that they are now located in Maryland. In order for these changes to be recognized by the Department of Veterans Affairs, the AMVETS Federal charter must be amended.

There were technical errors in the original bill. The committee amendment that we have changed the headquarters location from the Baltimore-Washington area to Maryland because a federally chartered organization must be incorporated in a specific State or the District of Columbia. Additionally, there were errors in the governing body language. That provision has been changed to accurately reflect the structure agreed to by the convention. And so I urge this corrective bill, which is what it is, to be passed.

Mr. SCOTT. Mr. Speaker, I thank the gentleman for his explanation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 604

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

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking ''AMVETS (American Veterans of World War II, Korea, and Vietnam)'' and inserting ''AMVETS (American Veterans)''.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

''CHAPTER 227—AMVETS (AMERICAN VETERANS)''.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

''227. AMVETS (AMERICAN VETERANS) ..... 22701''.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking ''seven national vice commanders'' and all that follows through ''a judge advocate,'' and inserting ''two national vice commanders, a finance officer, a judge advocate, a deputy judge advocate, a chaplain, a VAVS representative, six national district commanders,''.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking ''the District of Columbia'' in the first sentence and inserting ''the Washington/Baltimore Metropolitan area''; and

(2) by striking ''the District of Columbia'' in the second sentence and inserting ''that metropolitan area''.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute offered by Mr. MCCOLLUM:

Strike out all after the enacting clause and insert:

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking ''AMVETS (American Veterans of World War II, Korea, and Vietnam)'' and inserting ''AMVETS (American Veterans)''.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

''CHAPTER 227—AMVETS (AMERICAN VETERANS)''.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

''227. AMVETS (AMERICAN VETERANS) ..... 22701''.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking ''seven national vice commanders'' and all that follows through ''a judge advocate,'' and inserting ''two national vice commanders and six national district commanders, at least one of whom shall be a woman, a finance officer, a judge advocate, a chaplain,''.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking ''the District of Columbia'' in the first sentence and inserting ''Maryland''; and

(2) by striking ''the District of Columbia'' in the second sentence and inserting ''Maryland''.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the committee 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 Florida?

There was no objection.

The committee 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, and a motion to reconsider was laid on the table.

INTERNET FALSE IDENTIFICATION PREVENTION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2924) to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the purpose of the bill and his proposed amendment.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, S. 2924, the Internet False Identification Prevention Act of 2000, which passed the other body by unanimous consent on October 31, 2000, concerns something that is very important to us. Over the last several years, Congress has become increasingly aware of the problem of crime committed by persons who use the identity of others to obtain goods and services. In fact, in 1998 Congress passed the Identity Theft and Assumption Deterrence Act of 1998 to toughen our laws against this type of crime.

S. 2924 recognizes that the crime of identity theft has entered the Internet Age and it makes important improvements to our laws against the distribution and use of false identification documents. Our current laws have unfortunately done little to stop a growing Internet market in every imaginable type of false identification. S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make it clear that it is a crime to transfer false identification documents by electronic means, and that those documents can be in the form of computer files, disks or templates. S. 2924 will also close a loophole in current law that permits manufacturers of false identification documents to escape liability.

I am offering an amendment, in consultation with Senator COLLINS, that addresses several concerns that were raised by the intellectual property community after the bill passed the other body. The amendment deletes the section of the bill that had caused those concerns.

Mr. Speaker, Congress must do all it can to fight the growing incidence of identity thefts and the criminals who use the Internet to make it easy to create false identification documents. S. 2924 will make needed changes to current law. I urge my colleagues to support this bill.

Mr. SCOTT. Mr. Speaker, reclaiming my time, based on the explanation of the bill and the amendment, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2924

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Secret Service, the Federal Bureau of Investigation, the Department of Justice, the Social Security Administration, and the Immigration and Naturalization Service.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committees on the Judiciary of the Senate and House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions; and

(E) specification of the sentence imposed as a result of each guilty plea and conviction.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking ''or'' after the semicolon;

(B) by redesignating paragraph (7) as paragraph (8); and

(C) by inserting after paragraph (6) the following:

''(7) knowingly produces or transfers a document-making implement that is designed for use in the production of a false identification document; or'';

(2) in subsection (b)(1)(D), by striking ''(7)'' and inserting ''(8)'';

(3) in subsection (b)(2)(B), by striking ''or (7)'' and inserting '', (7), or (8)'';

(4) in subsection (c)(3)(A), by inserting '', including the making available of a document by electronic means'' after ''commerce'';

(5) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) by redesignating paragraph (6) as paragraph (8);

(C) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(D) by inserting after paragraph (2) the following:

''(3) the term 'false identification document' means an identification document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, political subdivision of a State, a foreign government, political subdivision of a foreign government, an international governmental or an international quasi-governmental organization;''; and

(E) by inserting after paragraph (6), as redesignated (previously paragraph (5)), the following:

''(7) the term 'transfer' includes making available for acquisition or use by others; and''; and

(6) by adding at the end the following:

''(i) EXCEPTION.—

''(1) IN GENERAL.—Subsection (a)(7) shall not apply to an interactive computer service used by another person to produce or transfer a document making implement in violation of that subsection except—

''(A) to the extent that such service conspires with such other person to violate subsection (a)(7);

''(B) if, with respect to the particular activity at issue, such service has knowingly permitted its computer server or system to be used to engage in, or otherwise aided and abetted, activity that is prohibited by subsection (a)(7), with specific intent of an officer, director, partner, or controlling shareholder of such service that such server or system be used for such purpose; or

''(C) if the material or activity available through such service consists primarily of material or activity that is prohibited by subsection (a)(7).

''(2) DEFINITION.—In this subsection, the term 'interactive computer service' means an interactive computer service as that term is defined in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)), including a service, system, or access software provider that—

''(A) provides an information location tool to refer or link users to an online location, including a directory, index, or hypertext link; or

''(B) is engaged in the transmission, storage, retrieval, hosting, formatting, or translation of a communication made by another person without selection or alteration of the content of the communication, other than that done in good faith to prevent or avoid a violation of the law.''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, is repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

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

Mr. MCCOLLUM. 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. MCCOLLUM:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting '', including the transfer of a document by electronic means'' after ''commerce''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) in paragraph (5), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

''(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;''; and

(F) by inserting after paragraph (6), as redesignated, the following:

''(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Mr. MCCOLLUM (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 Florida?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MULTIDISTRICT LITIGATION ACT OF 2000

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the bill (H.R. 5562) to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I yield to the gentleman to explain the bill and his proposed amendment.

Mr. MCCOLLUM. I thank the gentleman for yielding.

Mr. Speaker, the bill that is under consideration is derived from the base text of section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. I should therefore note that the relevant legislative history of H.R. 2112, section 2, as set forth in House Report 106–276, serves as a legislative history for H.R. 5562.

H.R. 5562 responds to a 1998 Supreme Court decision pertaining to multidistrict litigation, the so-called Lexecon case. The bill would simply amend the multidistrict litigation statute by explicitly allowing a transferee court to retain jurisdiction over referred cases for trial for the purposes of determining liability and punitive damages, or to refer them to other districts as it sees fit. Compensatory damages would still be determined by the State or Federal referral courts pursuant to compromise language developed by the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from California (Mr. BERMAN). The legislation is wholly consistent with past judicial practice of nearly 30 years under the multidistrict litigation statute.

This legislation obviously promotes judicial administrative efficiency without compromising the rights of litigants and their counsel to due process and appropriate compensation. It is strongly endorsed by the Administrative Office of the U.S. Courts. I urge my colleagues to support it as well.

As a final point, Mr. Speaker, I will shortly offer a technical amendment to the bill based on an observation by counsel for the ranking member. H.R. 5562 as introduced inadvertently references a nonexistent subsection of title 28 of the U.S. Code. The amendment simply strikes this reference.

I might add that this is the last bill that I will get to manage or comment on in this body while I am a Member of Congress. I have enjoyed again working with the gentleman from Virginia (Mr. SCOTT). It has been a great privilege to be a Member of the House, and it has been a great privilege to have been chairman of the Subcommittee on Crime of the Committee on the Judiciary during this Congress. And during the last 20 years it has been a great honor to be here.

Mr. SCOTT. Mr. Speaker, under my reservation, I would want to express my appreciation as I did the last time we were here with what we thought was the last piece of legislation that we would be considering. The gentleman and I have worked together on the Subcommittee on Crime. I have enjoyed that work. We worked in a bipartisan way. Even when we did not agree, we were able to constructively work and try to come to as much consensus as we could. I wish the gentleman from Florida well in the future. Again, I want to express my appreciation for the way we were able to work together.

Mr. BERMAN. Mr. Speaker, I wish to express my support for H.R. 5562.

H.R. 5562 consists of Section 2 of H.R. 2112, which the House passed by voice vote under suspension of the rules on September 13, 1999. Previously, on July 27, 1999 and also by a voice vote, the Committee on the Judiciary favorably reported H.R. 2112, including language identical to H.R. 5562. On June 16, 1999, the House Judiciary Subcommittee on Courts and Intellectual Property held a hearing on H.R. 2112, and Section 2, on which H.R. 5562 is based, was fully vetted and discussed. Therefore, in essence, the House has already fully considered H.R. 5562, found it non-controversial, and passed it.

H.R. 5562 has a very narrow purpose and effect—it would overturn the 1998 decision of the U.S. Supreme Court in Lexecon v. Milberg Weiss. The Lexecon decision held that a multidistrict litigation transferred to a federal court for pretrial proceedings under Section 1407 of the Judicial Code cannot be retained by that court for trial purposes under Section 1404(a). In so holding, the Lexecon decision upset decades of practice by the Multidistrict Litigation Panel and federal district courts. The Lexecon decision also increases the cost and complexity of such multidistrict litigations by requiring courts other than the transferee court, which has overseen discovery and other pretrial proceedings, to conduct the trial.

H.R. 5562 overturns the Lexecon decision in a carefully calibrated manner. While H.R. 5562 allows a transferee court to retain a case for trial on liability issues and, when appropriate, on punitive damages, it creates a presumption that the trial of compensatory damages will be remanded to the transferor court. In so doing, H.R. 5562 is careful to overturn the Lexecon decision without expanding the power previously exercised by transferee courts. More importantly, the presumption regarding the trial of compensatory damages ensures that plaintiffs will not be unduly burdened in pursuit of their claims.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 5562

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Multidistrict Litigation Act of 2000''.

SEC. 2. MULTIDISTRICT LITIGATION.

Section 1407 of title 28, United States Code, is amended—

(1) in the third sentence of subsection (a), by inserting ''or ordered transferred to the transferee or other district under subsection (i)'' after ''terminated''; and

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

''(i)(1) Subject to paragraph (2) and except as provided in subsection (j), any action transferred under this section by the panel may be transferred for trial purposes, by the judge or judges of the transferee district to whom the action was assigned, to the transferee or other district in the interest of justice and for the convenience of the parties and witnesses.

''(2) Any action transferred for trial purposes under paragraph (1) shall be remanded by the panel for the determination of compensatory damages to the district court from which it was transferred, unless the court to which the action has been transferred for trial purposes also finds, for the convenience of the parties and witnesses and in the interests of justice, that the action should be retained for the determination of compensatory damages.''.

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to any civil action pending on or brought on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MCCOLLUM

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

The Clerk read as follows:

Amendment offered by Mr. MCCOLLUM:

Page 2, lines 7 and 8, strike ''and except as provided in subsection (j)''.

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

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

There was no objection.

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

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AUTHORIZING ADDITION OF LAND TO SEQUOIA NATIONAL PARK

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4020) to authorize the addition of land to Sequoia National Park, and for other purposes, 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. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and

(2) the Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

Mr. RADANOVICH (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 California?

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS

Mr. RADANOVICH. Mr. Speaker, I ask unanimous consent that the Committee on Resources be discharged from further consideration of the bill (H.R. 2049) to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. DAVIS of Virginia. Mr. Speaker, I reserve the right to object.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to support a bill that has been more than two years in the making. Just several hours ago compromise substitute language was agreed to that will allow the Wolf Trap Farm Park to become Wolf Trap National Park for the Performing Arts.

Despite the relative straight-forwardness of this bill, it has taken my staff more than two years of careful negotiation and innumerable drafts to reach a consensus between the Park Service, the Department of the Interior, the Wolf Trap Foundation and the Resources Committee. I am extremely pleased to say that on this, the final day of the 106th Congress, that consensus has been reached.

As many of my colleagues undoubtedly know, Wolf Trap is one of the premier venues for the performing arts anywhere. Nestled in a beautifully wooded site just outside Vienna, Virginia, Wolf Trap plays host to every conceivable type of preforming arts. From Native American folk festivals to Interpretive Dance Recitals, Rock Concerts and Classical Symphony, Wolf Trap is home to all the cultural diversity found in our great nation.

While I am very disappointed that it has taken this long to elevate Wolf Trap to the level of federal recognition it naturally deserves, I am very satisfied that one of the final acts of the 106th Congress will finally accomplish that goal. I would like to thank my fellow Virginians, FRANK WOLF and JIM MORAN for their tireless efforts in this endeavor. Without bipartisan support, I am confident we would be revisiting this again in the 107th.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 2049

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

SECTION 1. RENAMING.

The park in Fairfax County, Virginia, established under Public Law 89–671 (16 U.S.C. 284 et seq.) and known as Wolf Trap Farm Park for the Performing Arts, is hereby renamed ''Wolf Trap National Park for the Performing Arts''. Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the ''Wolf Trap National Park for the Performing Arts''.

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

Mr. RADANOVICH. 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. RADANOVICH:

Strike out all after the enacting clause and insert:

SECTION 1. RENAMING.

The Act entitled ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', P.L. 89–671 (16 U.S.C. 284) is amended in the first section and in Section 11(2) by striking ''Wolf Trap Farm Park'' and inserting ''Wolf Trap National Park for the Performing Arts''. Any reference to such park in any law, regulation, map, document, paper, or other record of the United States shall be considered to be a reference to the ''Wolf Trap National Park for the Performing Arts''.

SEC. 2. USE OF NAME.

The Act entitled ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', P.L. 89–671 (16 U.S.C. 284) is amended by adding at the end the following:

''SEC. 14. Any reference to the park other than by the name ''Wolf Trap National Park for the Performing Arts'' shall be prohibited.''.

SEC. 3. APPLICABILITY OF OTHER LAWS.

Any laws, rules, or regulations that are applicable solely to units of the National Park System that are designated as a ''National Park'' shall not apply to ''Wolf Trap National Park for the Performing Arts'' nor to any other units designated as a ''National Park for the Performing Arts''.

SEC. 4. TECHNICAL CORRECTION.

Section 4(c)(3) of ''An Act to provide for the establishment of the Wolf Trap Farm Park in Fairfax County, Virginia, and for other purposes'', P.L. 89–671 (16 U.S.C. 284) is amended by striking ''Funds'' and inserting ''funds''.

Mr. RADANOVICH (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 California?

There was no objection.

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, and a motion to reconsider was laid on the table.

HONORING HENRY B. GONZALEZ

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the concurrent resolution (H. Con. Res. 445) honoring Henry B. Gonzalez, former United States Representative from Texas, and extending the condolences of the Congress on his death, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 445

Whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

Whereas Henry B. Gonzalez became an internationally recognized leader in the fields of banking and housing, having held more than 500 hearings as Chairman of the Committee on Banking and Urban Affairs, and having shepherded more than 70 bills from introduction to enactment into law, including landmark legislation to revamp and

rescue the United States savings and loan industry;

Whereas Henry B. Gonzalez focused the attention of the House of Representatives on solving numerous and challenging public policy problems, especially the needs of the poor and the powerless, including making affordable housing available to the poor, making credit more readily available to underprivileged communities and small businesses, making the Board of Governors of the Federal Reserve System more transparent and accountable to the United States public, and strengthening civil rights for all Americans;

Whereas Henry B. Gonzalez represents the quintessential American success story by virtue of having become the first American of Mexican descent in Texas history to represent Texas in the United States House of Representatives, and one of the first Mexican-Americans to rise to the position of Chairman of a major congressional committee of the House of Representatives;

Whereas Henry B. Gonzalez served his country in World War II in military intelligence, and taught math to veterans and citizenship classes to resident immigrants seeking American citizenship;

Whereas Henry B. Gonzalez leaves a proud legacy to his hometown of San Antonio (in whose public schools he was educated), encouraged the development of public housing, 2 major medical centers, numerous development projects, and the public laws he authored that brought the HemisFair '68 World Fair to San Antonio, thereby making the city a recognized center for international conventions and tourism;

Whereas Henry B. Gonzalez a champion for the downtrodden and the poor (exemplified, among other things, by his 22-hour long filibuster of segregationist bills in the Texas Senate in the 1950's), consistently brought his skill and passion to bear on behalf of the underprivileged, thereby making our Nation a much better place;

Whereas Henry B. Gonzalez a modest man of great popularity and of a fervently independent character, was awarded the John F. Kennedy Profile in Courage Award for his display of political courage as a leader who acted on principle throughout his multifaceted career, without fear or favor;

Whereas Henry B. Gonzalez will always remain an enduring symbol of integrity, independence, solid principles, and strength of character, and will always remind us of what it means to give honorable public service, as he did to his San Antonio constituents, the State of Texas, and to all Americans: Now, therefore, be it

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

That the Congress—

(1) has learned with profound sorrow of the death of the Honorable Henry Barbosa Gonzalez on November 28, 2000, and extends condolences to the Gonzalez family, and especially to his wife Bertha and their 8 children;

(2) expresses its profound gratitude to the Honorable Henry Barbosa Gonzalez and his family for the service that he rendered to his country; and

(3) recognizes with appreciation and respect the Honorable Henry Barbosa Gonzalez's commitment to and example of leadership and commitment to public service and to his constituents, and his serving as a role model for generations to come.

SEC. 2. TRANSMISSION OF ENROLLED RESOLUTION

The Clerk of the House of Representatives shall transmit an enrolled copy of this Concurrent Resolution to the family of the Honorable Henry Barbosa Gonzalez.

Mr. GONZALEZ. Mr. Speaker, I rise today to insert into the RECORD material prepared by one of my employees, Susana Benavidez, in support of H. Con. Res. 445 regarding my father, former Chairman Henry B. Gonzalez.

IN HONOR OF THE LATE HENRY B. OR HENRY B. GONZALEZ

(By Susana Benavidez, former employee of the late Chairman Henry B. Gonzalez, Current Caseworker and Service Academies Coordinator for his son, Representative CHARLIE GONZALEZ)

Americans are joined by people from other countries in remembering the many contributions that Congressman Henry B. Gonzalez made in improving the human conditions in this country. In the late 1960s Anglo-Saxons in South Texas were saying that history would prove that one of the greatest American statesmen would be a Texan by the name of Henry B. Gonzalez.

Henry B. Gonzalez will always be remembered for his intelligence, wisdom, strength, honesty, integrity and dignity. Never forgotten will be his ability to treat every human being with respect. He had the talent of taking the time to remember the name of each and every person whom he met, it did not matter if that person was a child, a janitor, or waiter/waitress. One of his many gifts was the ability to see the ''holiness'' in just about every individual whom he ever met. Long remembered will be his compassionate and caring manner. Congressman Gonzalez was a great man perhaps born way ahead of his time. He gave far more genuine love than what he may have received.

I first met Congressman Gonzalez in 1976 while I was working for his colleague the late Congressman Abraham (Chick) Kazen. It was my honor and privilege to have worked for the honorable Henry B. Gonzalez from 1993–1998. He was an exemplary human being. Congressman Gonzalez definitely left the world a better place not only for people like me but for all Americans. He will always be remembered with abundant love, admiration and respect.

Mr. FROST. Mr. Speaker, I thank the gentleman from Maryland for yielding to me. Mr. Speaker, I rise in support of this resolution which honors the life and service of Henry B. Gonzalez who died on November 28 of this year. As Members know, Henry B. as he was affectionately known, served in this body for 37 years and during that time earned a well-deserved reputation as a champion of the little people.

Henry B. Gonzalez dedicated his life to lifting the least among us out of poverty and ensuring that the poor had decent housing, good education, and access to health care. He was a man of strength and integrity and championed the cause of civil rights for all people, but most especially for those Americans who face discrimination because of their race, gender, or ethnicity. He was one of the last of a generation of legislators, but in his honor and in his memory, none of us should ever forget the valuable lessons he taught us.

Mr. Speaker, I have offered this resolution as a token of respect for a man who was the embodiment of character and political courage, a man who was proud to serve as a servant of the people.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

URGING SUPPORT OF MENTORING PROGRAMS

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the resolution (H.Res. 552) urging the House to support mentoring programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

Mr. WU. Mr. Speaker, reserving the right to object, I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I rise in support of H.Res. 552 offered by the gentleman from Oregon (Mr. WU). It urges the House to support mentoring and enrichment programs that promote and encourage young people to enter mathematics, science, engineering and technology fields of study. Young people in our Nation are not making the grade when it comes to mathematics and science achievement. Mentoring is one of those ways that we can encourage success in those areas.

Mr. WU. Mr. Speaker, further reserving the right to object, I would just like to say very briefly with respect to this resolution that I have seen the program at the Oregon Graduate Institute work on several occasions. I have met with the students, I have met with the professors who teach in it, the professionals who teach in it, and I have seen the wondrous things that it can do for young women and young men learning science, mathematics and other technical subjects which are by their nature quite difficult, people from all income ranges and backgrounds. It is a terrific private-public partnership. It is something that we should try to replicate. It is something that we should try to replicate in other places around the country. I am delighted that this Congress on this date has chosen to recognize this program and other similar programs.

□ 1915

On a more personal note, I would like to thank the chairman of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), for his many kindnesses during this my first term in the United States Congress. I would like to thank him for his great service to this institution, to the Nation and especially to its young people. I wish him well for whatever his future plans are, and I especially appreciate his personal recognition in the committee and in the hallways and byways of this Congress.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 552

Whereas exceptional opportunities should be provided for students in grades 4 through 12 to learn from accomplished professionals through hands-on, practical, and intellectual learning experiences;

Whereas workshops, internships, and laboratories are offered during and after-school hours, weekends, and summers;

Whereas Saturday Academy links universities, private companies and their resources, staff, laboratories, classrooms, and equipment with students to provide the opportunity to use real tools to solve real life problems;

Whereas opportunities provided by programs such as Saturday Academy bridge the gap between the classroom and the real world;

Whereas students from low-income families and groups underrepresented in science and engineering are actively recruited and supported by Saturday Academy;

Whereas nearly 99,000 students since 1983 have received Saturday Academy instruction in rural, urban, and suburban areas;

Whereas Saturday Academy received the Presidential Award for Excellence in Science, Mathematics and Engineering Mentoring by the President in 1996;

Whereas the 1995 Third International Mathematics and Science Study found that in the final year of secondary school, the performance of the United States was among the lowest in both science and mathematics;

Whereas, the United States is facing a shortage of qualified professionals in science, technology, and engineering; and

Whereas Saturday Academy places special emphasis on science, mathematics, and technology: Now, therefore, be it

Resolved, That the House of Representatives supports and encourages programs such as Saturday Academy to help students enter mathematics, science, and engineering fields.

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

Mr. GOODLING. 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. GOODLING:

Strike the resolved clause and insert the following:

Now, therefore, be it

Resolved, That the House of Representatives supports and encourages mentoring and enrichment programs that encourage young people to enter mathematics, science, engineering, and technology fields.

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment 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. The question is on the amendment in the nature of a substitute offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution offered by the gentleman from Pennsylvania (Mr. GOODLING).

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment to the preamble.

The Clerk read as follows:

Amendment to the preamble offered by Mr. GOODLING:

Strike the preamble and insert the following resolution:

Whereas exceptional opportunities should be provided for students to learn from accomplished professionals through hands-on, practical, and intellectual learning experiences;

Whereas mentoring and other enrichment programs offer workshops, internships, and laboratories to students during and after-school hours, on weekends, and during summers;

Whereas mentoring programs and other enrichment programs may link universities, private companies and their resources, staff, laboratories, classrooms, and equipment with students and provide them with the opportunity to use real tools to solve real life problems;

Whereas opportunities provided by mentoring and other enrichment programs help bridge the gap between the classroom and the real world;

Whereas students from low-income families and groups underrepresented in mathematics, science, engineering, and technology are actively recruited and

Whereas the 1998 Third International Mathematics and Science Study found that in the final year of secondary school, the performance of the United States was among the lowest in both science and mathematics;

Whereas the United States is facing a shortage of qualified professionals in mathematics, science, engineering, and technology related fields; and

Whereas mentoring and enrichment programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology, Texas STARBASE at Ellington Field Air National Guard Base, Regional Math and Science Center at Grand Valley State University, and Georgia Youth Science and Technology Center at Southern Polytechnic State University emphasize mathematics, science, engineering, and technology to encourage students to pursue studies and careers in these subject areas:

Mr. GOODLING (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the preamble 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. The question is on the amendment to the preamble offered by the gentleman from Pennsylvania (Mr. GOODLING).

The amendment to the preamble was agreed to.

AMENDMENT TO THE TITLE OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Amendment to the title offered by Mr. GOODLING:

Urging the House to support mentoring and enrichment programs that promote and encourage young people to enter mathematics, science, engineering, and technology fields.

The amendment to the title was agreed to.

A motion to reconsider was laid on the table.

PAT KING POST OFFICE BUILDING

Mr. GOODLING. Mr. Speaker, I ask unanimous consent the Committee on Government Reform and Oversight be discharged from further consideration of the bill (H.R. 3488) to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building, and ask for its immediate consideration.

The Clerk read the title of the bill.

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

Mr. PALLONE. Mr. Speaker, reserving the right to object, and I will not object, I would like to make some remarks.

Mr. Speaker, I rise in support of H.R. 3488 to name the Long Branch, New Jersey Post Office after a hero, Detective Sergeant Pat King. Long Branch is my hometown and November 20, 1997, was a very sad day for us in the City of Long Branch. On that day, Officer Pat King was killed by a career criminal from out of state who made his living promoting prostitution and selling drugs. On this particular day, the assailant went gunning for a police officer, any police officer, and he found Pat King.

Sergeant King was killed because he was simply wearing an officer's uniform. Following the shooting, the assailant went on an hour long crime spree, including a chase and exchange of gunfire that injured other officers. He finally shot himself with a second gun, Officer King's gun.

Mr. Speaker, my bill, H.R. 3488, names the Long Branch Post Office after Pat King. Officer King, 45 years old at the time, was the most decorated police officer in the history of the City of Long Branch. By passing this bill, this body not only pays tribute to Pat King it honors all 305 police officers across the country who died last year at the hands of vicious criminals.

Mr. Speaker, for a police officer, the mere act of donning a uniform makes him an immediate target for sick and criminal minds. Each call presents dangers and threats that we cannot begin to imagine. It is my hope that in naming the post office after Pat King we will be paying tribute to individuals so dedicated to their fellow human beings that they are willing to die to protect our safety. It is a way to honor bravery and unselfishness at a time when we question whether it still exists and it is a way to remind young people that dedicating a career to helping others is still a path deeply admired by their community.

To Pat's widow, Maureen, and her sons Patrick and Todd, I say that I hope this tribute provides them with

some small comfort that their husband and father will not be forgotten, not by the people of Long Branch and not by the Congress of the United States.

Mr. Speaker, if I could, I wanted to thank the majority leader, the gentleman from Texas (Mr. ARMEY), for helping me bring this bill to the floor this evening on unanimous consent.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 3488

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

SECTION 1. DESIGNATION.

The United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, shall be known and designated as the ''Pat King Post Office Building''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States Post Office referred to in section 1 shall be deemed to be a reference to the ''Pat King Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LAYING ON THE TABLE HOUSE RESOLUTION 674, HOUSE RESOLUTION 675, HOUSE RESOLUTION 676

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the following resolutions be laid on the table, H. Res. 674, H. Res. 675 and H. Res. 676.

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

There was no objection.

NATIONAL MOMENT OF REMEMBERANCE ACT

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3181) to establish the White House Commission on the National Moment of Remembrance, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, and under my reservation I would yield to the gentleman from Florida (Mr. MCCOLLUM) to explain the purpose of his motion.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, this is a very simple bill to do what it says literally on the face of it, establish a national moment of remembrance and that is all that it is, and I would encourage it to be adopted.

Mr. ROHRABACHER. Mr. Speaker, I am pleased that the Congress has passed S. 3181, the National Moment of Remembrance Act, which calls for the creation of a White House Commission to honor men and women of the United States who have died while in service to their country while defending freedom and peace. In May 2000, both Houses of Congress passed a bi-partisan bill to establish a moment of Remembrance at 3 p.m. on each and every Memorial Day. The concurrent resolution to create a National Moment of Remembrance was introduced by Senator CHUCK HAGEL, Senator BOB KERRY, myself and Congressman JOHN MURTHA.

S. 3181 was authored by Senator HAGEL and was passed unanimously in the Senate, while I introduced a similar version in the House. The bill will establish a White House public and private sector commission to organize and coordinate national and local Memorial Day observances to honor the brave men and women who have made the ultimate sacrifice in service to their country.

The National Moment of Remembrance is a symbolic act of unity to bring together Americans of all walks of life to respect our democratic heritage and to dedicate ourselves to the values and principles for which our citizen-soldiers gave their lives. The National Moment of Remembrance and other commemorative events are needed to reclaim the true meaning of Memorial Day.

I commend our House leadership for bringing this Act to the floor. And I am grateful to Senator HAGEL and BOB KERREY for their leadership. I also thank Carmella LaSpada, Chairperson of the No Greater Love organization for initiating the National Moment of Remembrance and encouraging lawmakers to make this Act a reality. I also thank those who crafted the language of this Act: James Dean of the General Services Administration, Carmella LaSpada, Mike Coulter with Senator HAGEL and my Special Assistant, Al Santoli, who is a Vietnam Veteran.

Mr. SCOTT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3181

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Moment of Remembrance Act''.

SEC. 2. FINDINGS.

Congress finds that—

(1) it is essential to remember and renew the legacy of Memorial Day, which was established in 1868 to pay tribute to individuals who have made the ultimate sacrifice in service to the United States and their families;

(2) greater strides must be made to demonstrate appreciation for those loyal people of the United States whose values, represented by their sacrifices, are critical to the future of the United States;

(3) the Federal Government has a responsibility to raise awareness of and respect for the national heritage, and to encourage citizens to dedicate themselves to the values and principles for which those heroes of the United States died;

(4) the relevance of Memorial Day must be made more apparent to present and future generations of people of the United States through local and national observances and ongoing activities;

(5) in House Concurrent Resolution 302, agreed to May 25, 2000, Congress called on the people of the United States, in a symbolic act of unity, to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace;

(6) in Presidential Proclamation No. 7315 of May 26, 2000 (65 Fed. Reg. 34907), the President proclaimed Memorial Day, May 29, 2000, as a day of prayer for permanent peace, and designated 3:00 p.m. local time on that day as the time to join in prayer and to observe the National Moment of Remembrance; and

(7) a National Moment of Remembrance and other commemorative events are needed to reclaim Memorial Day as the sacred and noble event that that day is intended to be.

SEC. 3. DEFINITIONS.

In this Act:

(1) ALLIANCE.—The term ''Alliance'' means the Remembrance Alliance established by section 9(a).

(2) COMMISSION.—The term ''Commission'' means the White House Commission on the National Moment of Remembrance established by section 5(a).

(3) EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.—The term ''Executive Director and White House Liaison'' means the Executive Director and White House Liaison appointed under section 10(a)(1).

(4) MEMORIAL DAY.—The term ''Memorial Day'' means the legal public holiday designated as Memorial Day by section 6103(a) of title 5, United States Code.

(5) TRIBAL GOVERNMENT.—The term ''tribal government'' means the governing body of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 4. NATIONAL MOMENT OF REMEMBRANCE.

The minute beginning at 3:00 p.m. (local time) on Memorial Day each year is designated as the ''National Moment of Remembrance''.

SEC. 5. ESTABLISHMENT OF WHITE HOUSE COMMISSION ON THE NATIONAL MOMENT OF REMEMBRANCE.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''White House Commission on the National Moment of Remembrance''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of the following:

(A) 4 members appointed by the President, including at least 1 representative of tribal governments.

(B) The Secretary of Defense (or a designee).

(C) The Secretary of Veterans Affairs (or a designee).

(D) The Secretary of the Smithsonian Institution (or a designee).

(E) The Director of the Office of Personnel Management (or a designee).

(F) The Administrator of General Services (or a designee).

(G) The Secretary of Transportation (or a designee).

(H) The Secretary of Education (or a designee).

(I) The Secretary of the Interior (or a designee).

(J) The Executive Director of the President's Commission on White House Fellows (or a designee).

(K) The Secretary of the Army (or a designee).

(L) The Secretary of the Navy (or a designee).

(M) The Secretary of the Air Force (or a designee).

(N) The Commandant of the Marine Corps (or a designee).

(O) The Commandant of the Coast Guard (or a designee).

(P) The Executive Director and White House Liaison (or a designee).

(Q) The Chief of Staff of the Army.

(R) The Chief of Naval Operations.

(S) The Chief of Staff of the Air Force.

(T) Any other member, the appointment of whom the Commission determines is necessary to carry out this Act.

(2) NONVOTING MEMBERS.—The members appointed to the Commission under subparagraphs (K) through (T) of paragraph (1) shall be nonvoting members.

(3) DATE OF APPOINTMENTS.—All appointments under paragraph (1) shall be made not later than 90 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed to the Commission for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date specified in subsection (b)(3) for completion of appointments, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet at the call of the Chairperson.

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

(g) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and a Vice Chairperson from among the members of the Commission at the initial meeting of the Commission.

SEC. 6. DUTIES.

(a) IN GENERAL.—The Commission shall—

(1) encourage the people of the United States to give something back to their country, which provides them so much freedom and opportunity;

(2) encourage national, State, local, and tribal participation by individuals and entities in commemoration of Memorial Day and the National Moment of Remembrance, including participation by—

(A) national humanitarian and patriotic organizations;

(B) elementary, secondary, and higher education institutions;

(C) veterans' societies and civic, patriotic, educational, sporting, artistic, cultural, and historical organizations;

(D) Federal departments and agencies; and

(E) museums, including cultural and historical museums; and

(3) provide national coordination for commemorations in the United States of Memorial Day and the National Moment of Remembrance.

(b) REPORTS.—

(1) IN GENERAL.—For each fiscal year in which the Commission is in existence, the Commission shall submit to the President and Congress a report describing the activities of the Commission during the fiscal year.

(2) CONTENTS.—A report under paragraph (1) may include—

(A) recommendations regarding appropriate activities to commemorate Memorial Day and the National Moment of Remembrance, including—

(i) the production, publication, and distribution of books, pamphlets, films, and other educational materials;

(ii) bibliographical and documentary projects and publications;

(iii) conferences, convocations, lectures, seminars, and other similar programs;

(iv) the development of exhibits for libraries, museums, and other appropriate institutions;

(v) ceremonies and celebrations commemorating specific events that relate to the history of wars of the United States; and

(vi) competitions, commissions, and awards regarding historical, scholarly, artistic, literary, musical, and other works, programs, and projects related to commemoration of Memorial Day and the National Moment of Remembrance;

(B) recommendations to appropriate agencies or advisory bodies regarding the issuance by the United States of commemorative coins, medals, and stamps relating to Memorial Day and the National Moment of Remembrance;

(C) recommendations for any legislation or administrative action that the Commission determines to be appropriate regarding the commemoration of Memorial Day and the National Moment of Remembrance;

(D) an accounting of funds received and expended by the Commission in the fiscal year covered by the report, including a detailed description of the source and amount of any funds donated to the Commission in that fiscal year; and

(E) a description of cooperative agreements and contracts entered into by the Commission.

SEC. 7. POWERS.

(a) HEARINGS.—

(1) IN GENERAL.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act.

(2) PUBLIC PARTICIPATION.—The Commission shall provide for reasonable public participation in matters before the Commission.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Commission may solicit, accept, use, and dispose of, without further Act of appropriation, gifts, bequests, devises, and donations of services or property.

(e) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action that the Commission is authorized to take under this Act.

(f) AUTHORITY TO PROCURE AND TO MAKE LEGAL AGREEMENTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, to carry out this Act, the Chairperson or Vice Chairperson of the Commission or the Executive Director and White House Liaison may, on behalf of the Commission—

(A) procure supplies, services, and property; and

(B) enter into contracts, leases, and other legal agreements.

(2) RESTRICTIONS.—

(A) WHO MAY ACT ON BEHALF OF COMMISSION.—Except as provided in paragraph (1), nothing in this Act authorizes a member of the Commission to procure any item or enter into any agreement described in that paragraph.

(B) DURATION OF LEGAL AGREEMENTS.—A contract, lease, or other legal agreement entered into by the Commission may not extend beyond the date of termination of the Commission.

(3) SUPPLIES AND PROPERTY POSSESSED BY COMMISSION AT TERMINATION.—Any supply, property, or other asset that is acquired by, and, on the date of termination of the Commission, remains in the possession of, the Commission shall be considered property of the General Services Administration.

(g) EXCLUSIVE RIGHT TO NAME, LOGOS, EMBLEMS, SEALS, AND MARKS.—

(1) IN GENERAL.—The Commission may devise any logo, emblem, seal, or other designating mark that the Commission determines—

(A) to be required to carry out the duties of the Commission; or

(B) to be appropriate for use in connection with the commemoration of Memorial Day or the National Moment of Remembrance.

(2) LICENSING.—

(A) IN GENERAL.—The Commission—

(i) shall have the sole and exclusive right to use the name ''White House Commission on the National Moment of Remembrance'' on any logo, emblem, seal, or descriptive or designating mark that the Commission lawfully adopts; and

(ii) shall have the sole and exclusive right to allow or refuse the use by any other entity of the name ''White House Commission on the National Monument of Remembrance'' on any logo, emblem, seal, or descriptive or designating mark.

(B) TRANSFER ON TERMINATION.—Unless otherwise provided by law, all rights of the Commission under subparagraph (A) shall be transferred to the Administrator of General Services on the date of termination of the Commission.

(3) EFFECT ON OTHER RIGHTS.—Nothing in this subsection affects any right established or vested before the date of enactment of this Act.

(4) USE OF FUNDS.—The Commission may, without further Act of appropriation, use funds received from licensing royalties under this section to carry out this Act.

SEC. 8. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—The Chairperson of the Commission or the Executive Director and White House Liaison may, without regard to the

civil service laws (including regulations), appoint and terminate such additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Commission may fix the compensation of the Executive Director and White House Liaison and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and White House Liaison and other personnel shall not exceed the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—In addition to the details under paragraph (2), on request of the Chairperson, the Vice Chairperson, or the Executive Director and White House Liaison, an employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) DETAIL OF SPECIFIC EMPLOYEES.—

(A) MILITARY DETAILS.—

(i) ARMY; AIR FORCE.—The Secretary of the Army and the Secretary of the Air Force shall each detail a commissioned officer above the grade of captain to assist the Commission in carrying out this Act.

(ii) NAVY.—The Secretary of the Navy shall detail a commissioned officer of the Navy above the grade of lieutenant and a commissioned officer of the Marine Corps above the grade of captain to assist the Commission in carrying out this Act.

(B) VETERANS AFFAIRS; EDUCATION.—The Secretary of Veterans Affairs and the Secretary of Education shall each detail an officer or employee compensated above the level of GS–12 in accordance with subchapter III of chapter 53 of title 5, United States Code to assist the Commission in carrying out this Act.

(3) CIVIL SERVICE STATUS.—The detail of any officer or employee under this subsection shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(f) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—The Commission may enter into a cooperative agreement with another entity, including any Federal agency, State or local government, or private entity, under which the entity may assist the Commission in—

(A) carrying out the duties of the Commission under this Act; and

(B) contributing to public awareness of and interest in Memorial Day and the National Moment of Remembrance.

(2) ADMINISTRATIVE SUPPORT SERVICES.—On the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, any administrative support services and any property, equipment, or office space that the Commission determines to be necessary to carry out this Act.

(g) SUPPORT FROM NONPROFIT SECTOR.—The Commission may accept program support from nonprofit organizations.

SEC. 9. REMEMBRANCE ALLIANCE.

(a) ESTABLISHMENT.—There is established the Remembrance Alliance.

(b) COMPOSITION.—

(1) MEMBERS.—The Alliance shall be composed of individuals, appointed by the Commission, that are representatives or members of—

(A) the print, broadcast, or other media industry;

(B) the national sports community;

(C) the recreation industry;

(D) the entertainment industry;

(E) the retail industry;

(F) the food industry;

(G) the health care industry;

(H) the transportation industry;

(I) the education community;

(J) national veterans organizations; and

(K) families that have lost loved ones in combat.

(2) HONORARY MEMBERS.—On recommendation of the Alliance, the Commission may appoint honorary, nonvoting members to the Alliance.

(3) VACANCIES.—Any vacancy in the membership of the Alliance shall be filled in the same manner in which the original appointment was made.

(4) MEETINGS.—The Alliance shall conduct meetings in accordance with procedures approved by the Commission.

(c) TERM.—The Commission may fix the term of appointment for members of the Alliance.

(d) DUTIES.—The Alliance shall assist the Commission in carrying out this Act by—

(1) planning, organizing, and implementing an annual White House Conference on the National Moment of Remembrance and other similar events;

(2) promoting the observance of Memorial Day and the National Moment of Remembrance through appropriate means, subject to any guidelines developed by the Commission;

(3) establishing necessary incentives for Federal, State, and local governments and private sector entities to sponsor and participate in programs initiated by the Commission or the Alliance;

(4) evaluating the effectiveness of efforts by the Commission and the Alliance in carrying out this Act; and

(5) carrying out such other duties as are assigned by the Commission.

(e) ALLIANCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Alliance shall serve without compensation for the services of the member to the Alliance.

(2) TRAVEL EXPENSES.—A member of the Alliance may be allowed reimbursement for travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(f) TERMINATION.—The Alliance shall terminate on the date of termination of the Commission.

SEC. 10. EXECUTIVE DIRECTOR AND WHITE HOUSE LIAISON.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director of the Committee Management Secretariat Staff of the General Services Administration shall appoint an individual as Executive Director and White House Liaison.

(2) INAPPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Executive Director and White House Liaison may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(b) DUTIES.—The Executive Director and White House Liaison shall—

(1) serve as a liaison between the Commission and the President;

(2) serve as chief of staff of the Commission; and

(3) coordinate the efforts of the Commission and the President on all matters relating to this Act, including matters relating to the National Moment of Remembrance.

(c) COMPENSATION.—The Executive Director and White House Liaison may be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the Executive Director and White House Liaison is engaged in the performance of the duties of the Commission.

SEC. 11. AUDIT OF FINANCIAL TRANSACTIONS.

(a) IN GENERAL.—The Comptroller General of the United States shall audit, on an annual basis, the financial transactions of the Commission (including financial transactions involving donated funds) in accordance with generally accepted auditing standards.

(b) ACCESS.—The Commission shall ensure that the Comptroller General, in conducting an audit under this section, has—

(1) access to all books, accounts, financial records, reports, files, and other papers, items, or property in use by the Commission, as necessary to facilitate the audit; and

(2) full ability to verify the financial transactions of the Commission, including access to any financial records or securities held for the Commission by depositories, fiscal agents, or custodians.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act, to remain available until expended—

(1) $500,000 for fiscal year 2001; and

(2) $250,000 for each of fiscal years 2002 through 2009.

SEC. 13. TERMINATION.

The Commission shall terminate on the earlier of—

(1) a date specified by the President that is at least 2 years after the date of enactment of this Act; or

(2) the date that is 10 years after the date of enactment of this Act.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

(Mr. SCOTT asked and was given permission to speak out of order for 1 minute and to revise and extend his remarks.)

THANKS TO EDWARD PEASE FOR HIS DISTINGUISHED SERVICE

Mr. SCOTT. Mr. Speaker, I ask for this time just to thank the Speaker for the distinguished manner in which he has presided today and on previous days. Much has been made about the acrimony of the House of Representatives, and I can say that if more Members behaved as the Speaker has in the honorable and distinguished way that he has conducted his legislative affairs, very little would have been heard about acrimony.

So I want to join the gentleman from California in thanking the Speaker for his fine service.

COMMENDING PRESENT ARMY NURSE CORPS FOR EXTENDING EQUAL OPPORTUNITIES TO MEN AND WOMEN

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on Armed Service be discharged from further consideration of the resolution (H. Res. 476) commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 476

Whereas in 1901, in the Act popularly known as the Army Reorganization Act, the Congress established the Army Nurse Corps as a permanent corps of the Medical Department of the Army;

Whereas 2001 is the centennial of the Army Nurse Corps;

Whereas the law establishing the Army Nurse Corps designated it as a female unit;

Whereas men, whatever their qualifications or accomplishments, could not enter the Army Nurse Corps because of its designation as a female unit;

Whereas more than 59,000 women bravely served in the Army Nurse Corps during World War II, and more than 5,000 woman served during the Korean War;

Whereas some male nurses who might have served in the Army in officer grades instead, due to the exclusion of males from the Army Nurse Corps, served in enlisted grades as Army hospital corpsmen in World War II and the Korean War;

Whereas male nurses expressed concern about this situation to the Surgeon General, their congressional representatives, and newspapers;

Whereas the Congress opened the Army Nurse Corps to males in August 1955, thereby allowing male nurses in the Army to be commissioned as officers, and the Army Nurse Corps became the first gender integrated corps in the Army that year;

Whereas today the Army Nurse Corps is open to both men and women; and

Whereas men and women have bravely served in the Army Nurse Corps in Vietnam, Desert Storm, and other military engagements since 1955: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the present Army Nurse Corps for extending equal opportunities to men and women; and

(2) recognizes the brave and honorable service during and before 1955 of—

(A) men who served as Army hospital corpsmen; and

(B) women who served in the Army Nurse Corps.

Mr. HOLT. Mr. Speaker, I rise today in strong support of H. Res. 476, which commends the present Army Nurse Corps for extending equal opportunities to men and women, and recognizes the brave and honorable service of the men and women who have served in the Army Nurse Corps and as Army hospital corpsmen.

From the earliest days of this great country, whenever our army was needed, nurses have served. During the Revolutionary and Civil Wars and other times of need, nurses have been there with the soldiers.

Congress officially established the U.S. Army Nurse Corps on February 2, 1901, with 202 nurses serving on active duty. During World War II, the Corps swelled to over 59,000 nurses, all of whom served their country valiantly and honorably.

Indeed, Army Corps Nurses received 1,619 medals, citations, and commendations during World War II, reflecting their courage and dedication. Sixteen medals were awarded posthumously to nurses who died as a result of enemy fire. These included the 6 nurses who died at Anzio, 6 who died when the Hospital Ship Comfort was attacked by a Japanese suicide plane, and 4 flight nurses. Overall, 201 nurses died while serving in the Army during the war.

In 1947, another act of Congress established the Army Nurse Corps as part of the Medical Department of the active army. In 1950, when hostilities broke out in South Korea, 3,460 Army Nurses were on active duty. Many of them were assigned to field, evacuation and new Mobile Army Surgical Hospitals (MASH), only minutes from the battle areas by helicopter.

Unfortunately, due to the gender discrimination of the Army Nurse Corps during World War II, men, regardless of their training and accomplishments, could not receive officer's commissions in the Nurse Corps and thus often had to enlist as hospital corpsmen, subordinate in rank to female nurses.

One of my constituents, Sam Landis, was one of these men. Mr. Landis served as a surgical technician in the Pacific theater during World War II. During the battle of Okinawa, Mr. Landis placed himself at extreme personal risk in tending to anesthetized casualties while his field hospital was being shelled. He was awarded the Bronze Star for his heroic service.

I am proud to offer this resolution which recognizes men like Sam Landis and which commends the Army Nurse Corp for allowing men into this brave and honorable service.

In 1955, Congress opened the Army Nurse Corps to males, thereby allowing male nurses in the Army to be commissioned as officers, and the Army Nurse Corps became the first gender integrated corps in the Army that year.

From the battlefields of the Civil War to the foreign lands of Asia, these Army Nurses and Army hospital corpsmen sought to relieve the pain and suffering of war. And their mission is no less vital in peacetime. Army Nurses perform in a range of medical situations and emergencies. The extensive training, the sense of proud tradition and the strong commitment to help mankind, have made the Army Nurse not only a valuable asset to the Army, but to our country as well.

I urge my colleagues to join me in support of H. Res. 476.

The resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE FOUR MEMBERS OF THE UNITED STATES MARINE CORPS WHO DIED ON DECEMBER 11, 2000, IN OSPREY AIRCRAFT CRASH

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration of the resolution (H. Res. 673) honoring the four members of the United States Marine Corps who died on December 11, 2000, and extending the condolences of the House of Representatives on their deaths, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

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

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 673

Whereas on December 11, 2000, an MV–22 Osprey aircraft crashed during a training mission near Jacksonville, North Carolina, killing all four members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these proud Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this terrible loss will resonate through Marine Helicopter Squadron 1 based at Quantico, Virginia, Marine Medium Tiltrotor Training Squadron 204 based at Marine Corps Air Station New River, North Carolina, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the entire Marine Corps and the Marine Corps in mourning their loss; and

Whereas the Marines killed in the accident were—

(1) Lieutenant Colonel Keith M. Sweaney, 42, of Richmond, Virginia, assigned to Marine Helicopter Squadron 1, based at Quantico, Virginia;

(2) Major Michael L. Murphy, 38, of Blauvelt, New York, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina;

(3) Staff Sergeant Avely W. Runnels, 25, of Morven, Georgia, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina; and

(4) Sergeant Jason A. Buyck, 24, of Sodus, New York, assigned to Marine Medium Tiltrotor Training Squadron 204, based at Marine Corps Air Station New River, North Carolina: Now therefore, be it

Resolved, That the House of Representatives—

(1) has learned with profound sorrow of the deaths of four members of the United States Marine Corps in the crash of an MV–22 Osprey aircraft on December 11, 2000, during a training mission near Jacksonville, North Carolina, and extends condolences to the families of those four members of the Marine Corps;

(2) recognizes that those four members of the Marine Corps embodied the credo of the Marine Corps, ''Semper Fidelis'';

(3) expresses its profound gratitude to those four members of the Marine Corps for

the dedicated and honorable service they rendered to the United States and the Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice their families have demonstrated in support of the Marine Corps.

SEC. 2. The Clerk of the House of Representatives shall transmit an enrolled copy of this resolution to the Commandant of the Marine Corps and to the families of each member of the Marine Corps killed in the accident referred to in the first section of this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1930

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). The Chair is prepared to move to special orders, but without prejudice to resumption of legislative business.

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.

TRIBUTE TO THE LATE BISHOP JAMES T. McHUGH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, today a great man of God, a brilliant writer of homilies and incisive commentary, an extraordinary humanitarian, a courageous defender of human life, Bishop James T. McHugh, was buried.

After a long battle with cancer, Bishop McHugh passed away on December 10. Consistent with how he lived his life, Bishop McHugh faced death like he faced life, with courage, dignity, and an unwavering faith that inspires us all.

Prior to his assignment at Rockville Center, New York, Bishop McHugh served with dedication and effectiveness as Bishop of the Diocese of Camden, New Jersey, an area just south of my district.

Mr. Speaker, I have had the privilege of knowing this holy man of God and calling him friend for over 25 years. By his words and extraordinary example, Bishop McHugh lived the gospel of Christ with unpretentious passion and humility. Bishop McHugh radiated Christ. He recognized evil and deceit in the world for what it was, yet he never ceased to proclaim reconciliation and renewal through Christ, the sacraments, and the church.

Clearly among the best and brightest and clearly among the most wise, Bishop McHugh nevertheless was humble and soft-spoken. His courage to press on against any and all odds was without peer. He was a spiritual giant, and we will miss him dearly.

A graduate of Seton Hall University and the Immaculate Conception Seminary in Darlington, New Jersey, Bishop McHugh began his service to the church early in his life. Ordained in 1957, Bishop McHugh's impact has been felt in countless ways. His constant and unyielding defense of the unborn will serve as a pillar of strength to all of us who carry on the fight for life.

At the time of his death, Bishop McHugh was a member of the U.S. Bishops Committee on Pro-Life Activities, as well as a consultor to the Pontifical Council on the Family. His dedication to the family and the pro-life movement knew no bounds, and his representation of the Vatican at international meetings at the United Nations on population control and pro-life matters served not only as an inspiration for myself and many others, but he upheld the convictions and beliefs of the church and believers worldwide, and did it with great distinction.

Bishop McHugh's courage and convictions could not have been more evident, again, as he entered his final days in life. He spoke up on behalf of all of those who are disenfranchised and dispossessed. Again, he preached reconciliation and love. I ask that we all remember him.

Mr. Speaker, today, a great man of God, a brilliant writer of homilies and incisive commentary, an extraordinary humanitarian, a courageous defender of human life, Bishop James T. McHugh—was buried.

After a long battle with cancer, Bishop McHugh passed away on December 10th. Consistent with how he lived his life, Bishop McHugh faced death like he faced life—with courage, dignity and an unwavering faith that inspires us all.

Prior to his assignment at Rockville Center, Bishop McHugh served with dedication and effectiveness as Bishop of the Diocese of Camden, New Jersey, and area which borders my district.

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By his words and extraordinary example, Bishop McHugh lived the Gospel of Jesus with unpretentious passion and humility. Bishop McHugh radiated Christ. He recognized evil and deceit in the world for what it was—yet he never ceased to proclaim reconciliation and renewal through Christ, the Sacraments and the Church.

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Bishop McHugh's courage and courage and convictions could not have been more evident than just recently, when he ordered that no public officials or candidates who supported abortion be permitted to appear at Catholic perishes. Although Bishop McHugh was critized by the media, he was upheld in high esteem among those of us who hold that all human life is precious. Bishop McHugh held strong to clear Christian teaching on the sanctity of human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion.

Early in his career, Bishop McHugh worked on staff of the National Conference of Catholic Bishops and was named director of the Division for Family Life in 1967 and director of the bishops' Secretariat for Pro-Life activities in 1972. Bishop McHugh did advanced theological studies at the Angelicum in Rome and earned his doctorate in sacred theology in 1981.

Bishop McHugh must be commended for this outstanding work as Vatican delegate to numerous international conferences, including the 1974 International Conference on Population in Bucharest, Romania, the 1980 UN World Conference on Women in Copehagen, Denmark; the 1984 UN World Population Conference in Mexico City; the 1990 World Summit for Children in New York; the 1992 International Earth Summit in Rio de Janiero, Brazil, and the 1994 International Conference on Population and Development in Cario, Egypt.

SUPREME COURT'S DECISION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I feel compelled to note my strong objection to the U.S. Supreme Court's decision on the matter of the State of Florida's recount of undercounted ballots in the November 7th, 2000 Presidential election. I believe that it was wrong for the U.S. Supreme Court to overrule the decision rendered by the Supreme Court of Florida in a matter that was strictly within the law and purview of the law of the State of Florida.

The principles of equal protection of the law have never required the U.S. Supreme Court to intervene to provide uniformity in the form of the ballot, within a state or among the states, nor has it required uniformity in the method used to tally the votes cast.

The State of Florida as elsewhere in the country has allowed each county or similar political subdivision to determine on its own the form of the ballot, and the manner of machine or handcount that is to be used.

If standards or requirements of uniformity are needed to conform to equal protection requirements, then all ballots and all counts in

Florida are null and void. There were no standards and certainly no uniformity in how the counts were established by initio.

The Court examined the recount process in an effort to find some way to invalidate what the Florida court has ordered.

Had the U.S. Supreme Court been interested in making every vote count in Florida, it could have easily remanded the case back to the Florida Supreme Court, established the uniform standard to be used, and allowed the count to proceed.

Instead, in remanding the matter to the Florida Supreme Court it noted that the time had run out.

There was no basis for the U.S. Supreme Court's ruling that December 12 was an absolute deadline. If it had to rely on a deadline why not December 18. It didn't use December 18 because that would have allowed enough time for the recount to have been completed.

Even December 18 is not a real deadline. In 1960, Hawaii Democrats went to court to ask for a recount, after the Lt. Governor had certified the results of the Presidential election. The Court ordered a statewide recount which took until December 27 to complete. It was not transmitted to Washington, D.C. until early January. When the Joint Session met on January 6, 1961, there were three certifications on the Speaker's desk. One sent from Hawaii on November 28, the one announced by the electors on December 19, and the one sent by the Court after the recount.

On election night 1960 Hawaii throught that Kennedy had won by 92 votes. The next morning the ''final'' tabulation had Nixon winning by 142 votes. After the court ordered recount Kennedy was ahead by 115 votes.

Vice President Nixon presided over the Joint Session on January 6, 1961 and declared that Kennedy had won Hawaii.

As Justice Stevens noted in his dissent, the Hawaii court ordered recount took precedence over the State's Lt. Governor's certification done pursuant to state law, and even took precedence over the electors announced vote on December 18.

In the Hawaii case, December 12, and December 18 were not regarded as deadlines that would interfere with the state Judiciary's power and responsibility to make sure that all of the votes were properly counted. The Republican Governor William Quinn, the Republican Lt. Governor James Kealoha, and the Republican United States Senator Hiram Fong all agreed that Kennedy had indeed carried the state of Hawaii in the 1960 Presidential election.

I see no justification for the U.S. Supreme Court's interference in the 2000 presidential election.

Florida could have taken until December 31st to recount all of its ballots. The December 12th deadline was arbitrary.

The people of America have been cheated of a full and fair outcome.

I especially resent those who asked that Vice President Gore not contest the outcome in Florida. Without Florida he was the clear winner. He had won 267 electoral votes. Bush only had 246 votes without Florida. In addition Gore had won the nationwide popular vote as well. Gore had the duty to defend the outcome, not as he wished, but as the voters all across the country had determined. He had no right to concede the outcome without a fierce defense. It was not his to concede. Fifty million voters had expressed their will. A Florida recount was needed to validate their choice.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF 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. DAVIS) is recognized for 5 minutes.

(Mr. DAVIS of Illinois 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. SHIMKUS) is recognized for 5 minutes.

(Mr. SHIMKUS 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. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE INSPIRATION OF THE U.S. CAPITOL, AND ITS LESSONS FOR THE NEXT GENERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, last evening I looked out upon this Capitol from my office window in the Rayburn Building. The Capitol dome was lighted. It was a cool evening. The flags were flying, and the lights were on the Capitol dome.

I paused to look about 10 p.m. because I thought that was going to be my last evening in office as I retire from this United States House of Representatives. I had virtually cleaned out my office. I just sat there for a few minutes, having a very beautiful view of this Capitol.

It occurred to me that we often look at the Capitol, but we do not see it. As Members of Congress, we are often in another world in our minds, doing things of the people's work that we should be doing, making decisions and doing all the things we are involved with. Very often we do not get off the train and smell the roses and really look around us. It is difficult to do, living these busy lives that we do.

But our Capitol represents that which is the greatest in America. It represents the history of this Nation, the greatest free nation in the history of the world. It represents and symbolizes lots of things.

It is a wonderful piece of architecture. Those of us who have had the privilege of taking the architect's tour and taking constituents to the top of the dome know it intimately from that standpoint.

But just looking at it from the outside, and looking at its intricate workings under those beautiful lights, makes us in awe of it as a building and a structure, and realizing that structure was conceived years and years ago before we had all of the modern technology we have today.

But it is far more than an architectural structure, it is a symbol of this great free Nation. It is, like our Constitution and our Bill of Rights, a part of our heritage. We have this greatest free Nation because we had Founding Fathers with the wisdom to adopt a Constitution and the Bill of rights that protect us from government, that require government to be closest to the people in the States and local communities, where they can, and have a Federal or central government only to do those things of national security and matters which really cannot be done by an individual one of the 50 States.

We have also a check and balance system, where the legislative branch, the executive branch, and the judicial branch of governments work together in harmony to produce outcomes that sometimes, upon their initial appearances, look messy, untidy, and difficult, but they are not. They are actually things that can resolve, because of those mechanisms, great crisis problems in ways that do not involve bloodshed, that do not involve riot in the streets, that simply involve a serious debate and serious consideration; in ways that engage the American public in a democratic fashion.

We just witnessed one of those great moments in our history: a presidential election that went on for days after the balloting, in which we had lots of partisan views and personal opinions, and engaged the American people.

Some thought that the election should have been resolved sooner; some thought it should have gone on beyond the Supreme Court decision of this past few days. But the reality is that our system worked. The beauty of it is that our Founding Fathers' gift to us has indeed shown forth again in bringing about in a fashion that our republic is proud of the resolution of the issue of who will be the next president of the United States and the next Vice President, George W. Bush and Richard Cheney, Dick Cheney.

I am honored to have served in this body, to have been a Member over the last 20 years of this House of Representatives; to have been a party to a small piece of history for events that have unfolded here in my time.

During that tenure lots of things have happened: We have seen the end of the Cold War. We have seen the fall of the Berlin Wall. We have seen the balancing of the Federal budget. We have seen the advent of the age of the Internet. We have seen vast changes in our lives.

But it is the future to which we should turn. It is to the next generation. It is to the children who are in school today that we will look to leadership. I would remind them that there is no finer place to look than in history and on the Constitution, and all that this Capitol represents, and to the structures that were set up by our Founding Fathers.

Learn discipline, learn history, study great literature, get a good education, and participate in government. Participate at any level, whether that is running for office oneself, or simply getting out and voting and encouraging others to get out and vote, or working in campaigns. But show that interest.

Learn, study, do what others who having gone before you have done, and be interested enough to protect these freedoms, protect our structure, protect the strongest military in the world to keep America safe while we are strong, and to protect these institutions that are valuable, so our children and grandchildren for years to come will be able to have these great freedoms that were given to us.

Again, it has been my great privilege to have served the U.S. House of Representatives and the people of this Nation in this office. As I leave tonight and say farewell in my last moment on the House of Representatives floor, I want to thank all that I have served with, both the Members and the staff and those who are here tonight, those who work in the U.S. House, work on the floor of this House, work in the cloakrooms of both parties. We owe a debt of gratitude. I want to thank those people.

It has been a great privilege. It will be a great honor to look from the outside as a private citizen and watch the workings of this body, for I know not only what a great institution this is, but what a great institution it will continue to be because of the people who are here, because of the interests served, and because our young people, generation after generation, will continue to revitalize our system of government and make this continue to be the greatest free nation in the history of the world.

THE INDIAN AMERICAN FRIENDSHIP COUNCIL AND STRENGTHENING INDIA-AMERICA TIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I just want to take some of the time this evening before I yield to my colleague, the gentleman from California (Mr. SHERMAN), to talk about the activities of the Indian American Friendship Council.

I noticed that the previous speaker, and I guess he is now in the Chair, I wanted to say that the gentleman from Florida (Mr. MCCOLLUM) who is now presiding over the House of Representatives as the Speaker was, with myself, the founder of the Indian American Caucus and the Indian American Friendship Council which the gentleman from California (Mr. SHERMAN) and I are about to talk about, and worked very closely with the Congressional Caucus on India and Indian-Americans from the beginning when it was founded to try to bring the United States and India closer together, and to also deal with some of the concerns and issues that the Indian-American community had here in the United States.

One of the accomplishments that the gentleman from Florida (Mr. MCCOLLUM) made, and I am sure he is very proud of, is the fact that the Congressional Caucus on India and Indian-Americans has grown now. It is actually the largest caucus in the House of Representatives. The gentleman's involvement with it from the very beginning was a very important part of its success.

Let me say that not only do I appreciate the gentleman's contribution, but I know that the Indian-American community appreciates it a great deal. Whenever I go to any event whether there is an Indian-American community, they constantly make reference to the fact that the caucus has been successful, what we have accomplished, and talk about the various things we have done.

I just wanted to pay tribute to the gentleman as well this evening on another aspect of the many things the gentleman did during his career here in the House of Representatives.

Let me say, the reason that the gentleman from California (Mr. SHERMAN) and I are talking specifically about the Indian American Friendship Council is because this session of Congress, which will close this evening here in the House, I think was one of the most successful Congresses in terms of trying to bring the United States and India closer together, and making not only our colleagues in the government but I think the American people in general aware of the need to increase warm relations between the United States and India.

When I was about to get up this evening and mention the contributions of the Indian American Friendship Council, and I looked on their website, I noticed that the lead theme, if you will, was ''Bridging the world's two greatest democracies.'' That is what the Friendship Council is all about, trying to bring the world's two greatest democracies together.

Over the 7 or 8 years now that we have had the Congressional Caucus on India and Indian-Americans, I think we have accomplished a lot in that regard. If I go back 7 or 8 years, at that time many people I think both in India and in the United States thought of the two countries as not only not partners, but maybe even I would not say enemies, certainly, but maybe on opposite sides of the fence on many issues, whether it was the economy or the development of trade or security issues, or whatever.

Certainly over that last 7 or 8 years we have accomplished a lot to change that, and the Indian American Friendship Council has played a role.

I wanted to give particular thanks this evening to Dr. Krishna Reddy, the founder and still the president of the Friendship Council. One of the things that Members of Congress on both sides of the aisle certainly cannot forget is that every year in the summer, usually I think it is in July, the Indian American Friendship Council has a big event, basically a day-long conference, which concludes with a banquet in the evening where many Members of Congress participate.

I think there is more participation by Members of Congress in that conference and in that banquet than any other event put on by the Indian-American community here in Washington.

□ 1945

It is because Dr. Reddy and the people involved in the Indian American Friendship Council who really go out of their way to make it clear that Congressmen and Senators are important, and that the only way, if you will, that we can accomplish the goals of bringing the United States and India closer together is by having the community work with Congress and work with their Members of Congress to accomplish that goal and to basically say what their concerns are.

I went through again the Web site of the Friendship Council, and I saw a list of about 10 goals that the Friendship Council tries to achieve, and every one of these is, I think, very significant in terms of U.S.-India affairs, as well as the role of the Indian American community.

I just wanted to, if I could, very quickly list these. The goals basically say, and the first one is to forge better overall ties with an emerging power that is the world's largest democracy, better ties within the United States and India. That is in general.

Second, to give concrete expression to our shared democratic values and our interests in strengthening evolving democracies. What they mean by that is that the council has played a major role in getting the Indian American community involved in government, involved in civic affairs, whether that means registering to vote, getting out to vote, or working for candidates, or lobbying in a positive way in Washington or a State capital for candidates.

The third goal is to urge Indian progress towards global nonproliferation and security norms; very important, and not an easy task, because we know that with the detonating of nuclear weapons or the testing, I should say, of nuclear weapons in India a few years ago, there was a major concern about whether India will continue on the path towards nonproliferation.

The council has made it clear that that is the path that both the Indian government, the U.S. Government and all governments should proceed down. Nonproliferation is a goal. I commend the Friendship Council for having that goal.

Fourth is to maximize our partnership and trade investment and information technology exchanges with one of the world's largest economies, and one of the world's largest middle classes. We do not even need to comment on that one. Obviously, there has been a tremendous growth in trade between our two counties. There are tremendous opportunities in the information technology field. Indian Americans have played a major role obviously in the information technology field here in the United States as well as in India.

Next is to broaden and deepen our relations with the world class Indian players in the vital area of information technology. Again, we have explained that, and, furthermore, to enhance our joint efforts on urgent global issues including terrorism and narcotics.

When President Clinton went to India in March, and in that historic visit, which the council had been urging for a long time and Dr. Reddy have been preparing the way for for a long time, one of the major issues that was addressed was terrorism. And it was also addressed when Prime Minister Vajpayee came here to the United States before the House of Representatives in September, and significant progress has been made between the two countries on the goal of trying to get rid or trying to address international terrorism.

And another goal was team up to protect the global environment with clean energy and other initiatives where Indian leadership is essential. When I was in India with the President in March, we made some major progress with regard to environmental concerns.

We were at a hotel next to the Taj Mahal when an agreement was signed between the United States and India to try to improve the environment, to improve access to energy. And, again, the Friendship Council had been in the forefront of trying to stress the environmental and energy needs and the fact that our two countries, one, the United States, being the leader in the developed world and the other, India, being a leader in the developing world on these environmental and energy issues.

Finally is to join hands in the global campaign against polio, HIV/AIDS and other public health problems. Dr. Reddy, himself, is a dentist. He is very concerned about public health. He has been honored by the Indian government and by other organizations here in the United States, because of his concern, his public health concerns; and obviously, this is another area where the Friendship Council has been playing a major role and many members of the Indian caucus have taken the leadership in trying to improve the public health environment in India.

Let me just say that I just want to conclude my portion, if you will, of the Special Order by saying that I really admire the work of Dr. Reddy and the Indian American Friendship Council. I know that many of my colleagues do.

This is a bipartisan organization that works with Democrats and Republicans and certainly will continue to do the excellent job they do in the next Congress.

Mr. Speaker, I yield the balance to the gentleman from California (Mr. SHERMAN).

THE INDIAN AMERICAN FRIENDSHIP COUNCIL AND STRENGTHENING INDIA-AMERICA TIES

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for the remainder of the minority leader's hour.

Mr. SHERMAN. Mr. Speaker, it has been a pleasure to work with the gentleman from New Jersey (Mr. PALLONE) on strengthening the ties between the United States and Israel.

I want to join with him in praising the Indian American Friendship Council and discussing how important U.S.-India relations are for the people of the United States and the important work of the Indian-American Friendship Council in strengthening those ties.

Mr. Speaker, just a few years ago, half a billion Indians went to the polls to choose a new parliament, five times as many people who participated last month in the U.S. Presidential election. Frankly, a higher level of participation in democracy than we enjoy here in the United States.

India has demonstrated to the world that democracy is not just a system of government for the developed world, but, in fact, is a system of government that can work anywhere. Where else would democracy face such incredible challenges? A Nation of a billion people, perhaps the most ethnically and religiously diverse nation on the face of the earth, with one democratically elected parliament.

India has surprised the world, not only with its ability to maintain and strength its democratic institutions but also with its economic growth. It serves as a model to the entire world.

The Indian-American community has also served as a model. It is now the most highly educated of all of America's ethnic groups. Forty years ago, there were 35,000 Indo-Americans. Today, there are 35,000 Indo-American physicians, not to mention the tens of thousands of Indo-Americans who are in the various other professions who have succeeded in business, particularly information technology and who have participated in the cultural and political life of America.

Clearly strengthening ties between India and the United States is an important mission, and no organization performs that mission to a greater degree and with more finesse and capacity than the Indian-American Friendship Council.

The Indian-American Friendship Council has prominent chapters in networking groups, in many cities and States across this country. As the gentleman from New Jersey (Mr. PALLONE) pointed out, every year the council hosts a major annual event here in Washington, which attracts scores of Members of the House and of the Senate and serves as a platform for discussion between the Indo-American community and other supporters of the U.S.-India relationship and elected Members of the Congress.

Mr. Speaker, not only does the Indian-American Friendship Council serve as a bridge to those who serve in Congress, but it also serves as a bridge to the State Department and the other departments involved in international economic and diplomatic policy of this country.

I am particularly proud of Dr. Krishna Reddy, the founder of the Indian-American Friendship Council, who I am proud to say is a Southern Californian. So while the gentleman from New Jersey (Mr. PALLONE) has accomplished much for the Indo-American relationship, he cannot claim that his region is the home of Dr. Reddy, whereas we, in Southern California, can.

With that in mind and knowing of all the gentleman has done for the U.S.-India relationship and to support the Indian-American Friendship Council, I would at this point, yield to the gentleman from New Jersey (Mr. PALLONE), for any parting words about the importance of the Indian-American Friendship Council.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California (Mr. SHERMAN), and I agree that I cannot lay claim to Dr. Reddy, because he is from the gentleman's part of the country. I will say that about a year or two ago, Dr. Reddy started a chapter of the Indian-American Friendship Council in New Jersey.

They are now very active, and I have been to some of their meetings where there were maybe 200 or 300 people, and so even though he is from California, his name and his activities have now spread to my great State as well.

Mr. SHERMAN. Mr. Speaker, I am glad to see that Southern California is spreading wisdom to the far shores of New Jersey.

Mr. Speaker, I want to commend the gentleman from New Jersey (Mr. PALLONE), who has been here long before I was involved in the India Caucus and in strengthening ties between the world's richest democracy and the world's largest democracy.

ISSUES THAT WE NEED TO CONFRONT TO AVOID CONSTITUTIONAL CRISIS OF COMING DECADES

Mr. SHERMAN. Mr. Speaker, I would like to begin the speech I had planned to give tonight.

Mr. Speaker, you have been here on many occasions when I have addressed

the House late at night, and this is the last speech of the 106th Congress, as I understand it, the last three quarters of an hour which you will be presiding over this House.

I wish the gentleman tremendous luck and tremendous good fortune as the gentleman leaves this House. I want to thank the gentleman for his service to this House and to this Nation, and particularly his service as a presiding officer over this House, which he has done so many times.

Mr. Speaker, I especially want to thank you in advance for your indulgence during the next three quarters of an hour.

I also want to thank the House for this opportunity to address the House in the closing minutes of the 106th Congress and take this opportunity to wish all of my colleagues happy holidays and a happy and productive new year.

Mr. Speaker, we come to the end of the 106th Congress; and we come to the conclusion of the selection of the 43rd President of the United States, perhaps more in exhaustion than in glee, having severely tested our constitutional structure. When we come back next year, we need to do so in the spirit of bipartisanship; and I think in that spirit, we need to address some of the issues as to which there is no Democrat policy, no Republican policy, but issues that go to the structure of our democracy, issues that we need to confront now to avoid the constitutional crisis of coming decades, issues that go to the structure of our government and go to protecting the Presidency from challenges that it could face in the decades to come.

I have been asked who could have imagined the problems that we have faced over the last month. The fact of the matter is anyone with a good imagination could have imagined these problems and hundreds of others.

We simply need to look at the technical mechanisms for our government, for our Constitution. And for our democracy in order to identify those issues that could present crisis in the future.

Now, there are a variety of different kinds of problems this country faces as to which Members of Congress are not to be expected to have in-depth expertise. In my own State, there are tremendous problems dealing with the generation and distribution of electric power. And few Members of the State legislature of this Congress have in-depth expertise or experience in matters of electric power; but when it comes to government and politics and voting, that is the one area where we are experts. It is time that we turn that expertise to making sure that all of the foreseeable problems that could go to the structure of our government are given attention and hopefully are solved.

These are problems, and I will address nine different problems in the remainder of any speech, that have not gotten much attention. They are problems that we are not lobbied by the insurance industry or the physicians. The NIFB has no position, nor does the AFL–CIO; neither the sugar producers, nor the candy makers have a stake in the outcome directly.

□ 2000

None of the hundreds of lobbyists and constituent groups that have come to our office in the last 2 years have even addressed these issues. Given what has happened in Florida, we will begin to hear of one or two of them, but we should address them all and others besides, because I am not confident that I have the right answers, I am not confident that I have identified all of the relevant questions. But I am sure that it is time for this House to imagine those mechanical threats, those threats to the mechanics to our democracy that could occur, not just in the next few years, but in the coming many decades.

Mr. Speaker, if I had come to this floor 6 months ago and said that chad posed a risk to our democracy, a member of the Committee on National Security would have responded that the West African nation of Chad posed no threat to us, that it was not the site of terrorism nor military threat. Yet, we must defend our democracy, not only from the most obscure sources of international attack, but from those things that could undermine faith in our institutions.

We have learned that the word chad does not only apply to a nation in West Africa, but refers to just one of many mechanical problems that could undermine our faith in those institutions.

Mr. Speaker, it is not enough for us to address just what happened in Florida, because tomorrow's constitutional crisis will not be the same as yesterday's. The crisis that we have just faced will inspire us to close the barn door now that the horse is departed. But it is not enough to close the door through which one horse escaped, we must, instead, examine the barn and close every window and every door and make sure that the walls are structurally sound.

We must identify as many possible constitutionally undefined areas and address those areas long before they become sources of major partisan controversy. We must imagine all the problems that we can and not scoff at those who would solve ''imaginary problems.''

The first of these issues that I would like to address is one that has not been discussed, I believe, on this floor for at least a decade; and that is the issue of Presidential succession. We all know that, if the President is impaired or becomes deceased, the Vice President succeeds to that office. We all know that a Vice President who then becomes President can appoint a successor to the Vice Presidential office.

We all know if things go smoothly, there will always be a President and a Vice President and a Vice President ready to take over if the President, God forbid, is deceased. But, Mr. Speaker, there could come times when we go for months or years without a Vice President. We did when Gerald Ford became President after the resignation of Richard Nixon. One could have imagined the crisis we might have faced had President Ford faced some untoward calamity.

See, Mr. Speaker, we have laws that provide for succession to the Presidency. Such laws ought to provide two things, certainty and continuity. The present statute does provide certainty. For if there is a vacancy in both the Presidency and the Vice Presidency, the next person in line is the Speaker of the House and then the President Pro Tempore of the Senate followed by the various cabinet officials in order of the seniority of their departments. That will provide for certainty as to who holds the office of President.

But it is not enough for us to have certainty. We also need continuity; and by this, I mean continuity of policy. If, for example, the Vice President has become President and there is a vacancy in the Vice Presidency, the stock markets should know that, if that Vice President who has become President were to die, that our national policies would remain pretty much the same, that our economic policies would remain the same.

Our adversaries and our friends around the world should know that, even if there is no one currently serving as Vice President, that the next person in line will carry on pretty much the same policies. No one should have any belief that a change in who is President except at a national election could radically change our policy.

Most important, it is key that any potential assassin not believe that they can radically change America's foreign or domestic policies with a bullet. They can change the person but hopefully not radically change the policies.

Unfortunately, our present statute does not meet that standard of providing for continuity, continuity of policy. Because the person in line after the Vice President may or may not be of the same party.

Our old system was, I think, superior. The statute, until a couple of decades ago, provided that, if there was a vacancy in both the President and the Vice President, the next person in line was the Secretary of State, and I believe after that the Secretary of the Treasury, individuals who had been confirmed by the Senate, individuals of high integrity and very substantial governmental responsibility, individuals, though, most importantly who would share a general philosophy with the President of the United States.

Today, we have a very different system, a system where we could have a change in the party in the White House, not as a result of an election, but just as a result of succession. One could have imagined in the 1970s with Gerald Ford serving as President that

the country would wonder what if something happened to President Ford? Would that mean that we would pull out of Vietnam? Who knows? No one should have doubted during that time, but anyone looking at the Constitution and our statutes would have doubted that a change in the person of the President would change the policies of the Presidency.

Now I should point out that we changed our statute several decades ago because it was believed that the first four persons in line to succeed to the Presidency should be elected officials. I do not find that incredibly compelling, but I can understand why others do.

So let us maintain that policy should others think it important, but let us provide that every President may file with the Clerk of the House and the Clerk of the Senate an official document indicating who shall be third and fourth in line in succession; that they would designate that the person third in line would either be the Speaker of the House or the Minority Leader of the House, and the person fourth in line would either be the Majority Leader in the Senate or the Minority Leader in the Senate.

Under those circumstances, we would know that a Member of Congress would be third and a Member of Congress would be fourth in line. Then no matter what is likely to happen, an elected official held in high esteem by their colleagues in the Congress would serve as third and fourth in line. At the same time, we would know that the party in the White House is not subject to change except through election.

If we fail to do so, then some time in the next century, we will face months, if not years, when our allies and enemies around the world wonder whether there could be a radical change in our policies due only to a sad death or incapacity. Assassins or potential assassins may be inspired to their evil deed by the belief that they are, not only committing a heinous act against this country, but in the misbegotten belief that that is an appropriate way to change radically America's foreign or domestic policy. Mr. Speaker, we have not addressed this issue, I believe, for decades. We ought to.

Let us move on, though, to another issue that is also important; and that is one that has been discussed at great length, and that is the need for voting machines around this country or vote tabulation systems that are worthy of the 21st Century and worthy of the world's most powerful democracy.

There have been several bills introduced that provide for at least a study of what can be done to improve our vote tabulation system. But let me describe how important that is. Thirty-one percent of this country uses the punch card system which we became all too aware of in Southern Florida. That system is used, for example, in Los Angeles and Ventura Counties, major counties which I partially represent.

One out of every 66 persons voting for President in Florida in a punch card county had their vote unregistered for President, an undervote. Now, you may say perhaps 1 out of every 66 Floridians did not care to register a vote for President. But in the adjoining counties where optical scanners are used, only 1 out of every 250 voters chose to skip that office. We know from our own experience that the vast majority of people who go to the polls at a Presidential election cast a vote for President, especially when they are given, not only the two major choices, but several other choices besides.

In fact, experience in Florida shows that it is not the case that there are just certain counties in Florida where people want to skip the office of President, because several counties have moved from one vote casting system to the other from 1996 to the year 2000. When they did so, they went from roughly 1 out of every 66 ballots missing a vote for President to 1 out of every 250.

So we see that the tendency to vote for President, when accurately tabulated using the best machines available, that 249 out of 250 people cast a vote, that squares with our experience, and that, in fact, the vote tabulating machines used in punch card counties are ignoring almost 1 percent of the votes cast for President. This needs to be changed, and we need to do more than just have a Band-Aid.

Yes, we could provide Federal funds on a pilot basis to a dozen counties around the country. We could provide $50 million or $70 million. We could stand in front of a few fancy machines in a few counties. But 31 percent of all Americans are using this punch card system. Other Americans are using equally bad systems. And 1 percent of that 31 percent are being disenfranchised. That is wrong.

We should provide $1 billion a year for several years, real money for a real problem, because there are 180,000 precincts in this country, and each one has half a dozen or more voting booths with tabulation devices. Every county has to be able to count the ballots. This is a big deal and cannot be dealt with by a few pilot programs that solve the problem in just a few counties.

What we ought to do is provide grants to counties and other local jurisdictions responsible for elections, grants of between 50 percent and 80 percent of the cost of new vote tabulation and vote casting machinery and the cost of implementing the systems and training the employees involved.

What we ought to do is commission the Federal Election Commission with the responsibility of identifying one, two or three of the best vote tabulation systems for large counties, perhaps a different list of one, two or three systems for medium-sized counties, and perhaps a different list of the best systems to be used in small counties. Then we should turn to every county in America that does not have one of these good systems and offer between 50 and 80 percent of the cost of buying the new equipment. To do otherwise is to say that democracy is worth a quarter trillion dollars a year to defend from foreign threats, but not even a tiny, tiny portion of that to defend from constitutional crisis from unintentional disenfranchisement.

Furthermore, the Supreme Court, whether one agrees with it or not, has just enumerated or identified an equal protection right for votes to be counted accurately.

□ 2015

Now, it is possible that this court will never find another circumstance in which to apply that new constitutional right. It is possible that this court found that new right to apply it only to this election and now will want to seal it and never use it again, but that is just this court. One can imagine a court inspired by more liberal values that would rely on this case to question or invalidate elections from coast to coast if there was a denial of equal protection of the right to cast one's vote in a way in which it would be accurately counted.

The fact is these old vote tabulation systems are found often, and to a greater extent and a greater proportion, in urban counties, with previously disenfranchised minorities, disadvantaged minorities, using systems that throw out 1 percent of their vote, while adjoining more economically upscale counties use new upscale vote tabulation systems. I am not sure this court would use the Equal Protection Clause to deal with that issue, but I do know that in other courts in other decades this issue may rise to the level of constitutional scrutiny, and at that point, at that point we may face another constitutional crisis as some other court examines whether it is fair to use accurate systems in upscale counties and decrepit systems for those who are poor and those in traditionally discriminated against racial minorities.

I also, though, want to point out another issue, and that is if we do have a Federal right, an equal protection right to accurate voting, that we establish some rules that require that those rights be raised on a timely basis. I cite the butterfly ballot, now famous from Palm Beach County. Certainly we ought to have a rule that says that that ballot needs to be challenged 30 days before the election or 3 days after it is known or should be known to the candidates involved in the election so that we do not have a Federal Court invalidating an election weeks or months afterwards because it finds that the butterfly ballot denies equal protection to those who use it.

We must have a system that puts the onus on candidates to bring to the attention their objections first to county election officials and then, if they feel they have a constitutional claim, to

the Federal courts. The butterfly ballot should have been objected to long ago, long before the election.

Mr. Speaker, let me turn to a third issue, and one that has also gotten some attention, and that is the electoral college system. When the electoral college was first instituted, democracy was a newfangled dangerous idea that our Founding Fathers did not want to fully embrace, but which other modern countries have more fully embraced than we have because it is now a proven idea, and American values require that the President of the United States be elected by the people. Now, the values of the 1700s may have been different; but until recently, virtually no American could have conceived of the idea, was even aware of the existence of the electoral college.

Secondly, Mr. Speaker, I would point out that at the time our Constitution was signed, the States really were independent countries. When they were independent countries, we used the following terminology. We would say the United States are going to do something. Today we say the United States is going to do something, because we are now one Nation, with one President that presides over one people. We are both a Republic and a democracy. The distinction between a democracy and a Republic is now, I believe, outmoded because we are a Republic that should be guided by democratic values, particularly in the selection of a President.

Now, in this election, the person who will be in the White House did not get a plurality of the votes, but that was by a mere 300,000 to 400,000 votes. Imagine if by 1 million votes or 2 million votes or perhaps 3, 4, or 5 million votes one person is installed in the White House while the other won the popular vote. Would that President have all of the legitimacy that we would like the President to have? What is worse, what happens if there is a tie?

I know we just lived through one crisis. But what if Ralph Nader had won Florida? Not this election, maybe next election. If that would have occurred, then none of the Presidential candidates would have had 270 electoral college votes, and the Presidency would have been decided here in the House of Representatives. So far that sounds reasonably fair. But we in this House would vote by States. North Dakota and South Dakota would have as much influence as New York and California combined. Would the country really accept a President who had been chosen by a majority of the States, representing only a fraction of the Nation's population? I think such a President might have been accepted in the 1700s. In fact, that is how Thomas Jefferson was selected. But I am not at all sure that a President selected through such a manner would have legitimacy today.

Finally, the maintenance of the electoral college means that there could just be a few dozen votes in one State that could decide an election and could be the subject of a recount, or more than one recount.

The solution is clear. We ought to elect a President by national vote. But one issue then arises. What if no Presidential candidate receives 50 percent of the vote? I suggest that we draw the line at 40 percent, since throughout the last hundred years every President we have installed, I believe, has received 40 percent of the popular vote; yet in contrast, no President in the last 12 years has received over 50 percent of the vote. But if we had a situation with three, four or five viable candidates for President and none of them got over 40 percent of the vote, then I would suggest a national runoff.

For those who disagree with the cost of such an enterprise, even in those incredibly rare occasions when a leading candidate failed to receive even 40 percent, then perhaps the House of Representatives could select the President, with each Member of the House having an equal vote.

Mr. Speaker, we may not abolish the electoral college; but if we do not, it is time for us to stop playing with the excitement of wondering if we will have faithless electors. Now, I am confident on December 18 we will not have faithless electors; that every elector will cast their vote for the slate to which they are pledged. But just because it does not happen next week, does not mean we can sleep and wait for when it does happen. There have been faithless electors in the past.

If we cannot agree to abolish the electoral college, let us at least abolish electoral college members and use a point system that is automatic. If we like the pageantry, then we could have electoral college members, but their votes should be tabulated for the candidate to which they are pledged, unless that candidate releases them by a formal notarized document. If we do otherwise, then we will take a breath, we will relax on December 18, when faithless electors do not control the outcome of the Presidency, and we will leave it to our children and grandchildren to experience the constitutional crisis that we could prevent today by eliminating the risk of faithless electors.

Now, there is another issue I would like to discuss, and that is the statutory interpretation. It is by no means clear whether this is the law of the land, but it is the belief of some that a candidate for President cannot tell the people of the country who would serve in his or her cabinet. There is discussion that our various anti-bribery statutes, et cetera, indicate that no candidate for office can indicate who will get an appointment should he or she be successful. Now, I agree we should not be selling appointments, and that would never be legal; but we should certainly clarify the law so that if a Presidential candidate chose to announce who would serve in this or that position, and announced it publicly, that the country would take that into consideration.

No candidate should risk the violation of Federal law. One could even postulate the idea of a criminal conviction just for telling us what some of us want to know. Now, as a politically involved individual, I would advise most Presidential candidates not to tell us who they would appoint to the cabinets. But any Presidential candidate who chose to do so should not face any retribution.

Now, Mr. Speaker, the next time bomb which we have not bothered to listen to is the method of amending our Constitution by holding a Constitutional Convention. We have never amended our Constitution that way, and so we have tremendous questions as to how such a Constitutional Convention would work. The last time Congress dealt with this, I believe, was in the 102nd Congress, when there was a Constitutional Convention Implementation Act introduced but basically ignored by the House and the Senate. Here are a few of the issues.

Let me cite article 5 of our Constitution, first of all, which says that with the application of the legislatures of two-thirds of the States, there shall be a convention for proposing amendments to the Constitution, which would then have to be ratified by the legislatures in three-quarters of the States. In fact, quite a number of States, at times in the past, sometimes 50 or 100 years in the past, have passed the necessary resolution to call for a Constitutional Convention. Usually, they have called for a Constitutional Convention to deal with this or that problem. Some States have called for constitutional conventions to deal with a balanced budget amendment or with term limits. But if a Constitutional Convention were called, or purportedly called, perhaps called in the opinion of some and not called in the opinion of others, the Congressional Research Service outlines quite a number of questions that have not been settled.

For example, on question yet to be settled is whether or not the petitions to call that convention must all be the same document or whether some can call for a convention to deal with term limits and others a convention to deal with balancing the budget, and a bunch of others calling for a convention to completely revise the Constitution. What are the scope and limitations of any such Constitutional Convention? Once assembled, for example assembled for the purpose of passing term limitations, is the convention free to propose to the several States the complete revision of our constitution? What is the validity of any rescission of a petition by a State legislature? If a legislature called for a Constitutional Convention to deal with the adverse consequences of prohibition and passed that resolution in the first half of the last century, is that State, one, counted toward the calling of a Constitutional Convention included in the tally of

modern States that have called for a Constitutional Convention to deal with such modern concepts as term limits?

□ 2030

Do State petitions have to be contemporaneous? Another unsettled issue? There are many others.

And yet, our entire Constitution could be revised from the beginning through the most recent amendment by a constitutional convention which may or may not be legitimate because it may or may not conform on one of these issues.

It is time for Congress to either abolish the entire concept of a constitutional convention or at least clarify how it would be called and what would be the scope of its powers.

I might add that perhaps we should move to a system where Congress can propose or State legislatures can propose amendments to our Constitution either two-thirds of both Houses of Congress or two-thirds of the State legislatures who could then see that amendment approved at a referendum by two-thirds of the people of the country. It may be time to look to the referendum as a way to ratify amendments to our Constitution.

Those are at least issues that we should talk about as much as we talk about the issues that pit Republicans against Democrats. We should deal at length with the structure of our democracy.

We also, of course, should deal with campaign finance reform. And then we should deal with an issue put before us by the Supreme Court decision in Jones v. Clinton. You will remember that that is the decision in which the Court decided that anyone could sue the President for any reason, that the lawsuit would go forward, the President could be deposed.

And fortunately, in the last 4 years only one party, only one individual, has sued the President. It had very significant consequences.

I would cite the House to the last paragraph of the Supreme Court's decision where it says, ''If Congress deems it appropriate to afford the President stronger protection, it may respond with appropriate legislation.''

We ought to take the court up on that. And here is why: anyone with sufficient financing could sue the incoming President and we could have dozens and dozens of lawsuits financed by people who simply are angry with President-elect Bush or then-President Bush. Slander lawsuits, sexual harassment lawsuits, job discrimination lawsuits, Federal lawsuits, State lawsuits.

Could $10 million be raised from highly partisan Democrats for the purpose of financing dozens of lawsuits resulting in dozens and dozens of depositions of the incoming President? Perhaps. I do not want to find out. And even if that is not the state to which our country has yet sunk in levels of partisanship, do we want to wait a decade or two or three until there is an organized effort to sue whoever is then President as many times as possible and take as many depositions as possible on as many salacious topics as possible?

I suggest, instead, that we indicate that any lawsuit against the President is suspended, that the statute of limitations is told, that the rights of the plaintiffs are preserved until that Presidency is completed, and that any depositions necessary to preserve evidence, any documents that are necessary to be preserved are preserved so that trial can go forward after the defendant in that lawsuit leaves the White House. To do otherwise is to invite anti-Presidential retribution by lawsuits.

There is another issue that I hesitate to bring before the House but one that we might be able to deal with, and that is the ongoing investigation begun by Kenneth Starr. Most of this country knows that we have failed to reauthorize, that we have squelched the Independent Counsel statute. Much of the country does not know that the Independent Counsel's Office of Ken Starr continues to operate and is allowed to continue to operate as long as it wishes to or until we in this Congress by statute pull the plug, padlock the office, and send the files to the Justice Department.

Now we have a particular reason to do so. The Justice Department, on January 21, will be in Republican hands; and if there is anything in those files which even a Republican administration using reasonable discretion determines to prosecute, they are free to do so. But we allowed the Independent Counsel statute to expire because we know that it does not operate with discretion, that an office that exists only to prosecute one individual and it is terminated if it fails to prosecute will find some reason to prosecute, at least find some reason to continue to investigate.

And if you think that partisan tensions are now as high in Washington as they could ever be, imagine how this country will react if a Republican Congress allows to continue the Ken Starr investigation.

Will we just be viewed as another Pakistan, another troubled democracy or an occasional democracy if we begin the process of indicting our former Presidents?

I suggest that the continued failure of this Congress to act, the continued allowance of this Congress to fund Robert Ray's operation has the seeds for raising partisanship to one unnecessary level.

We have heard as much as we need to about Monica Lewinsky, and Federal dollars should no longer be spent to finance an office that has nothing to do, that loses its power, that loses its payment as soon as they decide that the Lewinsky matter is no longer worthy of investigation.

Mr. Speaker, I have brought up bipartisanship quite a number of times in this presentation. Let me just take a minute to talk about what I think bipartisanship means.

Bipartisanship, when it comes to legislation, means working together to obtain bills that have substantial support on both sides of the aisle, working with the leadership and the mainstream Members on both sides of the aisle to put together bills that solve problems for America.

Alternatively, it could mean working through the committee process, and should mean working through the committee process, on bills that obtain the support of the ranking member and the chairperson of the subcommittee that is relevant and/or the committee that is relevant or obtain substantial support from Democrats and Republicans on the relevant committee.

My fear is that we will deal with bipartisanship by finding a bill that is purely partisan and then reaching out to one or two Members of the other party and saying a bill that is 99 and three-quarters percent Republican and one-tenth of one percent Democrat is a bipartisan bill. That would be a betrayal of the consents of bipartisanship.

I commend President-elect Bush for reaching out to Democrats to appoint to his administration, just as President Clinton has appointed a Republican who now serves as Secretary of Defense. But it would be a bitter form of bipartisanship if the appointment process was used cynically to appoint a sitting U.S. Senator that is a Democrat not to bring bipartisanship to the administration but to change the partisan makeup of the United States Senate.

There are many retired Democratic U.S. Senators and House Members that would make excellent members of President-elect Bush's cabinet. He should not use bipartisanship as a tool for partisanship as a device cynically used to appoint and thereby alter the effects of the congressional election.

Mr. Speaker, I thank you for your indulgence. I thank you for the hours that we have spent together in this hall from time to time. I thank you for your indulgence. And I thank the House for giving me the opportunity to be the last to address the 106th Congress. I know that when we return we will reach across the aisle to begin solving the problems of America, and I hope that that process is aided by focusing on those problems as to which there is no Democratic or Republican view.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 1795. An act to amend the public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 162. Concurrent Resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

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. 4577) ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.''

CORRECTING ENROLLMENT OF H.R. 4577, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 162) to the end that the concurrent resolution be hereby adopted; and a motion to reconsider be hereby laid on the table.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 162

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. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: '', except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)''.

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

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today and the balance of the week on account of family business.

Ms. MCKINNEY (at the request of Mr. GEPHARDT) for today on account of illness.

Mr. SNYDER (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

Mr. BOEHLERT (at the request of Mr. ARMEY) for today on account of attending a funeral.

Mr. MICA (at the request of Mr. ARMEY) for today and the balance of the week on account of official business.

Mr. WALDEN of Oregon (at the request of Mr. ARMEY) for today on account of inclement weather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SCOTT) to revise and extend their remarks and include extraneous material:)

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of New Jersey) to revise and extend their remarks and include extraneous material:)

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. MCCOLLUM, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. KNOLLENBERG, and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $988.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1653. An act to complete the orderly withdrawal of the NOAA from the civil administration of the Pribilof Islands, Alaska, and to assist in the conservation of coral reefs, and for other purposes.

H.R. 4577. An act making consolidated appropriations for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building''.

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

SINE DIE ADJOURNMENT

Mr. MCCOLLUM. Mr. Speaker, pursuant to House Concurrent Resolution 446, One Hundred Sixth Congress, and as the designee of the majority leader, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with the provisions of House Concurrent Resolution 446, One Hundred Sixth Congress, the Chair declares the second session of the One Hundred Sixth Congress adjourned sine die.

Thereupon (at 8 o'clock and 41 minutes p.m.) pursuant to House Concurrent Resolution 446, the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for official foreign travel during the fourth quarter of 2000, by Committees of the House of Representatives, pursuant to Public Law 95–384, and for miscellaneous groups in connection with official foreign travel during the fourth quarter of 2000 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 21, 2000

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Doug Bereuter	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Sherwood Boehlert	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Porter Goss	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Michael Bilirakis	11/17	11/21	Germany		972.00		(3)				972.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NATO PARLIAMENTARY ASSEMBLY DELEGATION TO GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 17 AND NOV. 21, 2000—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Vernon Ehlers	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Scott McInnis	11/17	11/21	Germany		972.00		(3)				972.00
Hon. Norm Sisisky	11/17	11/21	Germany		972.00		(3)				972.00
Hon. John Tanner	11/17	11/21	Germany		972.00		(3)				972.00
Susan Olson	11/17	11/21	Germany		972.00		(3)				972.00
Robin Evans	11/17	11/21	Germany		972.00		(3)				972.00
John Herzberg	11/17	11/21	Germany		972.00		(3)				972.00
David Hobbs	11/17	11/21	Germany		972.00		(3)				972.00
Scott Palmer	11/17	11/21	Germany		972.00		(3)				972.00
Linda Pedigo	11/17	11/21	Germany		972.00		(3)				972.00
J. Walker Roberts	11/17	11/21	Germany		972.00		(3)				972.00
Josephine Weber	11/17	11/21	Germany		972.00		(3)				972.00
Committee total					15,477.00						15,477.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DOUGLAS BEREUTER, December 12, 2000.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

11385. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. FV00–929–5 FR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11386. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Walnuts Grown in California; Increased Assessment Rate [Docket No. FV00–984–2 FR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11387. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Thiamethoxam; Pesticide Tolerances for Emergency Exemptions [OPP–301080; FRL–6755–7] (RIN: 2070–AB78) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11388. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerances for Emergency Exemptions [OPP–301084; FRL–6756–1] (RIN: 2070–AB78) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

11389. A letter from the Acting Assistant Secretary, Health Affairs, Department of Defense, transmitting a semiannual Report on Pharmaceutical Benefits; to the Committee on Armed Services.

11390. A letter from the Under Secretary, Department of Defense, transmitting a letter regarding the amount of Department of Defense purchases from foreign entities for Fiscal Year 2000 pursuant to Section 827 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) as amended by Section 812 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public law 105–261); to the Committee on Armed Services.

11391. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

11392. A letter from the Acting General Counsel, Corporation for National and Community Service, transmitting the Corporation's final rule—AmeriCorps Education Awards (RIN: 3045–AA09) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

11393. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Device: Exemption From Premarket Notification; Class II Devices; Barium Enema Retention Catheters and Tips With or Without a Bag [Docket No. OOP–1343] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11394. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Colorado Springs Revised Carbon Monoxide Maintenance Plan, and Approval of a Related Revision [CO–001–0044a; FRL–6875–5] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11395. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Wyoming; Revisions to Air Pollution Regulations [WY–001–0006a; FRL–6886–8] received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11396. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update [FRL–6918–2] received December 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

11397. A letter from the Director, Office of National Drug Control Policy, transmitting the reports entitled ''National Survey of Parents and Youth Questionnaires for Waves 1 and 2'' and ''Evaluation of the National Youth Anti-Drug Media Campaign: Campaign Exposure and Baseline Measurement of Correlates of Illicit Drug Use From November 1999 Through May 2000''; to the Committee on Commerce.

11398. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of major defense equipment sold under a contract to Turkey [Transmittal No. DTC 065–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

11399. A letter from the Deputy Independent Counsel, Office of the Independent Counsel, transmitting the FY 2000 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

11400. A letter from the Acting General Counsel, Office of Management and Budget, transmitting the Office's final rule—Prompt Payment—received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

11401. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–086–FOR] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11402. 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; Final Designation of Critical Habitat for the Plant Lesquerella thamnophila (Zapata Bladderpod) (RIN: 1018–AG24) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11403. A letter from the Deputy Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan [Docket No. 000105004–0260–02; I.D. 063099A] (RIN: 0648–AI78) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

11404. A letter from the Senior Counsel for Dispute Resolution, Department of Transportation, transmitting the Department's final rule—Interim Statement of Policy on Alternative Dispute Resolution [Docket OST–2000–7800] (RIN: 2105–AC94) received November 20, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

11405. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–121–AD; Amendment 39–11958; AD 2000–22–12] (RIN: 2120–AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11406. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 45 Series Airplanes [Docket No. 2000–NM–132–AD; Amendment 39–11950; AD 2000–22–04] (RIN: 2120–AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11407. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; New Bern, NC [Airspace Docket No. 00–ASO–41] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11408. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Removal of Class E4 Airspace; Meridian NAS—McCain Field, MS [Airspace Docket No. 00–ASO–40] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11409. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–120 Series Airplanes [Docket No. 2000–NM–130–AD; Amendment 39–11954; AD 2000–22–08] (RIN: 2120–AA64) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11410. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision to the Legal Description of the Shaw Air Force Base Class C Airspace Area; SC [Airspace Docket No. 00–AWA–2] (RIN: 2120–AA66) received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11411. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Guidelines on Awarding Section 319 Grants to Indian Tribes in FY 2001 [FRL–6919–8] received December 15, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

11412. A letter from the Administrator, General Services Administration, transmitting a report on an interim lease prospectus for the Bureau of Alcohol, Tobacco, and Firearms; to the Committee on Transportation and Infrastructure.

11413. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief for Service in Combat Zone and for Presidentially Declared Disaster [TD 8911] (RIN: 1545–AV92) received December 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

11414. A letter from the Chairman, The Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, transmitting the Panel's second annual report entitled, ''Toward a National Strategy for Combating Terrorism''; jointly to the Committees on Armed Services and Transportation and Infrastructure.

11415. A letter from the Secretary, Department of Energy, transmitting the Department's report entitled ''Energy Policy Act Transportation Rate Study: Final Report on Coal Transportation,'' pursuant to 42 U.S.C. 13369(c); jointly to the Committees on Commerce and Transportation and Infrastructure.

11416. A letter from the Administrator, U.S. Agency for International Development, transmitting the quarterly update of the report required by Section 653(a) of the Foreign Assistance Act of 1961, as amended, entitled ''Development Assistance and Child Survival/Diseases Program Allocations-FY 2000''; jointly to the Committees on International Relations and Appropriations.

11417. A letter from the Secretary, Department of the Interior, transmitting a report entitled ''Barry M. Goldwater Range Non-Renewed Parcels Study''; jointly to the Committees on Resources and Armed Services.

11418. A letter from the Director, Office of Management and Budget, transmitting a report that identifies accounts containing unvouchered expenditures that are potentially subject to audit by the Comptroller General, pursuant to 31 U.S.C. 3524(b); jointly to the Committees on the Budget, Appropriations, and Government Reform.

11419. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled ''Effectiveness of HIPAA and State-Laws in Ensuring Access to Health Insurance in the Small Group and Individual Markets''; jointly to the Committees on Commerce, Education and the Workforce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[December 15 (legislative day of December 14), 2000]

Mr. LINDER: Committee on Rules. House Resolution 674. Resolution providing for consideration of the joint resolution (H.J. Res. 133) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–1030). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 675. Resolution providing for consideration of the joint resolution (H.J. Res. 134) making further continuing appropriations for the fiscal year 2001, and for other purposes (Rept. 106–1031). Referred to the House Calendar.

[Submitted December 15, 2000]

Mr. YOUNG of Florida: Committee of Conference. Conference report on H.R. 4577. A bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–1033). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Florida:

H.R. 5666. A bill making miscellaneous appropriations for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

By Mr. TALENT (for himself and Ms. VELAZQUEZ):

H.R. 5667. A bill to provide for reauthorization of small business loan and other programs, and for other purposes; to the Committee on Small Business.

By Mr. KNOLLENBERG:

H.R. 5668. A bill to repeal provisions of Federal law requiring labeling on saccharin containing foods; to the Committee on Commerce.

By Mr. KASICH:

H.R. 5669. A bill to amend title 5, United States Code, to provide that the Civil Service Retirement and Disability Fund be excluded from the budget of the United States Government; to the Committee on the Budget, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH:

H.R. 5670. A bill to ensure that the receipts and disbursements of the Social Security trust funds are not included in a unified Federal budget; to the Committee on the Budget.

By Ms. JACKSON-LEE of Texas:

H.R. 5671. A bill to amend title 5, United States Code, to establish election day in Presidential election years as a legal public holiday by moving the legal public holiday known as Veterans Day to election day in such years, and for other purposes; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H.R. 5672. A bill to establish a commission to develop uniform standards which may be adopted by States for the administration of elections for Federal office, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON:

H.R. 5673. A bill to amend title 18, United States Code, to provide a safe harbor for voluntary monitoring by e-commerce sites; to the Committee on the Judiciary.

By Mr. DAVIS of Virginia (for himself, Mr. ROTHMAN, Mr. KENNEDY of Rhode Island, and Mrs. WILSON):

H.R. 5674. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHRLICH:

H.R. 5675. A bill to amend title 39, United States Code, with respect to ''cooperative mailings''; to the Committee on Government Reform.

By Mr. GREENWOOD (for himself, Mr. FROST, Mr. HUTCHINSON, and Mr. HASTINGS of Florida):

H.R. 5676. A bill to establish a Commission for the comprehensive study of voting procedures in Federal, State, and local elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 5677. A bill to establish a Commission to study and make recommendations on the implementation of standardized voting procedures in the Federal, State and local electoral process, and for other purposes; to the

Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. TAUZIN, Mr. DINGELL, Mr. LATOURETTE, Ms. ESHOO, Mr. FROST, Mr. COX, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURR of North Carolina, Mr. MCGOVERN, Mr. OLVER, Mr. HASTINGS of Florida, Mr. HORN, Mr. PHELPS, Mr. GEORGE MILLER of California, Mr. CLYBURN, Mr. BOEHLERT, Mr. DEAL of Georgia, Mr. BARTON of Texas, Mr. UDALL of Colorado, Mr. RILEY, and Mr. BURTON of Indiana):

H.R. 5678. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time for Presidential general elections; to the Committee on House Administration, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCKINNEY:

H.R. 5679. A bill to provide that a State may use a proportional voting system for multiseat congressional districts; to the Committee on the Judiciary.

By Mr. NADLER (for himself and Mr. SHERMAN):

H.R. 5680. A bill to require the Federal Election Commission to study voting procedures in Federal elections, award Voting Improvement Grants to States, and for other purposes; to the Committee on House Administration.

By Mr. WALDEN of Oregon:

H.R. 5681. A bill regarding the use of the trust land and resources of the Confederated Tribes of the Warm Springs Reservation of Oregon; to the Committee on Resources.

By Mr. YOUNG of Florida:

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress; considered and agreed to

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 447. Concurrent resolution expressing the sense of the Congress that the States should adopt uniform voting procedures to carry out the election of the President and Vice President; to the Committee on House Administration.

By Ms. DUNN (for herself, Mr. DICKS, Mr. HASTERT, and Mr. ARMEY):

H. Res. 677. A resolution expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President; to the Committee on Government Reform.

By Mr. MCCOLLUM:

H. Res. 678. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh Congress.; considered and agreed to.

By Mr. MCCOLLUM:

H. Res. 679. A resolution providing for a committee of two Members to be appointed by the House to inform the President; considered and agreed to.

By Mr. GRAHAM:

H. Res. 680. A resolution expressing the sense of the House with respect to the request of Leonard Peltier for executive clemency; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 792: Mr. BARR of Georgia.

H.R. 2817: Mr. STUPAK.

H.R. 4415: Ms. DELAURO and Ms. SCHAKOWSKY.

H.R. 4571: Mr. GUTIERREZ.

H.R. 4707: Mr. ANDREWS.

H.R. 5265: Mr. BISHOP.

H.R. 5268: Mr. MCHUGH.

H.R. 5405: Mr. MCGOVERN.

H.R. 5499: Mr. OXLEY and Mr. EHRLICH.

H.R. 5642: Mr. GOODLATTE and Mr. MANZULLO.

H.R. 5653: Mr. HASTINGS of Florida, Mr. UDALL of Colorado, and Mr. FOLEY.

H. Con. Res. 337: Mr. FOSSELLA.

H. Con. Res. 363: Mr. LAFALCE.

H. Con. Res. 444: Mr. WATTS of Oklahoma, Mr. POMBO, and Mr. BARTON of Texas.

H. Res. 672: Mr. STARK, Mr. BROWN of Ohio, Mr. PASCRELL, Mr. WEINER, Mr. FROST, Mrs. MORELLA, Mr. REYES, and Ms. CARSON.

H. Res. 673: Mr. KUYKENDALL, Mr. EVANS, and Mr. BISHOP.

PETITIONS, ETC.

Under clause 3 of rule XII.

124. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 606 of 2000 petitioning the United States Congress to condemn the terrorist attack on the United States Naval vessel the U.S.S. *Cole* and urges President William Jefferson Clinton to use all the resources of the United States government to speedily bring those responsible for the terrorist attack to justice; to the Committee on Armed Services.

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Senate

(Legislative day of Friday, September 22, 2000)

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 4577, which the clerk will report.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) ''making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes'', having met, have agreed: that the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, and the Senate agree to the same; that the House agree to the title of the bill, with an amendment, and the Senate agree to the same, signed by a majority of the conferees on the part of both Houses.

(The conference report is printed in the House proceedings of the RECORD of today, December 15, 2000.)

Mr. STEVENS. Mr. President, the fiscal year 2001 Labor/HHS Appropriations Conference Report is now before the Senate.

This conference report serves to wrap up work on all fiscal year 2001 appropriations bills, as it includes the Treasury-General Government and legislative branch bills. Those two bills were previously passed by the Congress, but were vetoed by the President.

The only significant change to the bills previously passed by Congress is the deletion of the telephone tax provision in the Treasury bill. The conference report includes other appropriations matters, which emerged subsequent to the completion of the other fiscal year 2001 bills.

Significant items include $150 million for repair of the U.S.S. *Cole*, $100 million for intelligence activities requested by the White House, $110 million for the new markets initiative, $100 million for volunteer firefighter grants sought by our colleague from Delaware, Senator ROTH, and $100 million for the Library of Congress to enhance the National Digital Library.

I want to also thank all my colleagues for their patience as I worked with the White House for a compromise on the Alaskan Fishery/Sea Lion protection issue. Through the hard work of many here in Congress and at the White House, OMB and the Department of Commerce, we achieved a compromise that meets the priorities of all parties—who share the goal of protecting the sea lion population, and the economic well being and viability of the commercial fishing industry in my State.

There are many specific issues that I could comment on today, but I had the opportunity to brief members of this side of the aisle at a conference this afternoon, and the bill is available in the Cloakroom for review.

I urge all my colleagues to support this conference report, which completes the work of this Congress, during this Congress. Next month, when the 107th Congress convenes, and a new President is inaugurated, they will both start with no carryover from this Congress.

Mr. BYRD. Mr. President, as has been the case on far too many occasions in the past number of years, the Senate finds itself today in the position of having to deal with a massive omnibus appropriations bill. We have had to pass a record number—21—of Continuing Resolutions in order to keep the Federal Government operating since the fiscal year began on October 1st. These Continuing Resolutions were necessary because we in the Congress and the Administration could not resolve our differences on a myriad of issues, most of which have not involved funding levels at all. Rather, the haggling for the past many weeks has been over issues such as ergonomics regulations, immigration, and certain regulatory matters; all of which would be more appropriately handled by the authorizing committees with jurisdiction over them. Instead of following the established practices and the regular

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order of enacting the thirteen annual appropriations bills, we have in recent years, chosen to delay appropriations bills until it is too late to do anything other than to package them in a manner that causes such packages to be used as vehicles for all manner of non-appropriations issues. This has necessitated the adoption of late-year omnibus appropriations packages well after the start of the fiscal year, such as the one before the Senate today. This is a practice that should never have been started and which, if not discontinued, I fear will gravely diminish the Senate as an institution. Senators are being denied the right to debate and amend appropriations bills, all of which contain billions of taxpayer dollars, and literally thousands of funding issues affecting their constituents. Instead, we are being presented with unamendable omnibus appropriations packages, which contain many, many matters that have not had any Senate consideration at all. In the next Congress, the 107th Congress, we should strive mightily, on a bipartisan basis, to return to regular order in taking up each of the thirteen annual appropriations bills. The Appropriations Committee has marked up each of the thirteen appropriations bills in a timely manner every year under our distinguished Chairman, Senator STEVENS. He is indeed masterful in his handling of appropriations matters and he is very knowledgeable on the issues that come before the Appropriations Committee. He is also one who leads the Committee in a bipartisan manner at all times. He gives the same consideration to requests of Members of the Committee on both sides of the aisle, and I am honored to serve as Ranking Member of the Committee under his chairmanship. It has not been the fault of TED STEVENS that the appropriations bills have, too often, been lumped together into omnibus packages, such as the one before the Senate.

In an effort to facilitate a return to the regular order in the Senate's handling of the thirteen annual appropriations bills, I was pleased to have the support of both Leaders, Mr. DASCHLE and Mr. LOTT, in my amendment to the Commerce/Justice/State Appropriations bill for Fiscal Year 2001 to restore Senate Rule XXVIII, Paragraph 2. That provision makes it out of order for extraneous matters to be included in conference reports. Several years ago, in connection with the Senate's consideration of an FAA conference report, the Senate voted to overturn the Chair when it ruled that there was extraneous matter in that conference report. The effect of that vote to overturn the Chair was to negate Rule XXVIII, Paragraph 2. Consequently, it has not been out of order for any matter to be inserted in any conference report since that time. Upon enactment of the Commerce/Justice/State Appropriations bill, and as a result of my amendment thereto,

Rule XXVIII, Paragraph 2 will be restored. This will mean that in the 107th Congress, it will not be in order for extraneous matters to be placed in a conference report. Upon a point of order's being made in that regard, if sustained, such a conference report will be rejected. I believe that restoration of this rule will go a long way toward eliminating these annual omnibus appropriations measures that the Senate has had to deal with in the past several years and is again being asked to adopt here today.

Having said that, Mr. President, I shall vote for the pending conference report. It contains the Fiscal Year 2001 appropriations bills for the Departments of Labor, Health and Human Services, and Education, for the Department of the Treasury and General Government, and for the Legislative Branch. By far, the largest of these appropriations bills is the Labor/HHS Appropriations bill.

In the agreement reached on the Labor/HHS bill, the funding totals some $108.9 billion in budget authority for Fiscal Year 2001. This is an increase of almost $12 billion from last year and represents the largest ever one-year increase for the Labor/HHS Appropriations bill. This amounts to more than a 12 percent increase above last year's level, and will enable funding levels for education to be increased by almost 15 percent, including an appropriation of more than $1 billion for a new school renovation program. The Labor/HHS Appropriations bill also includes critical funding for many health programs such as the Ryan White AIDS program, NIH, child immunization, substance abuse prevention, and mental health programs. All of these programs are funded at levels substantially higher than last year. As Members are aware, the bill also funds the Head Start program, and the low income home energy assistance program, LIHEAP. I recognize that a number of Senators believe that we should have insisted upon even higher levels for the Labor/HHS bill. While I might agree with those Senators, and although a tentative agreement in October would have funded the Labor/HHS Appropriations bill at a level of over $112 billion, that agreement fell through over a legislative rider involving ergonomics.

After weeks of haggling over the ergonomics issue, as well as other issues such as immigration, and overall funding levels, I feel that we have no other choice than to accept this compromise that is before the Senate today. As I say, it does not fully please any Senator. I am sure there are some who feel that the funding levels are too high; but the time has long since passed for us to complete our work and get this final appropriations package to the President's desk.

In addition to the Labor/HHS Appropriations bill, this package contains funding for the Legislative Branch, and the Department of the Treasury and General Government, which measure funds a number of programs for law enforcement, as well as the U.S. Customs Service—the federal agency with responsibility for border patrol and enforcement of our immigration laws.

There is also a division of this omnibus package that includes a number of non-appropriations matters. Those matters were considered carefully by Chairman STEVENS, Chairman YOUNG, Mr. OBEY and myself, at the request of Members of the House and Senate. There were many more such matters that were considered, but were not included in this final package.

Finally, the package contains a division relating to tax matters, including the so-called Balanced Budget Act, BBA, Medicare fix. Those tax matters were inserted into the omnibus package by the Leadership, and they fall into the jurisdiction of the Ways and Means and Finance Committees. Accordingly, we Appropriations Members were not involved in that process.

In conclusion, Mr. President, I urge my colleagues to vote for this conference agreement. Despite its having all the flaws that we have seen in previous omnibus appropriations bills, the time has come to finish the work of the 106th Congress. In that way, we will have a clean slate for the new Congress, the 107th Congress, when it convenes on January 3rd, and for the new Administration, when our new President, George W. Bush, is sworn into office on January 20th.

While I recognize that there are those who predict a continuation of the gridlock that we have seen in the recent past, or perhaps greater gridlock in the next Congress, as it struggles to work with the Bush Administration; I hope and believe that there will be unprecedented opportunities for bipartisan efforts to prevail in solving the Nation's most pressing problems; to maintain a vital national defense, and to find solutions which ensure that our Medicare and Social Security programs can sustain the promised for our citizens over the coming century. I am optimistic that the new Congress will be prepared to work with the Bush Administration. I know that the overwhelming number of Members of the House and Senate, on a bipartisan basis, join me in pledging our best efforts to do so, and our good faith commitment to achieve results in these critical areas, on behalf of the American people.

Mr. STEVENS. Mr. President, after protracted negotiations, the Administration and I have reached an agreement that provides the necessary protections for the Steller sea lion while allowing for the needs of fishermen who depend on the robust and healthy groundfish stocks off Alaska. I believe the Senate knows my personal feelings, and the feelings of practically all those who are involved in the harvesting, processing, and subsequent marketing of the millions of tons of seafood that come from the North Pacific and Bering Sea, on this matter. While we recognize that the Steller sea lion deserves protection, we are not convinced

that the Commerce Department has proven, let alone adequately tested, its hypothesis that fishing contributes to the sea lions' decline. A few minutes spent skimming the biological opinion reveals the lack of science underlying the proposed actions it contains. For example, the Commerce Department states in its biological opinion that it does not know if fishing impacts sea lions, or that sea lions would likely continue to decline even if all fishing were halted.

Nonetheless, the lives of our fishermen will continue to be affected by this opinion. Our agreement provides a three-step phase-in process for fishery restrictions proposed to be implemented by the National Marine Fisheries Service (NMFS) in the Alaska groundfish fisheries under Endangered Species Act (ESA) requirements. This section is intended to lessen the negative economic consequences to the fishing community caused by the restrictions and to ensure that any Steller sea lion protective measures do not create negative consequences for the conservation of the fisheries and ecosystem. This is accomplished by requiring the Secretary to rely on the fishery management provisions in the Magnuson-Stevens Act, including the regional council processes, when implementing reasonable and prudent alternatives under the Endangered Species Act.

Unfortunately, work on this provision was not completed until shortly before the conference agreement was filed on the final day of this session. I ask unanimous consent that the section-by-section analysis of this provision be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Subsection (a) includes findings by Congress concerning the decline of the Steller sea lion and need for scientists to study the relationship between commercial fisheries and sea lions. It also includes findings confirming that the authority to manage federal fisheries lies with the regional councils created under the Magnuson-Stevens Act. It clarifies that the Secretary is required to comply with, and use the procedures established under, the Magnuson-Stevens Act when implementing measures to comply with the Endangered Species Act. This finding recognizes that the Administration should not use the Endangered Species Act to implement fishery management measures without respect to the Magnuson-Stevens Act, particularly the processes by which the councils develop, review, and promulgate fishery management measures. The appropriate forum to develop fishery management measures, including those measures necessary to protect threatened and endangered species, are the regional councils.

Subsection (b) requires the North Pacific Fishery Management Council to conduct an independent scientific review of the November 30, 2000 biological opinion (hereafter the ''Opinion'') issued by NMFS for the Bering Sea/Aleutian Islands and Gulf of Alaska groundfish fisheries, drawing upon the expertise of the National Academy of Sciences. This subsection reflects the Congress's deep concerns over the validity and objectivity of the science relied on in the biological opinion and the process by which the Commerce Department developed this opinion. It directs the Secretary of Commerce to cooperate with the North Pacific Council's scientific review, and requests the National Academy of Sciences to give the review its highest priority.

Subsection (c)(1) directs the Secretary to submit proposed Magnuson-Stevens Act fishery conservation and management measures to implement the reasonable and prudent alternatives (RPAs) to the North Pacific Council immediately or as soon as possible, and then tasks the Council with preparing a fishery management amendment or amendments under the Magnuson-Stevens Act to implement such conservation and management measures. While the amendments must implement the measures necessary to protect sea lions and, it is equally important that such measures provide for the conservation and safe conduct of the fisheries, as required in the Magnuson-Stevens Act. Congress remains concerned that the proposed closures would have forced small vessels to fish in dangerous waters during the winter storm season, a prospect specifically commented upon by our Coast Guard.

Subsection (c)(2) requires the RPAs, as developed by the North Pacific Council under subsection (c)(1), to become effective on January 1, 2002. To address Congress' concerns about the objectivity and validity of the scientific conclusions of this opinion the opinion must incorporate changes warranted by the scientific review required under subsection (b) or other new information that comes to the Secretary or Council's attention. The Council and Secretary are directed to jointly develop a schedule for the development of FMP amendment or amendments to implement the RPAs beginning in the 2002 fisheries. Subsection (c)(2) specifies that the RPAs shall not go into effect immediately, but shall be phased in according to subsection (c)(3) during the 2001 fisheries.

Subsection (c)(3) requires the 2001 Bering Sea/Aleutian Island and Gulf of Alaska groundfish fisheries to be managed in accordance with the regulations promulgated for the 2000 fisheries prior to the issuance of the July 19, 2000 court injunction in those fisheries (which has since been lifted). The 2000 regulations provide substantial protections for Steller sea lions, while maintaining the comprehensive and proven framework that has protected the marine resources of the North Pacific and been fine-tuned for more than two decades. These regulations for the first months of the 2001 fisheries are to be implemented by emergency rule so that the fisheries can begin by January 20, 2001.

Subsection (c)(4) requires the Secretary of Commerce to amend regulations based on the 2000 regulations, but which are consistent to the extent practicable with the RPA's, by January 20, 2001. The Secretary is to consult with the North Pacific Council in preparing these draft regulations, with the goal of incorporating some of the protective concepts in the RPAs for these regulations, in time for the fisheries to open no later than January 20, 2001. Under paragraph (7) of subsection (c), the draft regulations amended upon the recommendation of the North Pacific Council until March 15, 2001. As soon after March 15, 2001 as possible, the Secretary of Commerce will publish and implement the regulations, and these regulations shall then govern the Bering Sea/Aleutian Island and Gulf of Alaska fisheries for the remainder of 2001, consistent with all the requirements of the Magnuson-Stevens Act. It is our intent that the Secretary provide ample opportunity for the public to comment on these regulations before the regulations take effect.

Subsection (c)(5) requires that the ''Global Control Rule'' from the RPA's take effect immediately in the fisheries, this is particularly important during the period during the Spring and/or early summer of 2001 when the fisheries are being managed under the 2000 regulations. Paragraph (5) modifies the Global Control Rule during 2001 to limit any reduction to not more than ten percent of the total allowable catch in any of the fisheries.

Subsection (c)(6) provides the North Pacific Council with the authority to recommend, and the Secretary of Commerce with the authority to approve, modifications to the RPAs contained in the regulations that will take effect in the Spring or early-summer of the 2001 fisheries. These modifications may include the opening of additional designated Steller sea lion critical habitat for fishing by small boats, the postponement of seasonal catch levels inside critical habitat for small boats, or other measures to ensure that small boat fishermen and on-shore processors in Alaska are not adversely affected during 2001 as compared to the fisheries before the July 19, 2000 injunction. This was specifically agreed to by both the Congressional and Administration negotiators to allow coastal Alaskan fishermen to fish in the safer waters closer to shore.

Subsection (d) appropriates $20 million to the Secretary of Commerce to develop and implement a comprehensive research and recovery program for the Steller sea lion, and to study the myriad of factors which may be causing the decline of the Steller sea lion. Subsection (d) specifically requires that the theories of nutritional stress, localized depletion, and food competition with the fisheries be tested to determine their validity. This subsection also directs the Secretary of Commerce to implement non-lethal measures on a pilot basis to protect Steller sea lions from marine mammal predation, including killer whales, and to determine the extent to which predation may be causing the decline or preventing recovery. The Secretary is strongly encouraged to cooperate with the Alaska SeaLife Center, the North Pacific Universities Marine Mammal Consortium, the University of Alaska, and the North Pacific Council in the development and use of these funds. The Alaska SeaLife Center should receive $5,000,000 of these funds to continue their important work on Steller sea lion science.

Subsection (e) provides $30 million as a direct payment to the Southwest Alaska Municipal Conference to distribute to the fishing communities, businesses, western Alaska community development quota program groups, individuals, and other entities that have been hurt by the economic losses already inflicted as a result of Steller sea lion restrictions. The President of SWAMC is required to submit a written report to the Secretary of Commerce and the U.S. Senate and House appropriations committees within six months after receiving the funds to indicate how they have been distributed.

Mr. BYRD. Mr. President, in these waning days and hours of the 106th Congress, the focus in Washington is naturally on what action is taking place to resolve the remaining fiscal year 2001 appropriations bills and concluding the business of this Congress. However, all around us, life goes on. Our constituents in the steel industry must be among the few in America who will not be happy to see the 106th Congress adjourn sine die. Our constituents in the steel industry will see Congress's adjournment as a thinning of the bucket brigade that has spent the last two years trying to bail out an

industry being flooded by cheap, illegally dumped steel. These people, our constituents from Weirton and Wheeling, West Virginia, from Pennsylvania, Illinois, Alabama, Maryland, Utah—their arms are tired, their voices hoarse from the effort of keeping their heads above water and shouting for help. As we look forward to adjournment, they are continuing to face a flood whose undertow threatens to pull them under. Today, as a result of this continuing crisis in steel, imports make up almost 40 percent of the U.S. market, compared to a historical rate of approximately 18 percent.

Congress has tried to respond. Members have supported individual companies and groups in filing trade cases with the Administration, attempting to use our anti-dumping and countervailing duty laws as they were intended, to thwart illegal actions by foreign competitors. Members of Congress, myself included, have introduced, supported, and fought for passage of legislation to help this core American industry. But the flood of illegally dumped steel continues, fed by the Asian economic crisis, the failure of the Russian economy, and foreign competitors seeking to gain a competitive edge with the help of illegal government subsidies. When one trade case is filed with regard to one type of steel, these competitors switch to another type of steel, forcing affected U.S. companies to bear the cost of their sales losses combined with the cost and time of collecting data and building their legal cases. The overall effect is to grind small companies down to the verge of collapse.

In 1977, there were 16,961 steelworkers on the payroll in West Virginia. In March 2000, there were just 6,857, a loss of 10,104 good-paying jobs. That's a 60 percent loss. So you understand why I am concerned. The national picture is no brighter. In 1980, there were 1,142,000 workers nationwide in the primary metals industry, which includes steel. As of September 2000, that total employment number had dropped to just 692,000, a drop of approximately 39 percent.

In the last two years, thousands of steelworkers have been laid off, some for considerable periods. Six steel companies have declared bankruptcy since 1998. But total steel imports in 2000 will be over 2½ times higher than in 1991. Total steel imports through August 2000 are 17 percent higher than over the same period in 1999 and are greater even than imports over the same period in 1998, a record year. At the same time, steel prices continue to be depressed, with hot-rolled steel prices 12 percent lower in August 2000 than in the first quarter of 1998, and average import customs values for all steel products more than 15 percent lower over the same period.

Is this how we want to end an era of American history? Do we want to watch the linchpin of the American industrial revolution—our steel industry—be felled by government subsidized foreign competition, aided and abetted by indifferent application of the very trade laws implemented to protect American companies and American workers from illegal competition? I certainly hope not. When our crippled Aegis destroyer, the ill-fated U.S.S. *Cole*, is brought home for repairs, I would like American steel to bind up those wounds. I don't want to be dependent on foreign sources of steel for critical national defense needs. During World War II, I was a welder, helping to build the ships that supported our forces in that war. Today, I am a legislator, and I want to help the industry that supports our forces in war and in other critical missions.

I had prepared a resolution, cosponsored by Senators SPECTER, ROCKEFELLER, ABRAHAM, BAUCUS, BAYH, DEWINE, DURBIN, HOLLINGS, KOHL, LEVIN, LINCOLN, LUGAR, MIKULSKI, SANTORUM, SARBANES, SCHUMER, SESSIONS, SHELBY, THURMOND, VOINOVICH, and WELLSTONE, that would be a Senate companion to H. Res. 635. H. Res. 635 was introduced on October 18, and currently has 237 cosponsors. This resolution would call upon the President to take all appropriate action within his power to provide relief to the steel industry injured by these unfair actions of our trading partners. It would request an immediate and expedited U.S. International Trade Commission investigation for positive adjustment under Section 201 of the Trade Act of 1974. I am pleased that my resolution was, instead, accepted and included in the conference report to accompany the Labor/HHS appropriations bill.

This action by the Administration is necessary. We need a broad-based, comprehensive approach to dealing with this crisis in the domestic steel industry. Fighting this war one skirmish at a time, on one product type at a time by one company at a time, is simply and slowly bleeding our steel companies dry. We cannot let them continue to pick our steel companies off one at a time. We need to put the full weight of our attention and our resources on dealing comprehensively with this matter. We need to be vigilant across all fronts, and we need to develop longer strategic vision if we are to preserve this vital domestic industry.

We need a level playing field. I have no doubt that American steel companies can compete on a level playing field. But they cannot compete against steel that is priced at or below the cost of production by foreign companies subsidized by governments who seek not only to preserve their own steel production capacity, but to profit by gaining U.S. market share and putting our companies into bankruptcy. I am, unfortunately, confident that the International Trade Commission's investigation will find that the steel crisis of 1998 is far from over. In fact, steel imports are on track to match or possibly exceed the record figures of 1998. So, sadly, our domestic steel producers should have no problem meeting the stringent standards of proof required under section 201 of the Trade Act of 1974 to prove that an injury has or can be expected to occur.

I commend the many Members of the Senate who join me in calling for this action to be taken, for standing up for steel and the men and women and families who depend on steel jobs. I also commend the Senate for including this provision in this bill. I urge the Administration to proceed immediately to initiate a Section 201 investigation of steel dumping. It is urgently needed.

Mr. MCCAIN. Mr. President, 70 days and 20 continuing resolutions after what was supposed to be our October 6 adjournment date, the 106th Congress is coming to an end. Let us hope the upcoming New Year brings with it a renewed spirit of bipartisan cooperation.

This year, such cooperation took a back seat to partisan bickering and ill-advised parliamentary tactics that had the effect of further polarizing this body. How many mornings did Americans awake to newspaper headlines reporting that Congress and the president still, weeks and months after we were to adjourn, had not finished their work?

There are many good provisions in the legislation soon to be sent to the President and I want to thank all those who put in long hours to bring this Congress to a close. I am particularly supportive of the Medicare changes that will strengthen the quality of health care for our seniors.

In 1997, Congress made some difficult, but necessary, changes in the financial structure of the Medicare system as part of the Balanced Budget Act. These changes were needed to preserve and protect the system and delay its impending bankruptcy from 2001 until 2015, while also increasing choice and expanding benefits for beneficiaries.

Despite the changes, there has been increasing concern that certain reimbursement reductions and caps contained in the Budget Act are resulting in access problems for our seniors. Personally, I have grown concerned about the potentially negative impact on the delivery of health care in our rural communities and for our most frail elderly if we do not make certain adjustments.

I am also pleased this legislation addresses many of the concerns raised by my constituents and the Arizona health care community. This proposal improves senior health care by increasing access to critical preventative benefits—including bi-annual pap smear screenings and pelvic exams, glaucoma screenings, colon cancer screening, and medical nutrition therapy for patients with diabetes and renal disease. Rural hospitals are strengthened by updating reimbursement policies and increasing access for seniors to emergency and ambulatory services in rural areas. And this legislation significantly lowers co-payments for out-patient hospital visits.

I am also pleased that Native Americans will not be overlooked in this legislative package, but instead will receive an economic boost through equitable treatment of tribal governments for unemployment tax purposes, a change to the tax law that I have been advocating for nearly a decade. An important stimulus to economic development in Indian country is to provide employment tax credits and incentives, including unemployment compensation benefits. This change to the Federal Unemployment Tax Act, FUTA, will correct an uneven interpretation in the tax law by finally including tribal employees in the Nation's comprehensive unemployment benefit system.

Unfortunately, I must oppose this legislation for a variety of reason. Once again, I must object to the pork barrel spending in this year-end legislative package and in all of the appropriations bills that have become law. Regrettably, the process that got us to this point led to what a New York Times headline aptly characterized as ''The Politics of the Surplus.'' In other words, we paved our way home by spending billions of taxpayers' dollars on budget items that never went through a merit-based review process.

In the run-up to this final agreement, over $24 billion in pork barrel spending (a list of this spending may be found on my Senate Web site) was doled out and that figure will surely climb once we get a good look at the bills before us. Mr. President, our appetite for pork barrel spending was so large this year, in fact, that NBC News highlighted our feast on their Nightly News segment, ''The Fleecing of America.''

Who among us will ever forget the 1.5 million taxpayer dollars we have already approved to restore ''a 56-foot iron rendition of the Roman god of fire and metalworking, Vulcan''?

Or the $1.5 million for sunflower research?

Or the $400,000 for the Southside Sportsman Club?

Or the $250,000 to develop improved varieties of potatoes''?

Or the $100,000 for the ''Trees Forever Program″?

Or the $176,000 for the Reindeer Herders Association?

Or Or the $5 million for insect rearing?

But, there is more to come in this year-end budget deal, which has at least $1.9 billion in pork. For instance, in the Conference Report for the Commerce, State, and Justice Appropriations bill, some examples of earmarks having never undergone the appropriate merit-review process include: $3 million for Red Snapper research, $1 million for Hawaiian coral reef monitoring, $500,000 for the California Ozone study, $200,000 for the Kotzebue Sound test fishery for king crab and sea snail, $600,000 for fall chinook rearing for the Columbia River hatcheries program, $750,000 for bottle-nosed dolphins, $3,338,000 for sea turtles, $1 million for winter pollack survey in Alaska, $1 million for the implementation of the National Height Modernization, NHM, system in North Carolina, $300,000 for research on the Charleston bump, and $150,000 for lobster sampling.

The pork barrel spending adds up. Look at the numbers.

Last spring, Republicans outlined our spending plans calling for about $600 billion in so-called discretionary spending—that is, spending on programs other than Social Security, Medicare, and interest on our $5.7 trillion debt. The President's budget requested about $623 billion in discretionary spending. We'll end up spending in the neighborhood of $650 billion—some $100 billion over the discretionary spending caps set by the 1997 Balanced Budget Act.

According to Robert Reischauer, former head of the Congressional Budget Office, this will be the third year in a row in which the budget, excluding Social Security, ''has been in surplus.'' The last time this happened, Reischauer says, was over 70 years ago. This is why I believe, Mr. President, we should take advantage of our robust economy and make significantly paying down our national debt one of our top priorities.

I must also once again express my disappointment over the narrow scope of the immigration provisions contained in this bill. I support the Latino and Immigrant Fairness Act, LIFA. Negotiations between the White House and the leadership, which endorsed more limited immigration reform, have resulted in a compromise that makes progress but falls far short of the Fairness provisions we never had a chance to vote on.

In particular, this bill makes meaningful but insufficient progress on amnesty for those wrongly denied it, and does not address legitimate concerns about Central American refugee parity. Fortunately, negotiators have agreed to temporarily restore Section 245(i), which allows immigrants with family or employer sponsors to adjust their status in the United States, rather than return to their countries of origin and face the threat of 10 years of separation from family and work in the United States before returning. This bill also contains important provisions encouraging family unification through the creation of several new visa categories. That said, it will fall to supporters of the Latino and Immigrant Fairness Act in the 107th Congress to advance that bill's intent to allow long-term residents who have developed deep roots in our country and contributed to our economy for many years to remain legally, and to establish parity for Central American and other refugees not afforded the same status as refugees from other, similarly troubled countries. I am sorry we could not have better addressed these concerns in this bill, but I appreciate the progress we are making and hope that we can take up these issues during the 107th Congress.

I remain optimistic, Mr. President, that we will be able to work together in the 107th Congress to accomplish great things.

We all should be proud of the recent election. Obviously, it wasn't perfect. Democracy never is. Yet, major issues important to all Americans were discussed and debated. In fact, a post-election survey by Pew Charitable Trusts found that a high percentage of voters believed there was ''more discussion of issues than four years ago.'' And 83 percent of voters said they learned enough ''to make an informed choice.''

No doubt voters have different opinions on how we should deal with these issues. But, they did not disagree on which issues need to be tackled by Congress and our President.

In national pre-election polls, Americans consistently ranked Social Security, health care, and education among the issues they worry most about. But they also know that little gets done because too much special-interest money is infecting our political process, resulting in the kind of gridlock we have witnessed over the last year. A Newsweek poll found nearly 60 percent of Americans agreeing with the statement that political contributions have ''too much influence on elections and government policy.'' Only ten percent disagreed.

The way we do business must change.

If we have the will, we can begin to repair Americans' cynical perception of our government by working together, in bipartisan fashion, on campaign finance reform, a real Patient's Bill of Rights, Social Security reform, and badly needed reform of the tax system.

We must also do our work in the open with due process and appropriate discussion.

This is why, I must also object to a provision inserted by Senator INOUYE, who has once again gone to great lengths to provide protectionist legislation to the lone U.S. operator of large cruise ships in Hawaii. In the 106th's closing hours, the Senator has had a legislative provision inserted in the final appropriations measure that will prohibit any cruise ship operator from allowing gaming on board any vessel that departs from and returns to Hawaii. This provides American Classic Voyages with the protection they need to keep other cruise operators who depend on gaming to attract passengers and provide an additional revenue stream from entering the Hawaii market and prohibit other vessels currently departing from other U.S. port cities from sailing among the Hawaiian islands. In the end, the American consumer is the loser.

While Hawaii law currently prohibits any gaming within the state, including its waters, U.S., state, and international law allows gaming on vessels more than three miles from shore. I have no argument against Hawaii's gambling prohibition. But the amendment authored by Senator INOUYE is aimed at keeping planed operations by international cruise operators out of Hawaii and preserving the monopoly

created for American Classic Voyages as part of special interest legislation he sponsored and which became law in 1998. The language will result in fewer large cruise ship operators serving the Hawaiian Islands and drastically restricting consumer choice for cruise vacations in Hawaii.

What is most amazing is this measure, like so many others in this bill, was never discussed publicly, with the administration, or with any Committee of jurisdiction in Congress. This type of closed door, special interest legislation should concern every Member. To deny the American public the freedom of choice in cruising vacations and restrict international trade without one moment of debate is very troubling.

In light of this and other such inappropriate legislating, we must enact institutional reforms to put an end to the rampant abuse of the budget process.

If we are to hold any hope for reforming the budgetary process in this body, fundamental changes to the rules governing the appropriations process must be made. The two Rules of the Senate designed to impose discipline on the appropriations process are Rule 16, and Rule 28. Rule 16 is designed to block legislative riders on appropriations bills coming out of Committee, and Rule 28 is designed to accomplish the same goal on Conference Reports. Unfortunately, due to the fact that Rule 16 points of order only require a simple majority to over-rule the Chair, it has proven ineffective in stripping riders. And, as we all know, Rule 28 is effectively moot at this point.

As such, when the Senate reconvenes next year, it is my intention to offer an amendment to the Rules of the Senate designed to toughen Rule 16, and to reaffirm and toughen Rule 28. This amendment would do the following:

Rule 16 would be modified to require a three-fifths vote to over-rule a point of order against a legislative item inserted into a general appropriations bill by the appropriations committee. Further, a single point of order may be raised against each legislative item, and each point of order would be debatable and subject to a roll call vote.

Rule 28 would be modified, blocking Conferees to a general appropriations bill from inserting in their Report any matter not committed to them by either House, or striking from the bill matter agreed to by both Houses. Conferees to a general appropriations bill would be prohibited from increasing an appropriation for any item committed to them by either House to a level exceeding the highest appropriated level for such item presented to them by either House, and reducing an appropriated level for any item committed to them below the lowest appropriated level for such item committed to them by either House.

Further, Conferees to a general appropriations bill would be restricted from modifying any item committed to them by either House where such modification is not germane to the item being modified. In any case, no matter may be inserted into the Report that is not germane to the general appropriations bill committed to the Conferees.

The result of these changes would be to impose a strict ''scope of conference'' rule on appropriations Conferees.

A point of order may be made by any Senator against any general appropriations bill Conference Report for any violation of the restrictions set forth by this rule. In such cases where a single restriction has been violated more than once within a Conference Report, or where more than one restriction has been violated within a single Conference Report, each violation may be treated individually, and may be subject to a specific point of order. In the event that a single, or multiple points of order, are made against a general appropriations bill Conference Report for reasons set forth under these new restrictions, a three-fifths vote of the Senate is required to over-rule the Chair. Each appeal of the ruling of the Chair of each respective point of order is debatable and must be voted on separately.

Mr. President, before I end, I want to wish everyone a happy holiday season and New Year.

Mr. LAUTENBERG. Mr. President, I would like to take some time to discuss the importance of investing in our Nation's high-speed rail infrastructure.

We have what could fairly be termed a looming transportation crisis in the United States. Business and personal travelers are overwhelmingly relying on air travel to get from city to city, and the system is plagued with delays and congestion which is not only undermining people's personal plans but also harming the business community.

Air travel has become so inconvenient and unreliable, the public needs alternatives. According to the Federal Aviation Administration, aviation delays increased 58 percent between 1995 and 1999. And to add to passengers' frustration, the average delay is getting longer each year—averaging 50 minutes in 1999.

Even worse, flight cancellations increased 68 percent over that same period—1995—1999. Overall, nearly one in four flights was either delayed or canceled in 1999.

The summer of 1999 was the most delayed summer in aviation history. That is until this summer, which blew past last year's delay record.

The number of delays, the number of cancellations, and the length of delays all have continued to go up so far in 2000. And consumer complaints more than doubled in 1999 and are up almost another 50 percent so far this year.

With aviation travel expected to increase more than 50 percent over the next decade, we have a crisis looming.

The Federal Aviation Administration estimates that boardings will increase to 917 million by 2008. Our current aviation system can't handle this demand.

Fortunately, we have a solution to this problem right before our eyes. A solution that we have ignored and neglected for too long—high-speed passenger rail.

Nineteen of the 20 most-delayed airports in the United States are located on potential high-speed corridors. And high-speed rail can provide a competitive travel alternative, particularly over distances less than 500 miles.

The situation on our roads is almost as dire as the problems in our skies. One study estimated that $72 billion dollars was lost in 1997 as a result of traffic congestion through lost productivity and wasted fuel. And this situation continues to deteriorate. People now spend 50 percent more time stuck in traffic than they did in 1990 and triple the time they did in 1982.

Critics have complained about Amtrak receiving $23 billion federal subsidies since 1971. But this is pocket change compared with the funding we have provided other modes over that same period. Since 1971, we have spent over $160 billion on aviation programs and over $380 billion on highways.

The High-Speed Rail Investment Act can is the vehicle for giving Americans more transportation options. This legislation would allow Amtrak to sell $10 billion in high-speed rail bonds over ten years. The Federal Government would leverage private sector investment in our rail infrastructure by providing tax credits to bondholders.

States would be full partners in this effort and would have to put up a 20 percent match which would go into an escrow account to be used to repay the bond principal.

These funds would enable high-speed rail projects to go forward in the Midwest, the Southeast, the Gulf Coast, and along the Pacific Coast.

And it would allow us to finish the Northeast Corridor high-speed rail project.

High-speed rail means better, faster, more competitive rail service. It means a comfortable travel alternative to those who want to avoid congested highways and cramped and delayed planes.

The High-Speed Rail Investment Act, S. 1900, is supported by a bipartisan group of 57 Senators representing all regions of the country. And companion House legislation, H.R. 3700, introduced by Congressmen AMO HOUGHTON and JAMES OBERSTAR, now has over 150 cosponsors.

Our Nation's governors, state legislators, and mayors understand our transportation problems and see high-speed rail as a vital part of the solution to our transporatation woes. Newspapers from across the Nation have come out in support of investing in high-speed rail.

Mr. President, the benefits of High Speed Rail Service are clear. High-speed rail is the future of transportation in America. We cannot maintain a productive and efficient transportation system without modernizing our

rail infrastructure and providing a competitive alternative means of transportation on our rails.

I am therefore pleased that I have the commitment of my colleagues to provide resources for high speed rail next year. While I won't be in the Senate, I know the Senator from Delaware and other colleagues will work relentlessly toward this goal.

Mr. HATCH. Mr. President, as the Senate considers the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act of 2000, I want to take this opportunity to comment about several of the provisions included in the bill. This bill contains many important health care provisions affecting both Medicare providers and Medicare beneficiaries. Accordingly, I am delighted that a final agreement has been reached with the White House on these provisions and that the measure is now ready for passage.

I also want to take this opportunity to commend the distinguished Chairman of the Finance Committee, Senator ROTH, for his leadership and persistence over the past several months in moving this critically important legislation. On a personal note, I would be remiss if I did not say that I will miss my colleague and good friend BILL ROTH. I am very sorry that he will not be returning to the next Congress to continue the work on which he has labored for so many years.

BILL ROTH has made a real difference to Americans—he was one of the original believers in across-the-board tax cuts. President Reagan seized on this idea as the way to get our nation out of ''stagflation.'' The tax policy worked and produced one of the longest periods of prosperity in history. BILL ROTH was also a father of the individual retirement account, which is a simple way that Americans can help themselves save for retirement. Senator ROTH worked tirelessly over the years to expand IRAs, make them even more available and more workable. I greatly admire BILL ROTH's understanding of the tax code and tax policy, and we are going to miss his continued contributions to this complex issue area.

But, Chairman ROTH has also been a champion on the Finance Committee and in the Senate for his commitment in addressing the critical structural and financing problems facing the Medicare program. Indeed, his work over the past several years as Chairman of the Finance Committee has dramatically improved the prospects that meaningful Medicare reform can be accomplished, in a bipartisan fashion, in the next Congress. Moreover, because of his efforts, the foundation has been laid for a workable and much-needed Medicare drug benefit that I am hopeful Congress will enact with the leadership of President-elect Bush.

For now, I would like to comment briefly on several provisions which I authored, or strongly supported, that are included in this legislation.

First, I am pleased the legislation contains provisions to create a prospective payment system for federally qualified health centers in every state of the country. Betty Vierra, who serves as the Executive Director of the Association for Utah Community Health, advised me that this is one of the top priorities of community health centers in Utah and across the nation. Community health centers have been working on this issue since 1997, and I am pleased they have finally won their hard-fought battle.

The bill also contains provisions from the Medicare Access to Technology Act of 2000, legislation that I introduced earlier this year. Last year, provisions were included in the omnibus budget legislation for fiscal year 2000 that addressed some of the outstanding problems concerning access issues for Medicare beneficiaries. Unfortunately, we were to able to resolve all of the issues last year. As a result, Medicare beneficiaries continue to have trouble gaining access to many new medical technologies that are already reimbursed by private insurance plans.

That is why I introduced the Medicare Patient Access to Technology Act of 2000. I believe we must eliminate the delays and barriers to access that have arisen in the way Medicare decides to cover, code and pay for new medical devices and diagnostics. Last year's legislation, which was included in the Balanced Budget Relief Act (BBRA), represented an important first step in modernizing the Medicare program to provide timely access to needed medical treatments provided in the hospital outpatient setting.

Briefly, my legislation requires the Health Care Financing Administration (HCFA) to implement the OPPS pass-through payment program on the basis of categories starting April 1, 2001. The bill includes a provision which changes the way in which HCFA reimburses for clinical laboratory services including the establishment of a specific process for clinical laboratory payments, and to report to Congress on this issue. Finally, the legislation requires the maintenance of local codes by Medicare contractors for three years and also requires HCFA by October 1, 2001 to provide for the inclusion of new technologies and devices more quickly in the Medicare inpatient hospital payment program.

On another matter, I have been deeply concerned about the safety of our nation's blood supply. Patient access to a safe and adequate blood supply is a national health priority, however, many of us have heard from the American Red Cross, America's blood centers, and the American Association of Blood Banks about hospitals having trouble paying for new blood therapies. Additional funding is needed if we are to remain committed to the safest blood supply possible.

The blood banking and transfusion medicine communities are constantly working to assure that safety improvements for blood are implemented as soon as they are available. Unfortunately, these measures significantly increase the cost of blood products—over 40 percent for the two latest technologies—for both the hospital and blood bank.

While blood is donated by volunteers, nonprofit blood centers must recover the costs associated with providing a safe product. Nonprofit blood centers pass these charges onto hospitals, which in turn, must get timely and adequate reimbursement for these life-saving and life-enhancing products. Unfortunately, the current system by which HCFA determines inpatient reimbursement rates does not account for these safety improvements a timely manner.

The bill directs HCFA and MedPAC to review how hospitals are being reimbursed for blood. It also asks both entities to recommend necessary changes to provide fair and timely reimbursement. While these recommendations will not be completed until late next year, I will continue to work on guaranteeing that patients are receiving the safest possible blood products as soon as possible.

I am also very pleased that the legislation before the Senate today contains additional funding for our nation's skilled facilities (SNFs). In September, I introduced legislation, S. 3030, along with my colleague Senator DOMENICI, to increase Medicare reimbursements for skilled nursing facilities.

Nursing homes across our country continue to struggle under the enormous demands of complying with the implementation of the prospective payment system as authorized pursuant to the Balanced Budget Act of 1997 (BBA). In an effort to address this problem, Congress passed legislation last year to restore nearly $2.7 billion for the care of nursing home patients. This action provided much needed relief to an industry that is facing extraordinarily financial difficulties as a result of the spending reductions provided under the BBA as well as implementation by HCFA.

Unfortunately, the problem is not fixed and more needs to be done. That is why Senator DOMENICI and I introduced the Skilled Nursing Facility Care Act of 2000 so that seniors can rest assured that they will have access to this important Medicare benefit.

In Utah, there are currently 93 nursing homes serving nearly 5,800 residents. I understand that seven of these 93 facilities, which are operated by Vencor, have filed for Chapter 11 protection. These seven facilities care for approximately 800 residents. Clearly, we need to be concerned about the prospect of these nursing homes going out of business, and the dramatic consequences that such action would have on all residents—no matter who pays the bill.

I am pleased that the bill before the Senate contains provisions from the Skilled Nursing Facility Care Act to ensure patient access to nursing home

care. Medicare's skilled nursing benefit provides life enhancing care following a hospitalization to nearly two million seniors annually. Unless Congress and HCFA take the necessary steps to ensure proper payments, elderly patients will be at risk, especially in rural, underserved and economically disadvantaged areas.

Specifically, the bill provides approximately $1.6 billion to SNFs over the next five years. The legislation repeals the minus one percent decrease in the SNF market basket for FY 2001 thereby providing the full market basket update. In FY 2002 and 2003 the updates would be the market basket index increase minus 0.5 percentage points.

Moreover, temporary increases in the federal per diem rates provided by last year's increases would be in addition to the increases in this provision. The bill also increases the nursing component for each Resource Utilization Group (RUG) by 16.66% over current law for SNF care furnished after April 1, 2001 and before October 1, 2002. Clearly, these additional dollars will help ensure the continuity of beneficiary care in our nation's nursing homes.

Another issue that I worked hard to get into the legislation is the financial commitment made for the treatment and research on diabetes. I am extremely pleased that the bill provides a substantial increase in appropriations for special diabetes programs for children with Type 1 Diabetes as well as for Native Americans with diabetes. As my colleagues recall, the BBA created two new grant programs under which the Secretary of Health and Human Services could make grants to support prevention and treatment services of diabetes for children and for Native Americans, respectively.

Specifically, Congress committed $30 million each for Native American diabetes care and for NIH research of Type 1 Diabetes in children. This program was authorized for five years—FY 1998 through FY 2002. I am very pleased the legislation increases the appropriated funds available for these two programs by raising the amount from $30 million to $100 million for FY 2001 and FY 2002, respectively. Moreover, the bill appropriates $100 million for each program for FY 2003.

These dollars have been extremely helpful in Indian Country where Native Americans suffer the highest rate of diabetes than any other segment of our population. I want to commend the Republican leadership for ensuring that these dollars were included in the bill—this commitment is truly making positive difference in the lives of millions of Americans who suffer from this deadly disease.

With respect to home health care, the legislation protects funding for home health care services by delaying until October 1, 2002 a BBA-scheduled 15 percent cut in Medicare payments. I sponsored legislation earlier this year that addresses the issue of the 15 percent cut. And, while I hoped we could repeal the 15% cut provision altogether, I can appreciate the difficulty the conferees faced in resolving this complicated and costly provision. Delaying the cut for another year will provide Congress additional time to address this controversial issue.

Moreover, the bill provides for a full medical inflation update for home health. I am particularly pleased the bill contains a provision that enhances the use of telehealth medicine in the delivery of home health care services. This enhancement will be especially helpful to those individuals who live in the rural and remote parts of Utah where medical specialists are not readily available. As a result, Utahns who live in these areas will not have improved access to the best doctors and medical care specialists regardless of where they live.

The bill also contains a provision on adult day care. This provision clarifies that the need for adult day care for a patient's plan of treatment does not preclude appropriate coverage for home health care. It also clarifies the ability of homebound beneficiaries to attend religious services without being disqualified from receiving home health care benefits. As one of the Senate's strongest supporters of home health care, I believe these provisions will enhance substantially the home health care benefit.

As far as hospitals are concerned, the legislation provides a substantial amount of new funding for our nation's hospitals. I have been particularly concerned about the financial impact of the BBA's provisions on rural hospitals. As I travel across Utah, I am constantly reminded by hospital administrators about the serious financial pressures many of these institutions currently face with increased demands for care while coping with reduced reimbursements from Medicare. Clearly, Congress needs to act now to ensure the financial viability of our nation's hospitals.

The bill also addresses the problem by providing equitable treatment for rural disproportionate share hospitals (DSHs) which care for a disproportionate share of poor Medicare patients. The bill extends the Medicare Dependent Hospital program for rural areas; it updates target amounts for sole community hospitals; and increases rural patients' access to emergency and ambulance services.

Moreover, the bill ensures continued access to hospital services nationwide by providing a full inflation market basket update for fiscal year 2001. The plan also ensures the financial stability of teaching hospitals by increasing payments related to physician training. This provision is especially important to Utah's University Hospital which has been hard hit in the past year by the BBA reductions.

With regard to Native Americans, the legislation contains an extremely important provision regarding Indian health care. The bill authorizes, for the first time, the Indian Health Service (IHS) and tribally operated clinics and hospitals to receive Medicare Part B reimbursement for services provided under the physician fee schedule. This proposal would enhance the access of Medicare-eligible Native Americans to affordable, quality health care and improve the ability of these clinics and hospitals to serve the Native American population.

Another important Medicare issue I want to raise involves providing appropriate coverage for certain injectable drugs and biologicals that are critical to many Medicare beneficiaries. To resolve this issue, the legislation has a provision which addresses this important issue.

The Medicare Carriers Manual specifies that a drug or biological is covered under this provision if it is ''usually'' not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and other outpatient settings. In August 1997, however, HCFA issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This resulted in patients suddenly losing their Medicare coverage for these products, thus limiting access to drugs and biologicals for many seniors and disabled individuals.

The legislation's language clarifies Medicare reimbursement policy to guarantee that physicians and hospitals will be reimbursed for injectable drugs and biologicals. The new language requires coverage of ''drugs and biologicals which are not usually self-administered by the patient,'' thus restoring the coverage policy that was in effect before the August 1997 HCFA memorandum was issued.

When HCFA considers whether a drug or biological is usually self-administered, I feel HCFA should determine whether a majority of Medicare beneficiaries can actually self-administer the drug. HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered.

I believe that it would be appropriate for HCFA to issue guidelines for its contractors to clarify the intent of the legislation. In addition, HCFA should instruct its contractors not to exclude a drug or biological without making an explicit finding supported by evidence that the product is usually self-administered by most Medicare patients.

This issue is an important step to provide our seniors and persons with disabilities with the prescription drugs and biologicals that they deserve. I look forward to working with HCFA to ensure that our Medicare beneficiaries receive adequate and appropriate coverage for these drugs and biologicals.

On another matter Mr. President, I would also like to state that as the

Medicare provisions of this legislation are implemented, I urge the Secretary of Health and Human Services to review policies that affect the order of services provided to home health beneficiaries to assure that, under the prospective payment system, home health agencies are given maximum flexibility to provide services in a clinically appropriate and efficient order.

In this connection, I believe the Secretary should also review the role of occupational therapists in conducting the initial Outcome and Assessment Information Set (OASIS) even when occupational therapy is not the therapy service that initially qualifies the beneficiary for covered home health services.

For example, when patients are prescribed home health solely for rehabilitation, the review should include whether or not it would be clinically appropriate for occupational therapy to be the first service provided to the patient. Another factor to be considered is whether or not it may be appropriate for an occupational therapist to conduct the initial OASIS. I am hopeful that the prospective payment system implemented by the Secretary will not restrict the ability of home health agencies to fully utilize the unique skills of covered therapists.

Once again, Mr. President, I am pleased the Congress and President Clinton have come together in reaching agreement on this legislation. It is vital that these provisions become enacted this year; they will help many people across our country. I look forward to the President signing this measure into law at the earliest possible date.

I also want to take this opportunity to thank the numerous individuals across the great state of Utah who took the time to meet with me here in Washington and in Utah over the past year regarding many of the health provisions included in this bill. I value the input and expertise I received from health care providers and consumers in may state, and especially from the elderly whose views have been particularly helpful to me in the development of this legislation.

Seniors in Utah and across our country depend on Medicare. We must ensure this program provides the highest quality of health care to beneficiaries. Moreover, I am hopeful that in the next Congress, with the leadership from President-elect Bush, we will be able to build on today's work and further improve the quality of services to beneficiaries and, especially, provide for a new outpatient prescription drug benefit.

Mr. KERRY. Mr. President, let me say a few words about the Small Business Reauthorization Act of 2000 and the process to bring this legislation to the floor as part of the Fiscal Year 2001 Omnibus Appropriations bill. First, however, I would like to thank Senate Committee on Small Business Chairman KIT BOND, House Small Business Committee Chairman JIM TALENT, House Small Business Committee Ranking Member NYDIA VELAZQUEZ, our staffs, Laura Ayoud with Senate Legislative Counsel and John Ratliff with the House Legislative Counsel's office for their efforts on reauthorizing programs vital to America's small businesses. We have all worked long and hard to get to this point.

The Small Business Reauthorization Act of 2000, H.R. 5667, as included in the Fiscal Year 2001 Omnibus Appropriations bill, contains a good portion of the conference report negotiated by the Senate and House Committees on Small Business. Despite the rough start, partisan wrangling over unrelated issues, broken deals and lengthy delays, I am pleased that we can at last pass this legislation so critical to our nation's small businesses. Unfortunately, it is our small businesses that have suffered the most in this climate of uncertainty, waiting, anticipating and hoping that the Congress would complete its work and pass this reauthorization package.

While I am pleased that we have reached an agreement that will ensure continuation of valuable Small Business Administration (SBA) programs, I am greatly concerned with the breakdown in the legislative process that has prevented what is normally a bi-partisan reauthorization bill from passing in a timely manner.

To briefly elaborate on this, when the original agreement between the Senate and the House was concluded, our bipartisan legislation was commandeered by the Republican leadership and provisions dealing with tax cuts, assisted suicide and medicare give-backs to HMOs were added without my knowledge or consent. The President threatened to veto such a package.

Additionally, a Wellstone provision agreed to during negotiations was removed. The Wellstone provision would have created a 3 year $9 million pilot project to build the capacity of community development venture capital firms through research, training and management assistance. Senator WELLSTONE had already agreed to make this program a three year pilot project and cut the funding down from $20 million over four years. But the provision was removed from the Conference Report without consulting either of us.

I am also disappointed that some provisions included in the Senate passed version of the Small Business Reauthorization Act, as well as in the Administration's budget request, were not included in the final version of this legislation. The original Senate version contained several provisions important to the Administration, Members of the Senate Small Business Committee and the Senate in general. In the spirit of compromise, the Senate agreed to drop several of these important provisions, with an understanding, in many cases, to revisit these issues in the 107th Congress.

Chairman BOND agreed to remove his provision regarding the ''Independent Office of Advocacy Act,'' which I cosponsored, and which passed the Senate as a separate bill. This Committee has heard on more than one occasion that providing separate funding for the Office of Advocacy is the best means to ensure its autonomy. I look forward to working with the Chairman on this issue in the next Congress. A provision requested by Senator TED STEVENS setting up a HUBZone pilot program in Alaska and a provision requested by Senator DIANNE FEINSTEIN to allow fruit and vegetable packing houses hit by the 1998 freeze to participate in the SBA's Disaster Loan program were removed as well. I have assured Senator FEINSTEIN that the Committee will look further into this matter in the next Congress in an effort to allow the SBA to provide relief if it is warranted.

A provision requested by the Administration and strongly supported by Senator PAUL WELLSTONE and myself was also dropped. This provision would have created a Native American Small Business Development Center (SBDC) Network that would have worked together with the traditional SBDC Network, but would have been separately funded. I have received assurances from both Chairman BOND and the House Committee on Small Business that this issue will be addressed in the next Congress, along with concerns raised by Senator INOUYE about the participation of Native Hawaiian Organizations in the 8(a) program. The Senate and House Committees on Small Business are in agreement that this is an important issue for Native Americans, considered a disadvantaged group for the purposes of SBA programs, and one that needs greater focus.

Provisions regarding the Quadrennial Small Business Summit, the Small Business Advocacy Review Panel Technical Amendments Act, Development Company Debenture Interest Rates, Fraud and False Statements and Financial Institution Civil Penalties were also removed.

The final version of this legislation does include some of the provisions I requested regarding improvements to the Microloan program. The changes to the Microloan program stemmed from the President's Fiscal Year 2001 budget request and had broad support in the Senate, as well the support of several Members of the House Committee on Small Business. I have long been a firm believer in microloans and their power to help people gain economic independence while improving the communities in which they live. With a relatively small investment, the Microloan program helps turn ideas into small businesses adding up to sel-sufficiency for many families and big returns for the taxpayers.

Changes to the program, which resulted from a roundtable Committee meeting in the Senate and discussions with the Administration and users of the Microloan program, will be a great

boon to the effectiveness and availability of Microloans. Specifically, provisions increasing the maximum loan amount from $25,000 to $35,000 and increasing the average loan size to $15,000 were included. However, changes to make the program more effective, such as increasing the number of intermediaries or authorizing reimbursement for peer-to-peer mentoring, were weakened or removed because the House did not have time to hold hearings and study them thoroughly.

I believe all of the changes in the Senate bill make sense, have broad bipartisan and bicameral support, and would go a long way toward providing increased access to capital, especially for minority entrepreneurs. I want to make it clear to my colleagues who support the Microloan program that I will continue my efforts to strengthen this program and will work with Chairman BOND and our House counterparts to make these remaining improvements in the next Congress. I also intend to revisit the Microloan funding issue before the end of the three-year reauthorization period if the level authorized is inadequate to meet program needs.

While I am disappointed that some of the Senate changes were not included in the final compromise, this legislation is crucial for our nation's small businesses. It reauthorizes all of the SBA's programs, setting the funding levels for the credit and business development programs, and making selected improvements. Without this legislation, the 504 loan program and the Small Business Innovation Research program would shut down; the venture capital debenture program would shut down; and funding to the states for their small business development centers would be in jeopardy.

The SBA's contribution is significant. In the past eight years, the SBA has helped almost 375,000 small businesses get more than $80 billion in loans. That's double what small businesses had received in the preceding 40 years since the agency's creation. The SBA is better run than ever before, with four straight years of clean financial audits; it has a quarter less staff, but guarantees twice as many loans; and its credit and finance programs are a bargain. For a relatively small investment, taxpayers are leveraging their money to help thousands of small businesses every year and fuel the economy.

Let me just give you one example. In the 7(a) program, taxpayers spend only $1.24 for every $100 loaned to small business owners. Well known successes like Winnebago and Ben & Jerry's are clear examples of the program's effectiveness.

Overall, I agree with the program levels in the three-year reauthorization bill. As I said during the Small Business Committee's hearing on SBA's budget earlier in the year, I believe the program levels are realistic and appropriate based on the growing demand for the programs and the prosperity of the country. I also think they are adequate should the economy slow down and lenders have less cash to invest. Consistent with SBA's mission, in good times or bad, we need to make sure that small businesses have access to credit and capital so that our economy benefits from the services, products and jobs they provide. As First Lady and Senator-elect HILLARY RODHAM CLINTON says, we don't want good ideas dying in the parking lot of banks. We also want a safety net when our states are hit hard by a natural disaster. There are many members of this Chamber, and their constituents, who know all too well the value of SBA disaster loans after floods, fires and tornadoes.

Mr. President, I am extremely pleased that we included legislation to extend the Small Business Innovation Research (SBIR) program for 8 more years as part of this comprehensive SBA reauthorization bill. While I am very sorry the process has taken this long, in no way should that imply that there is not strong support for the SBIR program, the Small Business Administration, or our nation's innovative small businesses.

The SBIR program is of vital importance to the high-technology sector throughout the country. For the past decade, growth in the high-technology field has been a major source of the resurgence of the American economy we now enjoy. While many Americans know of the success of Microsoft, Oracle, and many of the dot.com companies, few realize that it is America's small businesses, working in industries like software, hardware, medical research, aerospace technologies, and bio-technology, that are helping to fuel this resurgence—and that it is the SBIR program that makes much of this possible. By setting aside Federal research and development dollars specifically for small high-tech businesses, the SBIR program is making important contributions to our economy.

These companies have helped launch the space shuttle; conducted research on Hepatitis C; and made B–2 Bomber missions safer and more effective.

Since the start of the SBIR program in 1983, more than 17,600 firms have received over $9.8 billion in SBIR funding agreements. In 1999 alone, nearly $1.1 billion was awarded to small high-tech firms through the SBIR program, assisting more than 4,500 firms.

The SBIR program has been, and remains, an excellent example of how government and small business can work together to advance the cause of both science and our economy. Access to risk capital is vital to the growth of small high technology companies, which accounted for more then 40 percent of all jobs in the high technology sector of our economy in 1998. The SBIR program gives these companies access to Federal research and development money and encourages those who do the research to commercialize their results. Because research is crucial to ensuring that our nation is the leader in knowledge-based industries, which will generate the largest job growth in the next century, the SBIR program is a good investment for the future.

I am proud of the many SBIR successes that have come from my state of Massachusetts. Companies like Advanced Magnetics of Cambridge, Massachusetts, illustrate that success. Advanced Magnetics used SBIR funding to develop a drug making it easier for hospitals to find tumors in patients. The development of this drug increased company sales and allowed Advanced Magnetics to hire additional employees. This is exactly the kind of economic growth we need in this nation, because jobs in the high-technology field pay well and raise everyone's standard of living. That is why I am such a strong supporter and proponent of the SBIR program and fully support its reauthorization.

This legislation also includes my legislation establishing a New Markets Venture Capital program at SBA. This small business legislation is designed to promote economic development, business investment, productive wealth and stable jobs in ''new markets,'' low- and moderate-income communities where there is little to no sustainable economic activity but many overlooked business opportunities. The venture capital program is modeled after the Small Business Administration's successful Small Business Investment Company program. The SBIC program has been so successful that it has generated more than $19 billion in investments in more than 13,000 businesses since 1992.

With the passage of the ''New Markets'' legislation, low- and moderate-income areas will have increased opportunities to join the economic boom in America and this targeted venture capital will make a powerful difference in places like the inner-city areas of Boston's Roxbury or New York's East Harlem, and rural areas like Kentucky's Appalachia or the Mississippi's Delta region.

This legislation also contains H.R. 2614, which reauthorizes SBA's 504 loan program, which passed the Senate on June 14, 2000. The bill and our improvements make common-sense changes to this critical economic development tool. These changes will greatly increase the opportunity for small business owners to build a facility, buy more equipment, or acquire a new building. In turn, small business owners will be able to expand their companies and hire new workers, ultimately resulting in an improved local economy.

Since 1980, over 25,000 businesses have received more than $20 billion in fixed-asset financing through the 504 program. In my home state of Massachusetts, over the last decade small businesses have received $318 million in 504 loans that created more than 10,000 jobs. The stories behind those numbers say a lot about how SBA's 504 loans

help business owners and communities. For instance, in Fall River, Massachusetts, owners Patricia Ladino and Russell Young developed a custom packing plant for scallops and shrimp that has grown from ten to 30 employees in just two short years and is in the process of another expansion that will add as many as 25 new jobs.

Under this reauthorization bill, the maximum debenture size for Section 504 loans has been increased from $750,000 to $1 million. For loans that meet special public policy goals, the maximum debenture size has been increased from $1 million to $1.3 million. It has been a decade since we increased the maximum guarantee amount. If we were to change it to keep pace with inflation, the maximum guarantee would be approximately $1.25 million instead of $1 million. By not implementing such a sharp increase, we are striking a balance between rising costs and increasing the government's exposure.

I am pleased to say that this legislation also includes a provision assisting women-owned businesses, which I first introduced in 1998 as part of S. 2448, the Small Business Loan Enhancement Act. This provision adds women-owned businesses to the current list of businesses eligible for the larger public policy loans. As the role of women-owned businesses in our economy continues to increase, we would be remiss if we did not encourage their growth and success by adding them to this list.

Mr. President, the 504 loan program gets results. It expands the opportunities of small businesses, creates jobs and improves communities. It is crucial that it be reauthorized, I am pleased this legislation has been included in this package.

Small Business Development Centers (SBDC) are also reauthorized under this legislation. SBDCs serve tens of thousands of small business owners and prospective owners every year. This bill takes a giant step to retool the formula that determines how much funding each state receives. This is an important program for all of our states and we want no confusion about its funding. Without this change, some states would have suffered sharp decreases in funding, disproportionate to their needs. I appreciate and am glad that the SBA and the Association of Small Business Development Centers worked with me to develop an acceptable formula so that small businesses continue to be adequately served. As I said previously, I plan to revisit the Native American SBDC Network issue next Congress.

This legislation also reauthorized the National Women's Business Council. For such a tiny office, with minimal funding and staff, it has managed to make a significant contribution to our understanding of the impact of women-owned businesses in our economy. It has also done pioneer work in raising awareness of business practices that work against women-owned business, such as some in the area of Federal procurement. Recently, the Council completed two studies that documented the world of Federal procurement and its impact on women-owned businesses.

According to the National Foundation for Women Business Owners, over the past decade, the number of women-owned businesses in this country has grown by 103 percent to an estimated 9.1 million firms. These firms generate almost $3.6 trillion in sales annually and employ more than 27.5 million workers. With the impact of women-owned businesses on our economy increasing at an unprecedented rate, Congress relies on the National Women's Business Council to serve as its eyes and ears as it anticipates the needs of this burgeoning entrepreneurial sector. Since it was established in 1988, the bipartisan Council has provided important unbiased advice and counsel to Congress.

This Act recognizes the Council's work and re-authorizes it for three years, from FY 2001 to 2003. It also increases the annual appropriation from $600,000 to $1 million, which will allow the council to support new and ongoing research, and produce and distribute reports and recommendations prepared by the Council.

The Historically Underutilized Business Zone, or ''HUBZone'' program, which passed this Committee in 1997, has tremendous potential to create economic prosperity and development in those areas of our Nation that have not seen great rewards, even in this time of unprecedented economic health and stability. This program is similar to my New Markets legislation in that it creates an incentive to hire from, and perform work in, areas of this country that need assistance the most. This bill would authorize the HUBZone program at $10 million for the next 3 years, which is $5 million above the Administration's request.

Additionally, this legislation includes very important provisions to allow those groups which were inadvertently missed when this legislation was crafted—namely Indian tribal governments and Alaska Native Corporations—to participate in the program. I appreciate the willingness of the Committee on Indian Affairs to work with our Committee to create increased HUBZone opportunities for Native Americans.

As I stated, the HUBZone section does not contain any provision addressing the interaction of the HUBZone and 8(a) minority contracting programs. I believe that the 8(a) program is an important and necessary tool to help minority small businesses receive access to government contracts. The Chairman and I agree that there is a need to enhance the participation of both 8(a) and HUBZone companies in Federal procurement. It is my intention that the Senate Committee on Small Business consider the issue of enhancing small business procurement in the next Congress.

This legislation also includes a provision relating to SBA's cosponsorship authority. This authority allows SBA and its programs to cosponsor events and activities with private sector entities, thus leveraging the Agency's limited resources. The legislation extends this authority for three additional years.

Mr. President, let me conclude by reminding my colleagues that all of our states benefit from the success and abundance of small businesses. This legislation makes their jobs a little easier. I ask my colleagues for their support of this important legislation.

Mr. THURMOND. Mr. President, as we draw the 106th Congress to a close, I wish only to take a moment to express my appreciation to Senator STEVENS and others who concluded the negotiations on this final appropriations bill. They have worked under difficult circumstances, and I commend them for their accomplishment. I particularly acknowledge the effort of the Senator STEVENS. He is an outstanding chairman. He has devoted months of effort to this bill at great personal sacrifice. He is extremely capable and is always courteous and I express my personal thanks to him for his good work.

I am particularly gratified that the Appropriations Committee found a way to fund a leadership development program for the Boys and Girls Clubs of America. I have a long held interest in and concern for the young people of our Nation. The funding contained in this bill for a National Training Center will assist this worldwide organization in its mission of serving youth. The Center will offer a full array of programs, training, and research for participants from across the entire Nation. As a result, significant progress will be make toward the goals of promoting citizenship, leadership, and character development; the prevention of drug and alcohol abuse; and similar initiatives. On behalf of the youth of this Nation, I again express my appreciation for the Congress supporting this measure.

Mr. BIDEN. Mr. President, I want to take a few minutes to speak to the Commerce-Justice-State appropriations legislation that is contained in this bill. Unfortunately, I've got some good news and some bad news. The good news is that this bill recognizes the need to dedicate more resources to foreign policy needs; the bad news is that the bill fails to contain funding for three important programs in the Justice portion of this legislation.

The State Department does important work—protecting our citizens and pursuing our foreign policy objectives—in some of the most dangerous and difficult places in the world. Unlike the U.S. military, State Department employees go into areas of conflict unarmed, and generally unprotected. We have State Department officials in Sierra Leone, in Syria, in Lebanon and Liberia, and throughout the war-torn corners of the former Yugoslavia.

That is why I am particularly pleased to see that funding for embassy security in the Commerce-Justice-State bill is at the levels requested by the Administration. I strongly support full funding of two critical accounts—embassy security and maintenance, and embassy security equipment and personnel—in the legislation to authorize State Department activities which was initiated by the Committee on Foreign Relations last year.

Failure to fully fund the State Department's security account would have had a devastating effect on the safety of the Americans who serve us overseas, both in the number of security agents who protect them against terrorist threats and construction of new, safe embassies. Fortunately both these security programs will be well-funded. I regret, however, that agreement was not reached to fund a new Center for Anti-terrorism and Security Training. I hope we can give this careful consideration next year.

In addition, after many years of decline, funding for the State Department's most basic needs—including salaries and administrative expenses—has been increased. The final funding for this account exceeds the Administration's original request by $65 million, which should help offset the many reductions in the State Department budget during the 1990s.

As the Secretary of State has said numerous times, diplomats are our first line of defense. Just as we are concerned about military readiness, so we must be attentive to diplomatic readiness overseas. We need to do as much as we can—and in my opinion, this funding goes only part way—to ensure that we retain the best and the brightest in our Foreign Service.

I am pleased that the amount of money dedicated to United Nations Peacekeeping operations exceeds the Administration's original request. The final figure is based on more recent calculations of the U.S. dues to the United Nations and will allow us to help fund these important missions, thereby alleviating suffering and improving stability around the world.

I understand the frustration that many of my colleagues feel toward the United Nations. Earlier this week, I visited the UN. I want to assure my colleagues that reform is happening. Ambassador Holbrooke has kept his commitment, made to the Committee on Foreign Relations during his confirmation hearings, that reform will be his ''highest sustained priority.'' He and his team in New York continue to push effectively for needed reforms in the areas of peacekeeping and general operations. The recommendations made by the Brahimi panel, in particular, will result in better focused, trained and equipped peacekeeping missions—changes I believe that we all agree are needed.

I wish that I could be as positive about the Justice Department portion of the bill, but I cannot. I am disheartened that the legislation does not contain three crucial provisions—reauthorization of the COPS program, the Violent Crime Reduction Trust Fund, and full funding for the Violence Against Women Act.

Although we have 49 co-sponsors from both sides of the aisle and letters of support from every major law enforcement organization, a few powerful members on the other side have refused to allow a vote on the continuation of the COPS program.

In 1994, we set a goal of funding 100,000 police officers by the year 2000. We met that goal months ahead of schedule. As of today, there have been 109,000 officers funded and 68,100 officers deployed to the streets.

Because of COPS, the concept of community policing has become law enforcement's principal weapon in fighting crime. Community policing has redefined the relationship between law enforcement and the public. But, more importantly, it has reduced crime. And that is what we attempted to do.

All across the country, from Wilmington to Washington—from Connecticut to California, we are seeing a dramatic decline in crime. Just a few weeks ago, the FBI released its annual crime statistics which showed that once again, for the eighth year in a row, crime is down. In fact, crime was down 7 percent from last year and 16 percent since 1995. But we can't become complacent. We have to continue to help state and local law enforcement by putting more cops on the street. Mark my words, the day we become complacent is the day that crime rates go up again. And refusing to even allow a vote on this bill is even worse than complacency—it is irresponsible.

And I will say again that I firmly believe that reauthorization of the Violent Crime Reduction Trust Fund is the single most significant thing that we can do to continue the war on crime.

Since the Fund was established in the 1994 Crime Act, Congress has appropriated monies from the fund for programs including the Local Law Enforcement Block Grant Program and numerous programs contained in the Violence Against Women Act. The money has gone to hire more cops and it has brought unprecedented resources to defending our southwest border. It has funded runaway youth prevention programs and numerous innovative crime prevention programs. And there are many more.

The results of these efforts have taken hold. Crime is down—way down. And we didn't add 1 cent to the deficit or the debt.

This was the single most important paragraph in the 1994 Crime bill because no one can touch this money for any other purpose. It can't be spent on anything else but crime reduction. It is the one place where no one can compete. It is set aside. It is a savings account to fight crime.

This fund works. It ensures that the crime reduction programs that we pass will be funded. It ensures that the crime rate will continue to go down instead of up. It ensures that our kids will have a place to go after school instead of hanging out on the street corners. It ensures that violent crimes against women get the individualized attention that they need and deserve. It gives States money to hire more cops and get better technology.

This bill also is unsatisfactory because it leaves the landmark Violence Against Women Act underfunded, seriously jeopardizing the tremendous strides we have made in every State across this country to reduce domestic violence and sexual assault against women. Congress originally approved this legislation in 1994 and then reauthorized it unanimously this past October. In the bill before us, however, Congress fails to live up to its commitment to women and children who are the victims of domestic violence and sexual assault by not appropriating the necessary funds authorized in the Violence Against Women Act of 2000.

Reauthorization of the COPS program, the Trust Fund, and full funding for the Violence Against Women Act should have been a part of this package, and I'm disappointed that some on the other side have decided to put politics ahead of the people.

Mr. GRAMM. Mr. President, today I am proud to add my voice in support of the Commodity Futures Modernization Act of 2000. This legislation represents the end product of work that began in S. 2697, which Senator LUGAR and I introduced on June 8. The Commodity Futures Modernization Act of 2000 completes the work of last year's financial services modernization law, bringing our financial regulation in line with the rapid pace of developments in the global marketplace. The Commodity Futures Modernization Act of 2000 will now allow new and important financial products—single stock futures—to be sold in America. It protects financial institutions from over-regulation, and provides legal certainty for the $60 trillion market in swaps.

Significant portions of this legislation, particularly in Titles II, III and IV of the Act, concern issues within the jurisdiction of the Committee on Banking, Housing, and Urban Affairs.

Title II establishes the authority and framework for the offering of single stock futures, removing the ban embodied in the so-called Shad-Johnson Accord. I would like to take this opportunity to echo the views expressed by my colleague, Congressman BLILEY, Chairman of the Committee on Commerce of the House of Representatives, at the time of House adoption of this bill. It is my understanding that nothing in Title II of H.R. 5660 would (i) authorize any bank or similar institution to engage in any activity or transaction, or hold any asset, that the institution is not authorized to engage in or hold under its chartering or authorizing statute; (ii) authorize depository

institutions either to take delivery of equity securities under a single stock future or under any other circumstance, or otherwise to invest in any equity security otherwise prohibited for depository institutions; or (iii) allow a depository institution to use single stock futures to circumvent restrictions in the law on ownership of equity securities under its chartering or authorizing statute.

Under Title III of the bill, the SEC is granted new authority to undertake certain enforcement actions in connection with security-based swap agreements. It is important to emphasize that nothing in the title should be read to imply that swap agreements are either securities or futures contracts. To emphasize that point, the definition of a ''swap agreement'' is placed in a neutral statute, the Gramm-Leach-Bliley Act, that is, legislation that is not specifically part of a banking, securities, or commodities law. However, drawing upon the SEC's enforcement experience, the SEC is permitted, on a case-by-case basis, with respect to security-based swap agreements (as defined in the legislation) to take action against fraud, manipulation, and insider trading abuses.

Title III makes it clear that the SEC is not to impose regulations on such instruments as prophylactic measures. Banks are already heavily regulated institutions. Further regulatory burden, rather than discouraging wrongdoing, would be more likely to discourage development and innovation, during business overseas instead. The SEC is directed to focus on the wrong doers rather than provide new paperwork burden and regulatory costs on the law abiding investors and financial services providers. For example, the SEC is directed not to require the registration of security-based swap agreements. If a registration statement is submitted to the SEC and accepted by the SEC, the agency is required promptly to notify the registrant of the error, and the registration statement will be null and void.

Insider trading provisions of the Securities Exchange Act will be applied to single stock futures transactions as well.

Title IV of the Commodity Futures Modernization Act of 2000 contains the Legal Certainty for Bank Products Act of 2000. This title is a free standing provision of law, part of neither the banking statutes not the commodities statutes. The provisions of this title clarify the jurisdictional line between the regulation of banking products and futures products.

Under section 403 of Title IV, no provision of the Commodity Exchange Act (CEA) may apply to, and the CFTC is prohibited from exercising regulatory authority with respect to, an ''identified banking product'' if: (1) an appropriate banking agency certifies that the product has been commonly offered, entered into, or provided in the United States by any bank on or before December 5, 2000, and (2) the product was not prohibited by the CEA and was not in fact regulated by the CFTC as a contract of sale of a commodity for future delivery (or an option on such a contract or on a commodity) on or before December 5, 2000. This provision is intended to provide legal certainty for existing banking products so that they can continue to be offered, entered into, or provided by banks without being subject to CFTC regulation.

An existing banking product is one that is certified by the appropriate banking regulator as being a product is ''commonly'' offered, entered into, or provided, on or before December 5, 2000, in the U.S. by any bank. To rely upon that test a particular bank would not need to have certified that the particular bank had offered the product. The certification would apply if it or any other bank had offered such a product on or before December 5, 2000. The term ''commonly offered'' means, in effect, that the product was not obscure, or offered only briefly. It is not to be construed to mean that the product must be of a type that is appropriate or suitable for any and all users, since many common bank products are tailored for specific customers, small business loans or low cost checking accounts for seniors being two such examples.

New banking products not excluded from the CFTC's jurisdiction under Title IV will be, if indexed to a commodity, subject to a test to determine whether they are predominantly banking products, in which case, the CFTC is precluded from exercising regulatory authority over them. The predominance test is a self test. Banks themselves may apply the factors of the predominance test with respect to the development of new products, without making prior application to any regulator. The predominance test as contained in the law is intended to replace regulatory provisions under the Commodity Exchange Act concerning the application of a predominance test with respect to hybrid instruments.

Under the predominance test, a hybrid instrument will be considered to be predominantly a banking product if (1) the issuer of the instrument receives payment in full of the purchase price of the instrument substantially contemporaneously with its delivery, (2) the purchaser or holder of the hybrid is not required to make any payment to the issuer in addition to the purchase price during the life of the instrument or at maturity, (3) the issuer is not subject to mark-to-market margining requirements, and (4) the hybrid is not marketed as a contract of sale of a commodity for future delivery or an option subject to the CEA.

If a bank, having applied the predominance test to a new product, determines that the product is predominantly a banking product not subject to CFTC regulation, and the CFTC later challenges the bank's conclusion, the CFTC is still prohibited from exercising regulatory authority over the product unless the Commission obtains the concurrence of the Board of Governors of the Federal Reserve Board (Board). If the Board does not concur in the CFTC's decision, the Board may submit the controversy for determination by the United States Court of Appeals for the District of Columbia Circuit.

The CFTC is expected to be circumspect in applying the predominance test. For example, it does not necessarily follow that a hybrid instrument not satisfying the predominance test is inevitably a futures contract subject to CFTC regulation. The CFTC must not interpret normal or traditional banking practices and activities, or prudent actions taken by a bank to maintain safety and soundness, to be hybrid instruments that the CFTC may regulate. For example, a loan made by a bank is an identified banking product under section 206(a)(3) of the Gramm–Leach-Bliley Act. Some may argue that a new loan product offered after December 5, 2000, may be interpreted to be covered by the definition of a hybrid instrument if it has one or payments indexed to the value of, or provides for the delivery of, one or more commodities. However, there would be little justification for the CFTC to construe the pledging of a commodity as collateral for a loan, or that providing that a commodity may be offered as part or full satisfaction of a loan, to be representative of a futures contract over which the CFTC may exert jurisdiction. No such result is contemplated under this legislation.

Moreover, the fact that a loan may be renegotiated or sold, or that a loan or other identified banking product may not be held until maturity, is not a violation of the predominance test. These are merely examples of the reasonable interpretations that the CFTC must adhere to when it applies the predominance test for purposes of the statute.

The Commodity Futures Modernization Act of 2000 excludes from its coverage agreements, contracts or transactions in an excluded commodity entered into on an electronic trading facility provided that such agreements, contracts or transactions are entered into only by eligible contract participants on a principal-to-principal basis trading for their own accounts. In some cases, a party may enter into an agreement, contact or transaction on an electronic trading facility that mirrors another agreement, contract or transaction entered into at about the same time with a customer. The risk of one transaction may be largely or completely offset by the other; and that may be the purpose for entering into both transactions. But the party entering into both transactions remains liable to each of its counterparties throughout the life of the transaction. That party is similarly exposed to the credit risk of each of its counterparties. The fact that a party

has entered into back-to-back transactions as described above does not alter the principal-to-principal nature of each of the transactions and must not be construed to affect the eligibility of either transaction for the electronic trading facility exclusion.

Mr. President, enactment of the Commodity Futures Modernization Act of 2000 will be noted as a major achievement by the 106th Congress. Taken together with the Gramm–Leach-Bliley Act, the work of this Congress will be seen as a watershed, where we turned away from the outmoded, Depression-era approach to financial regulation and adopted a framework that will position our financial services industries to be world leaders into the new century.

Mr. KENNEDY. Mr. President, I join in commending the Democratic and Republican leaders for reaching this bipartisan agreement to give early, full and fair consideration to the Amtrak bond proposal in the next Congress.

The legislation is needed to ensure that Amtrak has the resources to maintain passenger rail service across the country.

This funding will undoubtedly strengthen train service in the Northeast Corridor. But this financing package can do much more to provide similar service to communities throughout the country. It will provide the financial stability that Amtrak needs to plan adequately for the future.

With the increasing congestion and delays we're seeing at major airports across the country, we need other options for transportation in the 21st century.

I look forward to the enactment of this important legislation early in the next Congress, so that passenger rail service will continue to be a key component of our transportation network.

Amtrak helps states meet clean air requirements by giving people a viable alternative to driving and flying. It's more energy efficient, which is particularly important for the New England region.

For many business commuters and vacationers, it's a more appealing way to travel. And for many workers, it's their chosen profession to which they've devoted years of their lives, and their families depend on it to pay the bills.

As a nation, we need a firm commitment to support passenger rail service, just as we do for highways and airports.

So again, I commend the leaders for the commitments made today for a financing plan to strengthen passenger rail service in the United States.

Mr. THOMPSON. Mr. President, I am pleased that the Senate-House conferees have adopted an amendment I sponsored to inform Congress and our citizens about potential violations of their privacy on Federal agency Web sites. The public has a right to know whether the Federal Government is respecting personal privacy. This amendment would require all Inspectors General to report to Congress within 60 days on how each department or agency collects and reviews personal information on its web site. The amendment is based on similar language offered by Congressman JAY INSLEE in the House that would have applied exclusively to the agencies funded by the Treasury-Postal Appropriations bill. Our final language was adopted by the Senate-House conferees in the bill providing appropriations for the Legislative Branch and Treasury-Postal Appropriations Act, and it was included in the Omnibus Appropriations Act.

The Internet has brought great benefits to our society, but understandably, the public is becoming more and more concerned about the way personal information is collected and handled on the Internet. The Federal Government should set an example for how personal privacy is handled in cyberspace. But unfortunately, concerns have been raised that some Federal agencies may be engaging in information-gathering practices that could only further deepen the public's distrust of government. We need to find out whether these concerns are real, and if they are, we need to decide what do about it.

Although the Clinton Administration established a privacy policy in June 1999 to guide the agencies, it is not clear whether the policy did much to protect privacy. In particular, the policy seemed to condone agencies' use of ''cookies''—small bits of software placed on web users' hard drives to collect personal information. The policy stated, ''In the course of operating a web site, certain information may be collected automatically in logs or by cookies.'' It also stated that ''some agencies may be able to collect a great deal of information,'' but went on to state that some agencies might make a policy decision to limit the information collected. Under the Paperwork Reduction Act, OMB is supposed to direct the agencies on privacy policy, but OMB's original privacy guidance seemed to give the agencies free rein to decide their own privacy policy for themselves. But OMB's original guidance did require the agencies to post privacy policies making clear whether they were collecting information.

Earlier this year, it was revealed that the White House Office of National Drug Control Policy had contracted with a private company to use cookies to track users of the ONDCP web site. ONDCP failed to warn the public about this practice in its privacy policy.

When the press reported ONDCP's practices, there was a swift and sharp public outcry. The White House's Office of Management and Budget quickly shifted into damaged control mode and issued a June 22 memorandum reversing its previous guidance and creating a presumption against the use of cookies on Federal web sites. However, more recently GAO reported to me that a number of agencies continued to use cookies, and it was not clear how these cookies were being used. This whole episode raises questions about the Federal Government's commitment to citizens' privacy. It also could undermine citizens' trust in government Web site.

I am not suggesting that cookies are inherently bad devices under all circumstances. Cookies can perform beneficial tasks on the Internet, such as counting the number of visitors to a site, assessing the popularity of certain Web pages, and briefly storing information already entered into to a form so that users don't have to enter the same information multiple times. At the same time, cookies can be used to identify specific computers and track a user's actions all over the Internet. The real questions I have are, ''What are cookies on Federal agency web sites being used for, and what are the information-gathering practices of the agencies?'' Right now, I don't know. And the American people don't know.

I have asked GAO to investigate which agencies are using cookies, how they are using them, and whether the practice violates the law and Administration policy. The amendment I have sponsored will provide further information from the Inspectors General on how agencies collect and use personal information. The language is based on a similar amendment that was offered to the House Treasury-Postal bill by Democratic Congressman JAY INSLEE. I want to thank Congressman INSLEE for working in a bipartisan way to protect citizens' personal privacy.

Mr. President, the American people have a right to know what information is being collected about them on Federal Web sites. This amendment would ensure that we know agencies' data collection practices so that we in Congress can make sure that privacy rights of citizens are not being violated.

Mr. HARKIN. Mr. President, we are finally at the finish line at the end of a legislative triathalon. It's been a long, difficult road, but we've finally come up with a health and education appropriations bill for this fiscal year. It truly was a test of endurance. Not only can we take pride in having survived the experience, but, even more importantly, we've produced a bipartisan agreement that is a victory for the health and education of our nation.

This agreement is not only a model for giving our nation the building blocks we need for a strong and secure future. It is a model of how Democrats and Republicans can work together across party lines to do what is the best interest of the American people.

Believe me, it hasn't been easy. Before the election, Senator STEVENS, Senate BYRD, Senator SPECTER, and I, along with Congressmen BILL YOUNG, DAVE OBEY, and JOHN PORTER worked for months to craft a solid bipartisan agreement. At times the negotiations got heated, but both sides hung in there, and in the end we came up with a good compromise.

That bipartisan agreement would have passed overwhelmingly in both the House and the Senate—which is why we were all just baffled when, less than 12 hours after we had signed our names to the bill, a tiny faction of the House Republican leadership decided to kill it.

As a result, some reductions had to be made, some of which were very disappointing. I hope that in the next Congress, a spirit of cooperation and civility will prevail and prevent these sort of last-minute, partisan maneuvers.

That being said, I believe that the version of our bill that we have here today is a very, very good one. It maintains most of our hard fought gains and provides critical investments to improve health care, education, and labor conditions for all Americans.

I want to extend my sincere thanks and commendation to my long-time partner, Senator ARLEN SPECTER and his staff. We have had a great bipartisan partnership on this bill for a decade. Year after year, Senator SPECTER has done yeoman's work, and it is a pleasure to work with him. This is always a difficult bill to maneuver and this year may have been our toughest.

I also want thank and commend our chairman, Senator STEVENS, and ranking member Senator BYRD for their great work. This bill would not be possible without their outstanding and steadfast efforts.

Finally, I want to thank our colleagues on the House side, Congressman OBEY, Congressman PORTER, and Chairman BILL YOUNG. I especially want to commend Congressman PORTER who is retiring this year.

Here are some of the reasons why I urge all of my colleagues to support this important bipartisan agreement.

Education funding: $1.6 billion to lower class sizes, up from $1.3 billion last year; $900 million to repair and modernize crumbling schools: should result in over $5 billion in school repairs, based on successful Iowa model; and increase to $3,750 for the maximum Pell grant—that's a record increase in the grants to make college more affordable; and $6.2 billion for Head Start: that's a $933 million increase from last year which will allow thousands of additional children to be served.

Afterschool care: $850 million for after school care: nearly 50 percent increase.

Home heating: $1.4 billion for LIHEAP to help low-income Americans heat their homes this winter: a $300 million increase.

Health care: $20.3 billion for NIH funding: $2.5 billion increase, the largest increase ever; thousands of new research projects on Alzheimer's, cancer, childhood diabetes, HIV, Parkinson's disease, cerebral palsy, and others; $125 million for new program to assist family caregivers struggling to keep elderly loved ones in their homes—provide respite and other needed services.

I am also especially excited about the funding in this bill for the Medical Errors Reduction Act of 2000 which Senator SPECTER and I introduced. Medical errors are estimated to be the 5th leading cause of death in this country. In fact, more people die from medical errors each year than from motor vehicles accidents (43,458), breast cancer (42,297), or AIDS (16,516). Our bill gives grants to states to establish reporting systems designed to reduce medical errors. It also calls for better research, training and public information on the issue of medical errors.

I'm also very proud of the funding in this bill for numerous programs that will give people with disabilities a real choice to live in their own communities near their families and friends. Most notably, this bill includes $50 million for systems change grants to help states reform their long-term care systems and make it easier for people with disabilities and the elderly to live at home.

This is just the beginning of our work to help states meet their so-called Olmstead obligation to provide services and supports to people with disabilities in the most integrated settings appropriate and feasible. This year is the 10th anniversary of the Americans with Disabilities Act, and these provisions are a great way to implement the ADA's ideals of independence and justice for all.

Finally, I would like to mention how pleased I am with the FAIR Act—the Medicare Fairness in Reimbursement Act—that is attached to the LHHS Appropriations Bill, I, Senator THOMAS, and several other Members of Congress introduced this bipartisan bill to provide Medicare providers relief from the excessive payment reductions resulting from the 1997 Balanced Budget Act. This bill will allow approximately 30 states, including Iowa, to benefit from fairer Medicare payments to states below the national average.

This bill allots approximately $35 billion over 5 years for reimbursement improvements to hospitals, home health agencies, nursing facilities, rural health providers and Medicare managed care. It will help our struggling rural hospitals, nursing facilities and home health agencies continue to provide quality care to seniors in Iowa and across the nation.

The bill will also help to improve enrollment rates for families and children in Medicaid and the Children's Health Insurance Program.

While I'm disappointed that our original LHHS Appropriations compromise was derailed, this bill is still a major step forward. It provides important investments in the health, education and productivity of all Americans.

This bill would not have been possible without the tireless, often heroic work of my staff. They's worked late nights and long weekends, and I am incredibly grateful for their expertise and excellent advice. I would especially like to thank Ellen Murray, Lisa Bernhardt, Peter Reinecke, Katie Corrigan, Sabrina Corlette, and Bev Schroeder for their outstanding work.

In passing this bill, I am hopeful that we will move beyond the partisan bickering that stalled our negotiations for so long.

With this year's elections, the American people sent us a strong message. They gave us one of the closest Presidential elections in history along with an evenly divided Senate and a closely divided House.

Clearly, they are tired of the bickering and bitterness that have characterized our politics, and they want us to bridge our differences and work together for their best interests. It is now time for us to come together and heed their call.

Mr. ENZI. Mr. President, I rise today to discuss the passage of the FY 2001 Omnibus Appropriations bill. Had I been given the opportunity to cast a recorded vote on this legislation, I would have voted ''no.''

There were a lot of things slipped in without prior authorization for the spending. I hope in the next Congress we can work with a new administration to clean up the process. Projects should go through a separate authorization process. All Members should have the same opportunity to review the projects in the bill and the public should know what is being funded. There are a number of us who would also like to see biennial budgeting so we have a chance to really evaluate how taxpayer money is being used.

We didn't even have a final funding total available to us before the vote. I know funding for labor and health and other related areas increased dramatically in this deal to nearly $13 billion more than last year's levels. These significant funding levels are not a one-time activity in the Congress—it has become an annual ritual. It's just too much. This is money that should be going to pay off the national debt. We must break the pattern of spending our children's future.

Some increases in the overall spending package were needed, including more support for education and nearly $36 billion in Medicare payments to healthcare providers. Wyoming rural hospitals and nursing homes will benefit from this effort. There are some very good things in this bill, but looking at the whole picture, the bad outweighed the good.

I am also very displeased that budget negotiators left out of the package a previously passed amendment which would have prevented the Occupational Safety and Health Administration (OSHA) from going forward with a massive new repetitive stress injury rule. The ergonomics rule could leave injured workers' compensation systems in ruin, close nursing homes and overshadow existing safety needs. The Senate and House agreed by a bipartisan vote on identical language that would require OSHA to slow its furious rush.

The amendment would give the agency time to go back and fix the terrible flaws with this rule that have been brought to light. This new regulation will affect the whole of workplaces in America. It carries serious consequences. I am most displeased that this rule will be finalized and I will work with my colleagues to overturn it.

Mr. BAUCUS. Although I am unable to vote for or against the omnibus legislation before the Senate today, I would like to comment on the process that brought us here. In an effort to improve the economy of my state and to facilitate trade between America and its East Asian trading partners, I have led a trade mission of Montanans to East Asia for the last several days, meeting with trade officials in Japan, China and Korea.

Mr. President, I am extremely concerned about the process that has brought about this omnibus bill's passage. It is unfortunate that the Senate finds itself in virtually the same position as it did the last two years with appropriations matters. As my colleagues will recall, in 1998 we voted on a giant omnibus appropriations bill which contained eight appropriations bills, plus numerous other authorizing legislation. It ran on for nearly 4,000 pages and was called a ''gargantuan monstrosity'' by the distinguished Senator from West Virginia, Senator BYRD.

Unfortunately, we did not learn our lesson in 1998. Last year Congress wrapped Medicare provider payments into appropriations for Commerce-State-Justice, Foreign Operations Appropriations, Interior and Labor-HHS, again passing it in omnibus fashion without time for senators to read through the bill and raise concerns about its contents.

I voted against the 1998 and 1999 omnibus bills, not because they did not contain good provisions for the country and my State of Montana. They did. I opposed these bills because I believed—as I do now—that writing such legislation behind closed doors among a small group of people dangerously disenfranchises most senators, House members, and the American people.

And here we are again, passing Labor-HHS along with Treasury-Postal and Legislative Appropriations—all in one bill, with the input of very few members of Congress. Despite statements in 1998 and 1999 that such a process would not happen again, we find ourselves in the same position as the last two years. Mr. President, we already face a population that is increasingly cynical of government and those who serve it, and the wrangling over the presidential election that just ended has not helped matters. People believe more and more that government does not look after their interests, but only after special interests. And the more we operate behind closed doors, without an open, public process, the more we feed that cynicism. That is not healthy for our democracy or our people, and it's why I cannot support this omnibus bill.

That said, Mr. President, there is good news for Montana health care in this bill, provisions that I have fought for all year. In particular, I want to reiterate my support for year-long efforts to restore funding to health care providers negatively impacted by the Balanced Budget Act, BBA, of 1997.

When the BBA was passed in 1997, it was heralded as landmark legislation to extend the life of Medicare's trust fund and impose some much-needed fiscal discipline on the program. Indeed, just eight years ago, estimates indicated that Medicare's hospital trust fund would run dry in 1999. But a strong economy and reductions in payments to Medicare providers through the BBA have extended the life of the Part A Trust Fund for probably a couple of decades. Unfortunately, access to quality health care may have been compromised in the process.

For example, the BBA included new prospective payment systems for Medicare providers of hospital, skilled nursing and home health care. While these payment systems are intended to introduce efficiency to Medicare and ultimately increase the quality and availability of patient care, in some cases they may not make sense. I am concerned that PPSs may be ill-applied in the case of small, rural facilities, which do not have the patient volume to survive under a system of flat-rate payments.

Consider home health care, for example. As costs for this important benefit spiraled out of control, and as reports circulated of fly-by-night home care agencies defrauding the government and harming patients, Congress passed a home health prospective payment system as part of the BBA. Payments were reduced drastically. While these cuts were justified in regions of the US with too many home care providers, they also took effect where there was not a redundancy of agencies. Now there are some Montana counties lacking home care providers altogether. Montana has lost seven home health agencies, and there are currently three counties in my state with no home care provider at all. Together these three counties—Rosebud, Treasure and Big Horn—have an area over 23,000 square miles, an area nearly the size of West Virginia.

I believe BBA changes have gone too far in the area of hospital care as well. Last year I pushed legislation to spare small rural hospitals drastic cuts in Medicare reimbursement to their outpatient departments by exempting them from the negative impacts of the outpatient prospective payment system. Based on estimates from the Health Care Financing Administration, the effects of the outpatient PPS would have been devastating on small Montana hospitals. Madison Valley Hospital in Ennis, Montana, for example, would have lost an estimated 62 percent of its outpatient Medicare payments without an exemption from the outpatient PPS; Liberty County Hospital in Chester would have lost over 50 percent.

I was pleased that Congress acted to prevent cuts to these outpatient facilities last year, through passage of the Balanced Budget Refinement Act of 1999, BBRA, legislation restoring $16 billion in Medicare and Medicaid payments over a five-year period.

This year's budget bill has significant BBA relief as well. Although I believe too much of the funding is directed toward Medicare+Choice plans, there is significant help in the package for the well-being of Montana health care and Medicare in general. These provisions include increased reimbursement for telemedicine; special payments for rural home care agencies and rural disproportionate hospitals; correction of a mistake affecting Critical Access Hospitals' outpatient lab facilities; relief for community health centers and rural health clinics; and redistribution of unspent funding from the State Children's Health Program, SCHIP. In short, I am pleased that BBA relief is set for passage, and I commend the Administration and my colleagues for setting aside politics to get this bill done.

I would also like to make a couple of comments about the tax legislation in this omnibus bill. In this area too, I object not so much to what is in this bill as I do to what is not. The tax title of the bill includes a number of provisions to encourage economic development in distressed communities, the so-called Community Renewal and New Markets provisions. I support these provisions because I believe they can help spur economic development in many areas in the country, including in my own home State of Montana. I also support the language that allows Indian tribes to be treated like state and local governments in their payment of Federal unemployment taxes.

However, in this closed process of negotiation by the few, several good ideas that were in the Senate version of the Community Renewal bill somehow never made it into this conference report. There is not one single dollar in this bill to help Americans save for their retirement, which is a high priority of mine because I believe our country needs to begin preparing for the wave of baby boom retirements. The Senate bill included a wide-ranging farm package that is very important for rural areas that you won't see in this bill. It also included environmental and energy incentives that were designed to help us plan for the future. The loss of these provisions will become much more noticeable as our land and energy needs keep growing.

The bottom line is that there is a reason that tax items should not be included in an appropriations omnibus bill at the last minute, particularly when the tax-writing committees are left out of the process of writing the

bill. That is exactly what has happened again this year, and I again voice my objections to the process.

Ms. COLLINS. I rise in support of the Medicare, Medicaid and SCHIP Benefits Improvement and Protection Act which we are considering as part of this omnibus package and which provides over $30 billion in much needed financial relief to our nation's beleaguered hospitals, home health agencies, hospices and other Medicare providers over the next five years.

In 1997, Congress and the White House faced a large and seemingly intractable federal budget deficit and projection that the Medicare Trust Fund would be bankrupt by 2002 unless Congress acted. The rapid growth in Medicare spending and pending insolvency of the trust fund understandably prompted the Congress and the Administration, as part of the Balanced Budget Act of 1997, to initiate changes that were intended to allow the spending growth and make Medicare more cost-effective and efficient.

These measures, however, have inadvertently produced cuts in Medicare spending far beyond what Congress intended. In 1997, the Congressional Budget Office estimated that the BBA would cut Medicare spending by $116 billion from 1998 to 2002. It now appears that the five-year impact of the BBA for hospitals, home health agencies and other Medicare providers is closer to $227 billion—almost twice the original estimates.

These deeper than expected cuts in Medicare spending, coupled with onerous regulatory requirements imposed by the Clinton Administration, are inhibiting the ability of hospitals, home health agencies, and other providers to deliver much-needed care, particularly to chronically-ill patients with complex care needs. While the Balanced Budget Refinement Act of 1999 did provide some relief, I believe that it is imperative that we do more. As we approach the end of the 106th Congress, we should have no higher priority.

I am particularly pleased that the package we are considering today provides overdue relief for our nation's rural hospitals. Small, rural hospitals in Maine and elsehwere face unique challenges in the delivery of health care services. Shortages of physicians, nurses and other health professionals make it difficult to ensure that rural residents have access to all of the care that they need. Moreover, Medicare reimbursement policies tend to favor urban areas and often fail to take the special needs of rural providers into account.

One relatively simple, but nevertheless important step we can take is to enable more small, rural hospitals in Maine and elsewhere to qualify for enhanced Medicare payments under the Medicare Dependent, Small Rural Hospital Program. I am therefore pleased that this bill includes legislation that I introduced, the Small Rural Hospital Program Improvement Act, to update the antiquated and arbitrary classification requirements that prevent otherwise-qualified hospitals from receiving assistance under this program.

Despite the fact that most of the small rural hospitals in Maine treat a disproportionate share of Medicare beneficiaries, none of them currently qualifies for this program. Not a single one. If updated in the way that this bill proposes, as many as nine Maine hospitals will be eligible for the program, which will qualify them to receive over $9 million in additional Medicare dollars each year.

The bill also includes legislation introduced by the senior Senator from Maine, Senator SNOWE, to correct a drafting error that precluded some of Maine's sole community hospitals from benefiting from the rebasing provisions in the Balancing Budget Refinement Act. This provision will bring an additional $2.8 million in Medicare reimbursements to Maine's hospitals each year.

In addition, the legislation corrects the current inequity in the Medicare Disproportionate Share Hospital program that discriminates against rural hospitals that care for proportionately greater numbers of low-income patients. By treating rural hospitals the same as urban hospitals, as this bill would do, we will increase Medicare disproportionate share payments to at least 18 of Maine's hospitals by more than $8 million a year.

And finally, the legislation will provide increased Medicare payments to all Maine hospitals by providing them with a full 3.4 percent inflation increase in FY 2001, up from the 2.3 percent they would receive under current law.

Increasing Medicare payments rates is critically important to the hospitals in Maine. For the past several years, Maine has ranked 49th or 50th in the nation in terms of Medicare reimbursement-to-cost ratios. While hospitals in some states receive more than it costs them to provide care to older and disabled patients, Maine's hospitals are only reimbursed about 80 cents for every $1.00 they actually spend caring for Medicare beneficiaries.

As a consequence, Maine's hospitals have experienced a serious Medicare shortfall in recent years. The Maine Hospital Association anticipates a $174 million Medicare shortfall in 2002, which will force Maine's hospitals to shift costs on to other payers in the form of higher hospital charges. This Medicare shortfall is one of the reasons that Maine has among the highest insurance premiums in the nation. These provisions will not solve all of Maine's Medicare shortfall problems, but they will help to close the gap.

I am also pleased that this bill extends and increases funding for two diabetes research programs created by the Balanced Budget Act of 1997, one focused on juvenile diabetes and the other focused on diabetes in Native Americans. These two programs are currently only funded through 2002. The Medicare, Medicaid and S–CHIP Benefits Improvement and Protection Act would extend funding for these two programs for one year and increase their funding levels from $30 million a year to $100 million a year.

As the founder and Co-Chair of the Senate Diabetes Caucus, I have learned a great deal about this serious disease and the difficulties and heartbreak that it causes for so many Americans and their families as they await a cure. We were all encouraged by the news earlier this year that twelve individuals from Canada appear to have been cured of their diabetes through an experimental treatment involving the transplantation of islet cells, and I believe that it is becoming increasingly clear that diabetes is a disease that can be cured, and will be cured in the near future, if sufficient funding is made available.

Last year, the Senate Permanent Subcommittee on Investigations, which I chair, held an oversight hearing to determine if the funding levels for diabetes research at the National Institutes of Health (NIH) are sufficient. At the hearing, the Committee heard testimony from the Diabetes Research Working Group (DRWG), an expert panel that studied the status of diabetes research at the NIH and across the country. The study revealed that diabetes research has been seriously underfunded. According to the DRWG, diabetes research represents only about 3 percent of the NIH research budget, which is clearly too small an investment for a disease that affects 16 million Americans and accounts for more than 10 percent of all health care dollars and nearly a quarter of all Medicare expenditures. Moreover, the DRWG report found that ''many scientific opportunities are not being pursued due to insufficient funding,'' and that the current ''funding level is far short of what is required to make progress on this complex and difficult problem.'' According to the DRWG, the funding levels for diabetes at the NIH are roughly $300 million short of what is necessary to ensure that the promising scientific opportunities in diabetes research are realized.

The legislation we are considering today will help to close that gap and will make an enormous difference to the millions of Americans whose lives are affected every day by diabetes. By extending and increasing the funding for these two important research programs, we are providing the additional resources necessary to take advantage of the unprecedented opportunities for medical advances that should lead to better treatments, a means of prevention, and eventually a cure for this devastating disease.

Finally, I am pleased that the bill we are considering today does provide a small measure of relief to our nation's struggling home health agencies, and in particular to those agencies that serve patients in rural areas. I am,

however, disappointed that it does not do more. I will therefore continue to push not just for a delay—as this measure proposes—but for a full repeal of the automatic 15 percent reduction in home health payments that is currently scheduled to go into effect on October 1, 2001.

The Medicare home health benefit has already been cut far more deeply and abruptly than any other benefit in the history of the Medicare program. An additional 15 percent cut in Medicare home health payments would ring the death knell for those low-cost agencies that are struggling to hang on and would further reduce our senior's access to critical home health services.

Moreover, the savings goals set for home health in the Balanced Budget Act of 1997 have not only been met, but far surpassed. The CBO projects that the post-BBA reductions in home health will be about $69 billion between fiscal years 1998 and 2002. This is over four times the $16 billion that Congress expected to save when it passed the 1997 law. Further cuts clearly are not necessary and the 15 percent cut should be repealed. To simply delay the cut for an additional year is to leave this ''sword of Damocles'' hanging over the head of our nation's home health agencies.

I have also been disappointed that the process under which we are considering this critical piece of legislation has not allowed for any amendments. The Home Health Payment Fairness Act, which I introduced with my colleague from Missouri, Senator BOND, to repeal the 15 percent cut currently has 55 Senate cosponsors. If I had been allowed to offer my bill as an amendment, as I had planned, it almost certainly would have passed.

Thank you, Mr. President, and I urge my colleagues to join me in voting for this important legislation.

Mr. KOHL. Mr. President, I rise today in support of the Hart-Scott-Rodino Act reform included in the Commerce-Justice-State appropriations bill. Our provision updates the law, which hadn't been adjusted for inflation since it was enacted in 1976, and makes several improvements to the merger review process undertaken by the Antitrust Division of the Department of Justice and the Federal Trade Commission. It is a bipartisan measure, authored by Senators HATCH, LEAHY, DEWINE, and myself and Representatives HYDE and CONYERS, and it deserves our support.

The Hart-Scott-Rodino Act is crucial to the enforcement of competition policy in today's economy—it ensures that the antitrust agencies have sufficient time to review mergers and acquisitions prior to their completion. The statute requires that, prior to consummating a merger or acquisition of a certain minimum size, the companies involved must formally notify the antitrust agencies and must provide certain information regarding the proposed transaction. For those transactions covered by the Act, the parties to a merger or acquisition may not close their transaction until the expiration of a waiting period after making their Hart-Scott-Rodino Act filing. It also authorizes the government to subpoena additional information from merging parties so that the government has sufficient information to complete its merger analysis.

While this statute has a very laudable purpose, especially with the tremendous numbers of mergers and acquisitions taking place in recent years, some of its provisions are in need of revision. Most importantly, while inflation has caused the value of a dollar to drop by more than a half in the past 25 years, the monetary test that subjects a transaction to the provisions of the statute has not been revised since the law's enactment in 1976. As a result, many transactions that are of a relatively small size and pose little antitrust concerns are nevertheless swept into the ambit of the Hart-Scott-Rodino review process. This legislation updates this statute to better fit into today's economy by raising the minimum size of transaction covered by the Hart-Scott-Rodino Act from $15 million to $50 million. This will both lessen the agencies' burden of reviewing small transactions unlikely to seriously affect competition and enable the agencies to allocate their resources to properly focus on those transactions most worthy of scrutiny.

Further, exempting small transactions from the Hart-Scott-Rodino process will significantly lessen regulatory burdens and expenses imposed on small businesses. The parties to these smaller transactions will no longer need to pay the $45,000 filing fee—or face the often even more onerous legal fees and other expenses typically incurred in preparing a Hart-Scott-Rodino filing—for mergers and acquisitions that usually don't pose any competitive concerns.

In exempting this class of transactions from Hart-Scott-Rodino review, however, it is important that we not cause the antitrust agencies to lose the funding they need to carry out their increasingly demanding mission of enforcing the nation's antitrust laws. This bill will reduce the number of Hart-Scott-Rodino filings and therefore reduce the revenues generated by these filings if the filing fees were kept at their present level. Of course, in a perfect world, we wouldn't finance the Antitrust Division and the FTC on the backs of these filing fees. But because they are a fact of life, the antitrust agencies should not be penalized by these reforms by suffering such a reduction in revenues. As a result, in order to assure that this reform is revenue neutral, we have worked with the Appropriations Committee to ensure that this bill raises the filing fees for the largest transactions. Consequently, filing fees are to be increased for transactions valued at over $100,000,000, which makes sense because these transactions require more scrutiny.

This legislation makes other changes designed to enhance the efficiency of the pre-merger review process. The waiting period has been extended from twenty to thirty days after the parties' compliance with the government's request for additional information, a more realistic waiting period in this era of increasingly complex mergers generating enormous amounts of relevant information and documents. And, as in the Federal Rules of Civil Procedure, when a deadline for governmental action occurs on a weekend or holiday, the deadline is extended to the next business day. This simple provision will eliminate gamesmanship by parties who currently may time their compliance so that the waiting period ends on a weekend or holiday, effectively shortening the waiting period to the previous business day.

Finally, in recent years may have expressed concerns regarding the difficulties and expense imposed on business in complying with allegedly overly burdensome or duplicative government request for additional information. So our legislation also contains carefully crafted provisions to ensure that business is not faced with unduly burdensome or overbroad requests for information, while assuring that the antitrust agencies' ability to obtain the information necessary to carry out a merger investigation is not hampered. Specifically, our legislation mandates that the FTC and Antitrust Division designate a senior official who does not have direct authority for the review of any enforcement recommendation to be designated to hear appeals to the appropriateness of the government's information request (the so called ''Second Requests''). The bill also sets forth the specific standards that this senior official is to utilize when considering such an appeal and mandates that these appeals be heard in an expedited manner.

In sum, I believe this legislation to be a reasonable and well balanced reform of our government's vital merger review procedures. It will make long overdue adjustments in the filing thresholds—ensuring review of those mergers in most need of governmental scrutiny while reducing the burden and expense on government and private parties by exempting smaller transactions from often expensive and time consuming pre-merger filings. It will also significantly reform the merger review process to ensure that the government has sufficient time to analyze increasing complex merger transactions, while also adding protections so that private parties do not face unduly burdensome or duplicative information request. I urge swift passage of this measure.

Ms. SNOWE. Mr. President, I rise today to express my concerns about the lack of commitment for forward funding for the Low Income Heating Energy Assistance Program for fiscal year 2002. Mr. President, as you know, LIHEAP is a block grant program to

the states to assist needy households with energy assistance. Since FY1999, the program has been funded at $1.1 billion, plus $300 million for weather emergencies. I am pleased to note that, through our efforts, the Labor-HHS Conference Report provides $1.4 billion for FY2001, with a contingency fund of $300 million for emergencies. To my great dismay, however, the $1.4 million provided to help the States budget for next winter—the winter of 2001–2002—was cut from the final package.

We need to face the fact that our nation is budgeting by emergency when it comes to making sure that our low-income citizens, particularly the elderly, can keep warm in the winter. This past year, there were four different releases of the FY2000 emergency funds, most of which were released by mid-February, 2000. Currently, there is only $155,650,000 remaining in the FY2000 emergency funds and I am aware that the White House is coming to a decision soon as to how to dispense these much-needed funds. I have joined many of my colleagues at different times over the past year urging these releases along with the currently needed release.

I have also urged an increase in the regular funding for the States programs, along with forward funding for the next fiscal year so that the States can appropriately budget for each successive year so as to extend the benefits to as many eligible people in need as possible.

Currently, Mr. President, Maine's LIHEAP program has borrowed from the State's ''rainy day fund'' in the hopes that the State would ultimately get paid back. Today is December 15—two and a half months into the fiscal year—and they are still waiting. Because the Legislature had the foresight to lend out this money, the Community Action Agencies were able to get funding to LIHEAP beneficiaries last July so they could buy home heating oil when it was cheaper.

Like last winter, Maine's LIHEAP program is currently receiving an extraordinary amount of applications for help. Anticipating a colder winter and higher prices this winter, the State has budgeted to accommodate more applications—they have already processed over 26,000—but to do this, they have had to reduce the benefit from $488 last year down to $350 currently. They are hearing that, because of the high prices—as high as $1.63 per gallon—the $350 does not allow LIHEAP recipients to fill their oil tank even once as we move into the colder New England winter months ahead.

We have a critical problem facing the country in the upcoming winter months, Mr. President. It is said that misery loves company, and it is my sense that, given the skyrocketing natural gas prices being experienced by all parts of the country, the Northeast will have lots of company this winter as more and more constituents with low incomes, particularly the fixed-income elderly, worry about where the money will come from to pay their heating bills to keep warm. This is a very unhealthy situation.

I have spent this entire year appealing for more LIHEAP funding to protect the most vulnerable members of our society so they will have energy assistance when they need it most. I will continue to do so in the next Congress in the hopes that we will all step up to the plate and not only increase the overall LIHEAP funding but to forward fund the program so the states an be fiscally responsible and accommodate as many people as possible with this vital benefit.

The ongoing problem continues to be one of supply and demand as natural gas and heating oil inventories remain historically low, and the increased costs caused by this imbalance will not right itself in time for the cold winter weather when demand will rise sharply. This situation prices the low-income households right out of the market and they find themselves making ''Solomon choices'' for heating or eating, or by cutting down on necessary and costly prescription drugs.

It is logical that when costs are doubled, those served by the LIHEAP program are decreased by the same amount. And, we should keep in mind that only around 13 percent of households that are eligible for the LIHEAP program actually even receive Federal assistance. Colder weather, higher costs and tighter budgets could have the effect of raising this percentage upward.

Because Maine received over $5.3 million in emergency LIHEAP funds this past winter, my State was able to increase the income limits to serve more eligible residents with their high energy costs. Maine was able to increase the income guidelines to 170 percent of the Federal Poverty Guidelines and assist over 50,400 households with a fuel assistance benefit averaging $488, almost twice last year's $261.

Mr. President, I look forward to working with you on increased long-range funding that will allow the Community Action Agencies in Maine and other States' LIHEAP programs to plan and budget in advance, so that as many energy needs are addressed as possible. I hope my colleagues will join me next year in efforts for increasing funds so that our States can budget for a safety net that can be extended to as many low-income citizens as possible—and to make sure they do not find themselves literally out in the cold.

Mr. KERRY. Mr. President, I rise today in support of provisions in the Consolidated Appropriations bill for fiscal year 2001 that would transfer a Coast Guard lighthouse on Plum Island to the city of Newburyport, Massachusetts and land on Nantucket Island from the Coast Guard Loran station to the town of Nantucket, Massachusetts. I wish to thank the conferees for including these provisions in this bill.

Mr. President, the Plum Island lighthouse is a national treasure. This conveyance ensures that this historic treasure will be preserved and protected for generations to come. This was included at the request of my constituents in the area. The Coast Guard has always been a good friend and neighbor in Massachusetts. I am pleased that this historic landmark will transferred to Newburyport so that it can be preserved and protected for the citizens and visitors of the City to enjoy for years to come.

Mr. President, the town of Nantucket needs a small amount of property from the Coast Guard Loran Station to build a sewage treatment plant. The Coast Guard has been working with local government officials on the Island to find a solution to this problem. Initially the Coast Guard considered leasing this property to Nantucket, however the Coast Guard later determined that a conveyance was the better solution. I applaud the Coast Guard for working with Nantucket to develop this workable solution.

Mr. THOMPSON. Mr. President, I am pleased that today the Senate passed regulatory accounting legislation in the Treasury-Postal title of the Omnibus Appropriations Act, section 624, also known as the Regulatory Right-to-Know Act. I want to thank Chairman TED STEVENS and Senator JOHN BREAUX for helping me pass this important legislation. We have worked together over the last several years to further some basic important goals: to promote the public's right to know about the costs and benefits of regulatory programs; to increase the accountability of government to the people it serves; and ultimately, to improve the quality of our regulatory programs. This legislation will help us assess what regulatory programs cost, what benefits we are getting in return, and what we need to do to improve agency performance.

By any measure, the burdens of Federal regulation are enormous. By some estimates, Federal rules and paperwork cost about $700 billion per year, or $7,000 for the average American household. I hear concerns about unnecessary regulatory burdens and red tape from people all across the country and from all walks of life—small business owners, governors, state legislators, local officials, farmers, corporate leaders, government reformers, school officials, and parents.

There is strong public support for sensible regulations that can help ensure cleaner water, quality products, safer workplaces, reliable economic markets, and the like. But there is substantial evidence that the current regulatory system is missing important opportunities to achieve these goals in a more cost-effective manner. The depth of this problem is not appreciated fully because the costs of regulation are not as apparent as other costs of government, such as taxes, and the benefits of regulation often are diffuse. The bottom line is that the American people deserve better results from

the vast resources and time spent on regulation. We've got to be smarter.

We often debate the costs and benefits of on-budget programs, but we are just breaking ground on creating a system to scrutinize Federal regulation. This legislation will provide better information to help us answer some important questions: How much do regulatory programs cost each year? Are we spending the right amount, particularly compared to on-budget spending and private initiatives? Are we setting sensible priorities among different regulatory programs? As the Office of Management and Budget stated in its first ''Report to Congress on the Costs and Benefits of Federal Regulations'':

[R]egulations (like other instruments of government policy) have enormous potential for both good and harm....The only way we know how to distinguish between the regulations that do good and those that cause harm is through careful assessment and evaluation of their benefits and costs. Such analysis can also often be used to redesign harmful regulations so they produce more good than harm and redesign good regulations so they produce even more net benefits.

This legislation continues the efforts of my precedessors. Senator BILL ROTH proposed a regulatory accounting provision in a broader reform measure that he worked on when he chaired the Governmental Affairs Committee in 1995. In 1996, when TED STEVENS became our chairman, he passed a one-time regulatory accounting amendment on the Omnibus Appropriations Act. After I became the chairman of Governmental Affairs, I supported Senator STEVENS' amendment when it passed again in 1997. In 1998, I sponsored an amendment to strengthen the Stevens provision with the support of Senators LOTT, BREAUX, SHELBY, and ROBB, as well as a bipartisan coalition in the House. This year, I worked with Senators STEVENS and BREAUX to make this legislation permanent.

This legislation continues the requirement that OMB shall report to Congress on the costs and benefits of regulatory programs, which began with the Stevens amendment. This legislation also adds to previous initiatives in several respects. First, it will finally make regulatory accounting a permanent statutory requirement. Regulatory accounting will become a regular exercise to help ensure that regulatory programs are cost-effective, sensible, and fair. The costs and benefits of regulation can become a regular part of the annual debate between the Congress and the executive branch on the Federal budget. Second, this legislation will require OMB to provide a more complete picture of the regulatory system, including the incremental costs and benefits of particular programs and regulations, as well as an analysis of regulatory impacts on State, local, and tribal government, small business, wages, and economic growth. Finally, this legislation will help ensure that OMB will provide better information as time goes on. Requirements for OMB guidelines and independent peer review should continually improve future regulatory accounting reports.

The government has an obligation to think carefully and be accountable for requirements that impose costs on people and limit their freedom. We should pull together to contribute to the success of responsible government programs that the public values, while enhancing the economic security and well-being of our families and communities.

Mr. President, I ask unanimous consent that a copy of the Regulatory Right-to-Know Act be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEC. 624. (a) IN GENERAL.—For calendar year 2002 and each year thereafter, the Director of the Office of Management and Budget shall prepare and submit to Congress, with the budget submitted under section 1105 of title 31, United States Code, an accounting statement and associated report containing—

(1) an estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of Federal rules and paperwork, to the extent feasible—

(A) in the aggregate;

(B) by agency and agency program; and

(C) by major rule;

(2) an analysis of impacts of Federal regulation on State, local, and tribal government, small business, wages, and economic growth; and

(3) recommendations for reform.

(b) NOTICE.—The Director of the Office of Management and Budget shall provide public notice and an opportunity to comment on the statement and report under subsection (a) before the statement and report are submitted to Congress.

(c) GUIDELINES.—To implement this section, the Director of the Office of Management and Budget shall issue guidelines to agencies to standardize—

(1) measures of costs and benefits; and

(2) the format of accounting statements.

(d) PEER REVIEW.—The Director of the Office of Management and Budget shall provide for independent and external peer review of the guidelines and each accounting statement and associated report under this section. Such peer review shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

Mr. KERRY. Mr. President, I rise today in support of a provision in the Consolidated Appropriations bill for fiscal year 2001 that would transfer Coast Guard Station Scituate to the National Oceanic and Atmospheric Administration, NOAA. NOAA will use the facility to serve as the headquarters for the Gerry E. Studds Stellwagen Bank National Marine Sanctuary. Since the mid-90s the Coast Guard has shared the facility with both NOAA and the Massachusetts Environmental Police, MEP. Once the Coast Guard has relocated to a new facility NOAA and the MEP will jointly use the facility to both manage and study the marine sanctuary and to perform cooperative enforcement on the water. I am happy to report that NOAA is teaming with the MEP to share resources and facilities to improve fisheries and sanctuary enforcement. It is my understanding that NOAA will be offering the same working and living spaces to the MEP that have been provided in the past by the U.S. Coast Guard. In addition the MEP will have the same berthing and dock space for their vessels. Furthermore it is my understanding that this agreement between the two agencies will mirror the current U.S. Coast Guard agreement with the MEP with respect to terms and conditions.

The Stellwagen Bank Sanctuary is located at the mouth of Massachusetts Bay. It was first described in the diary of Captain Henry Stellwagen, a hydrographer for the U.S. Navy, as ''an important discovery in the location of a fifteen fathom bank lying in a line between Cape Cod and Cape Ann.'' The wealth of sea life that moved below the surface of Captain Stellwagen's vessel has drawn commercial fishing fleets for centuries. The continued use for maritime commerce, whether shipping, fishing or whale watching excursions, presents a major challenge in the enforcement of sanctuary rules.

Today the sanctuary draws as many as one million visitors a year, many of them whale watchers, intent on experiencing a close encounter with a whale—particularly the gregarious and acrobatic humpback. While its numbers at Stellwagen Bank are relatively strong, the species is nevertheless listed as endangered based on its worldwide numbers. The Endangered Species Act and the Marine Mammal Protection Act have been enacted to help protect this and other species; but the oceans are large and enforcement is difficult. I applaud the cooperation shown by NOAA and the MEP to address this critical issue in the sanctuary. This conveyance of property form the Coast Guard to NOAA will solidify this relationship between the MEP and NOAA and will at the same time provide office space and research facilities for teams of scientists to study one of the true treasures of New England, the Stellwagen Bank National Marine Sanctuary.

Mr. CRAPO. Mr. President, in the final days of the 106th Congress, I wanted to take this opportunity to speak about the issue of debt relief and reform of the International Monetary Fund (IMF) and the World Bank.

A great deal of attention has been paid recently to a complicated issue that has faced Congress—the international lending practices of the World Bank group and the IMF. The complexity increases when you factor in calls for the United States to contribute to efforts to write off debt owed by the world's heavily indebted poor countries (HIPCs).

As vice chairman of the Senate Banking Subcommittee on International Trade and Finance, I have conducted a series of oversight hearings on the functioning of the IMF and World Bank. These hearings have only strengthened my belief that the evidence is clear—we should not grant

debt relief without demanding that the international lending institutions such as the World Bank and IMF change their current practices.

I supported Senate passage of the fiscal year 2001 foreign operations appropriations conference report with much reservation.

The bill collectively provides about $435 million toward debt forgiveness for the HIPCs. Of this money, $210 million comes disguised as ''emergency'' spending.

Regrettably, this all goes without any link between relief and reform. The legislation calls for a couple of reports to Congress and a few policy suggestions that the U.S. ought to urge these institutions to adopt, but it has no teeth to force change. The lending institutions pay no consequences for failing to mend their ways . . . this means the consequences of inaction will be borne by, among others, American taxpayers and people in need.

Essentially, the IMF, World Bank, and other international lending institutions are supposed to improve economies of impoverished countries and the health and well-being of people throughout the world.

In the U.S., we are a compassionate people; we share our bounty with many other countries. But many question the effectiveness of how the World Bank and the IMF perform their missions.

The World Bank and IMF lend money to certain countries to use for various purposes—improving infrastructure needs, feeding and immunizing children, and stabilizing the economy, to name a few. But these noble goals have been stymied by corruption, greed, and poor management. What has developed is sadly lacking in results and in much need of reform.

Some advocates of debt relief have tried to delink the issue of debt relief from the issue of reform. I agree with recent remarks that these lending institutions are at the ''root'' of the debt problem. And if we are to weed out the problem, we must pull it up by its roots. We all know that, if you don't pull up weeds by their roots, they merely sprout up again. This serves nobody's interest—least of all the people currently suffering.

We need transparency, accountability, and effectiveness. We need to know where the money is being spent, who is spending it, and how it is benefiting that country and achieving the goals of the World Bank and the IMF.

A General Accounting Office (GAO) report on the World Bank concluded ''[management] controls are not yet strong enough to provide reasonable assurance that project funds are spent according to the Bank's guidelines.''

Simply put, the World Bank can't tell us with any reasonable level of certainty that funds are being spent efficiently and as they are intended to be spent. Other reports have questioned the IMF's practices.

Senate Banking Committee Chairman PHIL GRAMM spoke eloquently about this issue recently on the Senate floor. I know he talked about the Uganda situation at some length. And keep in mind that Uganda has been used as the ''poster child'' of success. It has qualified for debt relief under the original and enhanced HIPC initiatives.

Let me echo the chairman. In May, I wrote Treasury Secretary Lawrence Summers about the Ugandan Government's multi-million dollar expenditure on a presidential Gulfstream jet. As I noted in my letter, Idahoans and others throughout this country sympathize with the plight facing impoverished Ugandans whose annual per capita income is roughly $330. People throughout the world deserve the chance to succeed and thrive. What troubled me was the Ugandan Government's failure to place a high priority on reducing poverty and choosing to expend millions on a luxury aircraft, then essentially asking for and receiving millions in debt relief.

This situation has deeply troubled me. I was even more troubled by Secretary Summers' reply. Secretary Summers basically said the purchase of the plane was not out of the ordinary and he was satisfied that Uganda didn't take money from poverty relief programs to pay for it. As he stated, ''The Ugandan authorities have committed to offset the cost of the aircraft against defense and other non-priority, non-wage expenditures.'' But to me, money is money; if Uganda can find money in its budget to pay for an extravagant jet, it should be able to find money to help its own people in poverty. I imagine $37 million would go a long way toward helping people in a country where the average per capita income is less than $350 a year.

As I have repeatedly noted, when the U.S. Federal Government helped bail out Chrysler, former chairman Lee Iacocca was required to sell the company jets.

And there is another problem—''moral hazard.'' In simple terms, people must be made to bear the consequences of their decisions. If not, they have less incentive to act prudently. If a country knows the IMF will come in and bail them out after making bad decisions, there is little incentive for the country to change its decisionmaking process. Or, if the country knows it will receive IMF funding, perhaps it uses other monies to prop up companies that should be allowed to fail. The moral hazard problem pervades this system. We might all like someone to step in and alleviate the negative impact of bad decisions we make, but this would not encourage us to act wisely. Furthermore, someone else bears those consequences. In the case of troubled countries and the international lending institutions, it is contributors such as U.S. taxpayers who bear the burden. And, honestly, the citizens of the country in question whose situation fails to improve.

So, while we are and should continue to be a compassionate nation, I also recognize the duty of Congress to set good public policy and represent the interests of hard-working Americans.

Chairman GRAMM and I, along with others, only asked that we adopt a proposal that recognizes all of these goals. This was achievable if everyone had been willing to work together.

Unfortunately, the Treasury Department refused to engage in meaningful dialog and compromise with Congress on this issue.

What is even more amazing is that the Treasury Department fought for this spending when estimates suggest that the maximum amount that would be necessary for the U.S. to fund its obligations to the HIPC Trust for this year and next is less than $100 million.

We should not be granting relief without reform.

I assure you that follow-up will be done during the next Congress to illustrate the continued need for Congress and the next administration to alter current U.S. policies and practices.

I completely agree with an editorial in the October 12 Wall Street Journal which stated that ''Any debt write-off that doesn't include radical reform of the international financial institutions . . . will renew the cycle of non-performance.''

Mrs. MURRAY. Mr. President, I want the RECORD to reflect my strong support for the final appropriations measure that we are completing today.

Since the first day I walked into this distinguished Chamber, I have been fighting to bring the priorities of our budget closer to the priorities of America's families. As I talk to parents and students in my State about what would improve their lives, over and over, I hear that a quality education for our students is a top priority for families across this country.

Today is a victory for families. The Labor-HHS-Education appropriations bill shows this Congress is listening to people across this country. It provides a $6.5 billion increase in education spending. This is a 17 percent increase. It makes an investment in the things that matter—reducing class size, improving teacher quality, and repairing and constructing schools. This bill gives the Congress a benchmark to work with the new President who has made education a personal priority.

I have come to the Senate floor numerous times over the years to ask for an investment in reducing class size. This is something that matters to parents, teachers and students across this country. After a year long battle against efforts to eliminate class size reduction funds, this bill provides $1.62 billion final appropriations bill for the purpose of reducing class size.

By making this investment, we are sending an important message to every community in this Nation. Class size reduction is important because it makes a tangible difference in real-world public schools.

I've talked to teachers in my State about class size reduction. These teachers told me the benefits of smaller

class size. They say that when class sizes are smaller, they see better student achievement, fewer discipline problems, more individual attention, better parent-teacher communication, and dramatic results for poor and minority students.

These are the kinds of things we need in our public schools. Our kids deserve this investment.

In Washington State, the funds included in this bill will provide over $25 million to the State for the purpose of reducing class size. Currently, over 600 teachers have been hired with Federal class size reduction funds across the State to reduce class size. With the funds secured this year, Washington State will be able to hire approximately additional 130 new teachers to reduce class size.

This appropriations agreement also makes an important investment in school construction. Students across this country are going to school in inadequate facilities. The majority of students in this country attend schools that are over 40 years old. These have leaky roofs, inadequate heating and cooling, and are not the type of learning environment that goes hand in hand with expecting our students to achieve high standards. This bill makes an investment in school construction, providing $1.2 billion for this purpose.

In addition, it makes an investment in teacher quality. Our districts need help in the area of teacher quality. The districts need to be able to provide teachers the support they need, and make efforts to reach out and bring more highly qualified people into the teaching profession. This appropriations bill provides a $150 million increase over last year in our investment to improve teacher quality.

This bill provides more than a 30-percent increase for IDEA, the biggest increase in the program history. I'm sure there is not a member of this Senate who has not visited a school district and heard the struggles the district faces in funding special education services. This bill provides $1.35 billion more for IDEA than last year. We should not back down from this commitment to our schools.

The bill provides close to a 50-percent increase for after school programs. The funding is raised from $435 million to $851 million.

There is a much needed investment in child care. There is a 70-percent increase in child care funding, bringing the funding up to $2 billion. With these additional funds, nearly 150,000 children will receive child care subsidies.

An increase of over $1 billion in Head Start: These funds would allow an additional 70,000 children to participate in Head Start.

The bill invests in college opportunities for students. The $450 increase in the Pell Grant Program and the substantial increase for SEOG, LEAP, and Federal work-study will give more families the ability to send their children to college.

While I am extremely disappointed that this Congress failed to finish consideration of the Elementary and Secondary Education Act, I am glad we were able to make a commitment to kids through this appropriations bill. Investing in reducing class size, teacher quality, college affordability, and things to help our young children like Head Start and child care are the kind of investments we need in this country.

While these investments are not quite as high as the ones agreed to in October, I still believe we are moving the right direction in this bill by investing in the things that we know work. Kids, teachers and parents across this country deserve these investments.

And while I have focused my remarks on education, I should note that this bill contains vital investments in many key areas like health care. I am immensely proud of the increased investments we are making in health care research at the National Institutes of Health and the Centers for Disease Control. These investments represent our strong commitment to finding cures to life threatening ailments like breast and prostrate cancer, Parkinson's disease, and multiple sclerosis. This bill funds key health projects in Washington State like Children's Hospital and others.

This bill makes an essential investment in health care with $35 billion for BBRA relief. These improvements are imperative for access to quality health care for people everywhere. I cannot emphasize enough the importance of these changes to hospitals, home health, skilled nursing facilities which serve the elderly. Ensuring this population has high quality health care is high priority, and I commend my colleagues for recognizing this pressing need.

As a member of the Labor-HHS-Education Subcommittee, I urge my colleagues to join in support for this bill.

Mr. INHOFE. Mr. President, I rise today to lodge my objection to H.R. 4577. I understand that there will not be a rollcall vote but if there were to be a rollcall vote I would vote ''no.''

Mr. WELLSTONE. Mr. President I want to voice my strong objection to the process by which this legislation is being passed by the Senate. The Omnibus Appropriations conference report—containing numerous other pieces of unrelated legislation—is being passed by the Senate tonight under a consent agreement that was entered suddenly by the Majority Leader without the normal notification process. We should have had a recorded vote. Since I first came to the Senate 9 years ago I have felt that it does the Senate no credit to pass such significant budgetary legislation—literally hundreds of billions of dollars—without a recorded vote. We cannot be held accountable as Senators to our constituents when such bills are passed in this manner. I want to make it clear; I oppose this legislation and I would like the RECORD to show that I would have voted no had there been a recorded vote.

Mr. L. CHAFEE. Mr. President, today we consider legislation that addresses crucial areas of our Nation's tax and health care policy. I applaud the hard work of appropriators and President Clinton in coming to a hard-won agreement on this year's final spending bill. And, I am pleased that we can finally wrap up the business of the 106th Congress and clear the deck for our new President and the 107th Congress.

This bill includes many of my legislative priorities, which I believe will benefit Rhode Islanders, and all Americans.

First: let's focus on those in the area of health care. The health care portion of this measure includes two legislative proposals I authored, and for which I worked hard to build bipartisan support this year: a version of the State Children's Health Insurance Program Preservation Act, and the Medicaid Disproportionate Share Hospital Preservation Act.

The SCHIP provision allows 40 states—including Rhode Island—to retain for two more years $1.2 billion in children's health insurance funds. In extending the deadline for states to spend these federal dollars, we give eligible children in 40 states the opportunity to receive health insurance. In Rhode Island, our state's low-income health care program—known as RIte Care—may be able to retain as much a $8 million in federal funds. That amount would go a long way to cover uninsured children between the ages of eight and 18 in my home state.

My second priority—The Medicaid Disproportionate Share Hospital Preservation Act—would benefit hospitals that serve a disproportionate share of America's 43 million uninsured. It would increase Medicaid DSH payments to these hospitals to defray their costs of treating Medicaid patients—particularly indigent patients with complex medical needs. In all, it would strengthen the safety net for Rhode Island's hospitals—that are struggling as a result of the budget cuts instituted by the Balanced Budget Act of 1997. Indeed, this proposal could save Rhode Island hospitals $10 million over the next two years.

What's more, the initiative before us increases Medicare reimbursements for teaching hospitals, and scales back deep cuts to the home health care industry. And, it bolsters the ability of nursing homes and community health clinics to provide high quality service to those in need. Together, these provisions will go a long way to improve the health care received by the children, the elderly, and the uninsured of our nation.

Turning to the tax provisions, I am heartened that this bill contains many incentives to rebuild distressed communities, both in urban and rural areas. I've cosponsored legislation to foster urban renewal, and I am pleased that this package contains a version of

it. Specifically, this measure would establish 40 renewal communities and designate 9 new empowerment zones that would be eligible for tax breaks.

I am particularly heartened that this measure increases the low-income housing tax credit caps over the next two years. Along with the Rhode Island Housing Authority, I am an ardent supporter of this increase because it will help many low-income families gain access to affordable housing.

What's more, the initiative we consider today accelerates a scheduled increase in the state volume limits on tax-exempt private activity bonds. This provision has broad, bipartisan support, and I am glad we are moving forward with it.

Finally, many of you know that, as a member of the Environment and Public Works Committee, I have worked to win passage of legislation to spur cleanup of lightly contaminated industrial sites—so-called brownfields sites. This bill contains a brownfields expensing provision that promotes the cleanup of environmental contaminants. This is a modest step in the direction of the wholesale reform I've been pressing, but it is an important step towards that eventual goal.

I am pleased that we have finally reached agreement with our counterparts on the other side of the aisle here in the Senate; with our colleagues in the House of Representatives; and most importantly, with the Clinton administration on this broad spending package.

In that spirit of constructive compromise, I will vote in favor of this bill. I urge my colleagues to do the same. I thank the Chair.

THE CULTURAL PROPERTY PROCEDURAL REFORM ACT

Mr. MOYNIHAN. Mr. President, in 1972, the Senate gave its advice and consent to ratification of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property, but subject to the passage of implementing legislation by Congress. The implementing legislation—the Convention on Cultural Property Implementation Act (CCPIA)—became law in 1983. I wrote this legislation in the Senate in cooperation with Senators Robert J. Dole and Spark M. Matsunaga. It is technically a revenue measure and came under the jurisdiction of the Senate Finance Committee of which I was then a senior member, later chairman. Earlier I had been Ambassador to India and to the United Nations and was much aware of the issues surrounding cultural property. As Ambassador in Delhi I was responsible for negotiating the return of the Shiva Nataraja. I also was serving at the time as chairman of the board of trustees of the Hirshhorn Museum and Sculpture Garden, and in that capacity I dealt at length with similar issues.

The CCPIA sets forth our national policy concerning the importation of cultural property. As part of the statute, we created the Cultural Property Advisory Committee (CPAC), an 11-member body appointed by the President to advise him concerning foreign government requests that import restrictions be placed on certain archaeological and ethnological material. The statute specified that each member should represent one of four categories: museums (two members), archaeologists/anthropologists (three members), dealers (three members), and the public (three members). There are different interests here, and my purpose was to see that these were represented in any recommendation the CPAC would make. In addition, the CCPIA explicitly states that the CPAC is subject generally to the Federal Advisory Committee Act provisions relating to open meetings, public notice, and public participation in its proceedings. As the last of the authors of the CCPIA remaining in the Senate, it fell to me to keep an eye on its implementation.

Earlier this session I introduced S. 1696, the Cultural Property Procedural Reform Act. Joining me as cosponsors on the bill are Chairman ROTH, and Senators SCHUMER, GRAMM, and BREAUX. Congressman RANGEL introduced companion legislation on the House side. I have pressed this legislation because I feel it provides an essential clarification of the CCPIA.

Unfortunately, time has run out in this session of Congress to pass S. 1696. Although some halting progress has been made by the executive branch in responding to the problems that S. 1696 sought to address, it is clear that the fundamental issues of procedural reform raised by S. 1696 have not been resolved. Therefore, it is imperative that congressional oversight continue in an effort to ensure that the implementation of the Act is faithful to the terms Congress promulgated.

We have seen a number of serious shortcomings in the administration of the CCPIA which led to the introduction of S. 1696. A central concern has been that the procedures of the CPAC remain essentially closed to nonmembers of the committee despite the provisions of the 1983 Act, such as 19 U.S.C. section 2605(h), that generally require open meetings and transparent procedures. I remain concerned that past proceedings before the CPAC and the administering agency have been conducted in almost total secrecy, thus denying interested parties a meaningful opportunity to respond to evidence presented by foreign nations concerning alleged pillage and with respect to the statutory requirements that must be satisfied. The result is that the CPAC is denied a full, unbiased record upon which to make its decisions. A central goal of S. 1696 is to open those proceedings.

The initial step in a CPAC proceeding is the publication of a notice in the Federal Register informing the public of the filing of an application by a foreign government. However, that notice of the request is often so cursory as to effectively deny interested persons an opportunity to contribute meaningfully to CPAC proceedings. An adequate notice should provide descriptive information from the foreign nation about the archaeological or ethnological materials, the pillage of which the requesting country claims is placing its cultural patrimony in jeopardy. This information is particularly important because the 1983 act explicitly authorizes the President to impose import restrictions only on particular archaeological and ethnological materials that are the subject of pillage, which, in turn, is jeopardizing the cultural patrimony of a requesting state.

Any notice of a foreign government's request should, at a minimum, put on the public record the approximate dates during which the cultural material at issue was produced, the approximate dates during which that material is alleged to have been pillaged, the cultural group with respect to which the material is associated (if available), the medium, and representative categories or types of cultural material that the foreign nation asked by barred from import into this country. This information will permit interested parties to prepare themselves to participate in an informed fashion in proceedings before the CPAC.

Requiring the approximate dates of the alleged pillage is essential to carry out the purposes of the statute. Evidence of contemporary pillage is central to the goals of the 1983 act, which is based on the concept that a U.S. import restriction is justified only if it will have a meaningful effect on an ongoing situation of pillage. It is quite obvious that an import restriction in the year 2000 cannot deter pillage that took place decades or even centuries ago. Thus, the approximate dates of the pillage, which a fair notice would provide, is imperative to ensure that the administrative process is faithful to the goals of the CCPIA.

A second concern that led to the introduction of S. 1696 was the absence of meaningful art dealer participation in the proceedings of the CPAC. This year, in fact, art dealers have not been represented at all on the CPAC—all three dealer slots have been and continue to be vacant. This state of affairs is inconsistent with the CCPIA, which established an elaborate process to ensure that the views of archaeologists, art dealers, museums, and the public were taken fully into account when a foreign government asked us to prohibit the importation of archaeological and ethnological materials.

It is reported that the White House is now moving forward to fill all these are dealer vacancies and perhaps the introduction of S. 1696 helped move that process along. To ensure that in the future all interested constituencies are represented on the CPAC, it would be desirable to modify the CPAC quorum provisions to require the presence of at least one member from each statutory category. Moreover, the language describing the CPAC members should be

made consistent across all four categories and consistent with Senate report language stating that the members are to be ''knowledgeable representatives of the private sector.''

Further, discussions on the bill have revealed that the process whereby the Executive Branch reports to the Congress on its actions under the 1983 act needs to be strengthened. Under current law, the CPAC and the State Department are to provide copies of their reports to Congress. These reports have not been transmitted to the Senate Finance Committee, the committee of jurisdiction in the Senate. Significantly, consultations have not occurred routinely on these matters since the original statute was enacted in 1983.

To implement the goals of the 1983 Act for open proceedings, the reporting requirements in the CCPIA should be made more consistent with the traditional consultation and layover provisions used by Congress to ensure adequate consultation. Thus, reports of the CPAC and State Department action should be sent to appropriate jurisdictional committees with a traditional layover period to permit consultation, as appropriate, between Congress and the executive branch. Consultation provisions can be developed that will not impair the executive branch's ability to proceed with import restrictions, after there is an opportunity for consultation with Congress. Such consultation would help ensure that executive branch procedures and actions do not stray from Congress' intent in passing the 1983 act, and would thus help allay concerns of interested persons that the statutory criteria are not being met.

One concern that I have heard repeatedly is that the CPAC and the agencies to which it reports have simply disregarded the multinational response requirement in recent actions imposing far-reaching restrictions on cultural property. Central to our intention in drafting the CCPIA was the principle that the United States will act to bar the import of particular antiquities, but only as part of a concerted international response to a specific, severe problem of pillage. The rationale for this requirement is that one cannot effectively deter a serious situation of pillage of cultural properties if the United States unilaterally closes its borders to the import of those properties, and they find their way to markets in London, Munich, Tokyo, or other art importing centers. Congress intended that the multinational response requirement be taken seriously—indeed its inclusion ensured the passage of the 1983 Act. I am concerned that the executive branch may not be giving serious weight to this requirement.

I am distressed that the procedural changes proposed in S. 1696 cannot be made in this Congress. A fair administration of the 1983 act is vitally important to our citizens and our cultural life. The United States has long encouraged free trade in artistic and cultural objects which has helped create a museum community in our Nation that has no equal. That policy of free interchange of cultural objects was narrowly modified in the 1983 act to respond to specific, severe problems of pillage. A diversion from this posture, which the current administration of the law suggests, can deny the American public the opportunity to view, study, and appreciate cultural antiquities that reflect the multicultural heritage that is the essence of our nation.

I trust, and urge, that the next Congress will address these issues vigorously.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. FITZGERALD. Mr. President, I rise in support of the Commodity Futures Modernization Act of 2000 (''CFMA''), the proposed legislation to reauthorize the Commodity Futures Trading Commission (''CFTC'') and to amend the Commodity Exchange Act (''CEA''). This legislation is the Senate companion of H.R. 5660, which Congressman THOMAS EWING introduced yesterday in the House of Representatives and which is part of the final appropriations measure. As an original co-sponsor of the CFMA, I am proud to join Chairmen GRAMM and LUGAR in supporting legislation to provide much needed regulatory relief to the United States futures exchanges, to remove the eighteen-year-old ban on single stock futures, and to bring legal certainty in the multi-trillion dollar derivatives markets.

The CFMA gives a substantial boost to Chicago's futures industry and the 200,000 jobs that depend on it. The Chicago futures exchanges will be given an opportunity to compete on a level playing field with the world markets. Burdensome federal regulations will be removed and a new regulatory structure will be implemented that will give our nation's most important futures exchanges the ability to compete equally with world markets in product innovation and the ever-changing demands of the marketplace. Chicago's exchanges will now have the opportunity to offer single stock futures so that they can compete with global markets already trading those types of futures. This is potentially an enormous market for Chicago's exchanges and U.S. investors. It goes without saying that this market is absolutely necessary for Chicago to remain the center for world futures trading.

I commend Chairman LUGAR on his efforts to act swiftly to modernize the CEA and to implement the recommendations of the President's Working Group on Financial Markets (''PWG''). The challenges involved in such an undertaking are enormous and I appreciate Chairman LUGAR's thoughtful and comprehensive approach to this complex task. As Chairman of the Subcommittee on Research, Nutrition, and General Legislation, I have been actively involved in the evolution of the CFMA and am committed to working closely with Chairman LUGAR, Chairman GRAMM, and my other colleagues to ensure that the United States derivatives markets remain strong, competitive, and viable. The CFMA codifies the recommendations of the PWG to enhance legal certainty for over-the-counter (''OTC'') derivatives by excluding from the CEA certain bilateral swaps entered into on a principal-to-principal basis by eligible participants. The market for OTC derivatives has exploded over the past two decades into a multi-trillion dollar industry. These large and sophisticated markets play an important role in the global economy and legal certainty is a critical consideration for parties to OTC derivative contracts. Accordingly, the CFMA recognizes that legal certainty for OTC derivatives is vital to the continued competitiveness of the United States markets and achieves this certainty by excluding these transactions from the CEA.

The provisions of the CFMA also address the problem that federal regulation has not adapted to the rapid growth of the financial markets and today serves as a substantial restriction on market competitiveness and modernization. In order for the United States to maintain the most efficient markets in the world, regulatory barriers to fair competition must be removed. The CFMA reduces the inefficiencies of the CEA by removing constraints on innovation and competitiveness and by transforming the CFTC into an oversight agency with less front-line regulatory functions. The provisions for three kinds of trading facilities with varying levels of regulation provide needed flexibility to both traditional exchanges and electronic trading facilities by basing oversight of the futures markets on the types of products they trade and on the investors they serve.

Finally, the CFMA removes the Accord's prohibitions on the trading of single stock futures and small indices. Stock index futures have matured into vital financial management tools that enable a wide variety of investment concerns to manage their risk of adverse price movements. The options markets and swaps dealers offer customers risk management tools and investment alternatives involving both sector indexes and single stock derivatives. It seems only fair that futures exchanges be allowed to compete in this important market.

The CFMA lifts the ban on single and index stock futures restrictions to allow the marketplace to decide whether these instruments would be useful risk management tools and to enhance the ability of the U.S. financial markets to compete in the global marketplace. The bill reforms the Accord to allow both futures and securities exchanges to trade these products under the jurisdiction of their current regulators. The CFMA also allows both the

SEC and the CFTC to enforce violations of their respective laws regardless of whether the products are traded on a futures or securities exchange and requires that the agencies share necessary information for enforcement purposes.

The CFMA represents an arduous effort to remove burdensome regulatory structures and provide much needed legal certainty to the United States derivatives markets. This effort has produced comprehensive legislation that is designed to remove impediments to innovation and regulatory barriers to fair competition for the United States financial markets. The positive impact of this legislation on Chicago's futures markets cannot be overstated. The CFMA is vital to Chicago remaining the derivatives capital of the world and gives Chicago's futures exchanges the ability to lead the way in the potentially explosive single-stock futures market.

RESTRICTING CRUISE SHIP GAMBLING

Mr. STEVENS. Mr. President, I would like to engage the Senator from Hawaii in a colloquy regarding a provision of interest to him, that would restrict cruise ships from gambling in the State of Hawaii. For the benefit of our colleagues, I would like to ask the Senator if he would explain the clear intent of this provision.

Mr. INOUYE. Mr. President, I would be happy to have a brief discussion with Chairman STEVENS on this matter. As he knows, on many occasions I have expressed to my colleagues in this Chamber my strong opposition to gambling in the Hawaiian Islands. Our State of Hawaii is one of only two states in the entire country that prohibits gambling of all kinds. When Federal laws, including the Gambling Devices Transportation Act, more commonly known as the Johnson Act, affecting the ability of cruise ships to conduct gambling operations were relaxed over the past decade, I was involved in drafting those provisions to be sure that the longstanding Federal prohibition against the possession and operation of gambling devices be maintained with respect to the State of Hawaii. Unfortunately, I understand that a foreign cruise line seeks to exploit a loophole in Federal law and circumvent this long standing prohibition. This legislation closes this loophole.

This recent announcement by a foreign cruise line—that is substantially owned by foreign gambling interests—to permanently based a large cruise ship with an extensive casino on board in Hawaii for year-round operation on cruises that will begin and end in Honolulu has prompted this amendment. This amendment ensure that there is no ambiguity in the intent of the Johnson Act's application to the State of Hawaii by expressly preserving the act's original prohibition of the transportation, possession, repair, and use of any gambling devices aboard vessels that embark and disembark passengers in the State of Hawaii, as defined in 19 C.F.R. 4.80a(a)4.

I want to make clear to my colleagues that this provision would not affect any State other than Hawaii. Moreover, it would not prohibit current gambling operations on board cruise ships that, for example, begin or end their cruises on the mainland or in foreign countries, even if they call at multiple ports in Hawaii, so long as the gambling facilities are closed when the vessel is in Hawaii and the passengers do not begin and end their trip in Hawaii. Passengers could either begin or end their trip in the State, but could not do both. A vessel that is operating in dedicated service in Hawaii, however, cannot escape the Johnson Act's broad prohibitions simply by calling at Christmas Island or some other similar foreign port.

I have made clear that I do not want gambling in Hawaii many time and in particular on the occasions that we have debated the Johnson Act and gambling on cruise ships. I have been unwavering in my position that gambling on voyages beginning and ending in Hawaii will not be accepted practice. This provision should clarify any ambiguity in the Johnson Act as to what types of gambling operations on board vessels are allowed and not allowed in Hawaii. I can assure my colleagues that if gambling interests believe they can exploit and circumvent the spirit and intent of Federal laws prohibiting gambling in Hawaii, I will be back in this Chamber to attempt to make the necessary changes to continue our State's longstanding prohibition on such activities.

Mr. STEVENS. Mr. President, we all recognize the Senator's diligence in keeping the gambling industry out of Hawaii. Would I be correct then saying this provision would not have any impact on those cruise ships that begin or end their voyages in a foreign port or on the mainland so long as they don't gamble while in Hawaii?

Mr. INOUYE. The Senator is correct.

Mr. STEVENS. I thank the Senator for his explanation.

Mr. INOUYE. I appreciate the opportunity to explain this matter for our colleagues.

COAL WASTE IMPOUNDMENT STUDY CLARIFICATION

Mr. BYRD. Mr. President, conference report language has been added to H.R. 4577, the fiscal year 2001 Labor/HHS Appropriations bill to address concerns about the safety of coal waste impoundments. A study, which is to be completed by the National Academy of Sciences (NAS) in nine months, will be funded by monies included in the Mine Safety and Health Administration's (MSHA) Fiscal Year 2001 appropriations. Because MSHA has regulatory authority for coal waste impoundment oversight, I hope that MSHA officials will play an active role throughout the course of the study. The NAS study is intended to review the coal waste impoundments and report on viable methods and alternatives to prevent another dam failure like the one that occurred in Martin County, Kentucky, in October of this year.

I would like to clarify the understanding of the chairman and ranking member of the Senate Labor/HHS Appropriations subcommittee regarding this conference report language. Is it their understanding that the NAS study should involve the participation of experts to include, but not be limited to, members of relevant state and federal agencies, such as the Mine Safety and Health Administration, the Office of Surface Mining and Enforcement, the Environmental Protection Agency, as well as industry, labor, citizen, and environmental groups, which have either been, or may be, impacted by impoundments in their areas? Further, in addition to addressing how best to assure the stability of existing impoundments, is it the understanding of my distinguished colleagues that this NAS study should also address alternative methods of coal mine waste disposal and placement in the future?

Mr. SPECTER. As I, too, have had a long-running interest in coal mining and health and safety matters, I thank the Senator for his interest in this important coal matter. Yes, I believe that it is important for a range of stakeholders to be involved in this study as well as to look at both the current and future issues related to coal waste impoundments.

Mr. HARKIN. I would like to thank the Senator from West Virginia for his leadership on this subject. It is also my understanding that relevant federal, state, industry, labor, citizen, and environmental parties should participate in this study so as to gain a broader range of views and recommendations on the current problem and future solutions in order to prevent such problems as he has described from occurring again.

SWAN LAKE-TYEE INTERTIE

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate Interior Appropriations subcommittee in a short discussion on an item which is included on page 171 of the conference report on the recently passed Interior appropriations bill, H.R. 4578. In that bill, there is a reference to utilizing the Alaska ''Job in the Woods'' program for projects ''that enhance the southeast Alaska economy, such as the southeast Alaska intertie.'' May I inquire of the distinguished chairman if that language refers specifically to the currently proposed Swan Lake-Lake Tyee Intertie project for which the Forest Service completed its final environmental impact statement and issued its record of decision on August 29, 1997?

Mr. GORTON. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to the Swan Lake-Tyee Intertie project and was inadvertently referred to as the southeast Alaska intertie. I hope the RECORD

will reflect this clarification and will result in an expeditious use of the funds.

LIHEAP

Mr. HARKIN. Mr. Chairman, as you know, many members on both sides of the aisle have concerns about the Low-Income Home Energy Assistance Program (LIHEAP) and the lack of an advance appropriation for that program in fiscal year 2002. As you know, home heating costs have skyrocketed over the past year in many areas of the country. The LIHEAP program helps over four million low-income households with their heating bills. Usually this appropriations bill includes advance funding for LIHEAP so that states have time to plan their program, but due to a provision in the budget resolution capping advance appropriations we were not able to do so this year.

I hope, as I know you do, that we finish our work on this bill before October 1 next year. But if we do not, I think we should do everything we can to see that any continuing resolution for fiscal year 2002 would include sufficient funds for States to properly run their LIHEAP programs.

Mr. SPECTER. As you know, I have been a strong supporter of the LIHEAP program and I am aware of how essential the program becomes in times of high fuel prices. While I hope that a continuing resolution will not be necessary next year, I would certainly support including funding for the full winter season in the first continuing resolution for fiscal year 2002, if that is necessary.

CATHOLIC SOCIAL SERVICES

Mr. STEVENS. Mr. President, I would like to engage the distinguished chairman of the Senate VA–HUD Appropriations subcommittee in a short discussion on an item which is included on page 79 of the Conference Report H. Rept. 106–988 (H.R. 4635) for the VA–HUD appropriations bill. In that bill, there is funding available for Catholic Community Services. I am told that reference is incorrect and that the funding should actually be made available for Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing. I would ask the distinguished subcommittee chairman whether it was his understanding that Catholic Social Services was the intended recipient of this funding rather than Catholic Community Services, and if so, would the chairman make note of this for the RECORD?

Mr. BOND. The distinguished chairman of the Appropriations Committee is correct. That reference is specifically intended to refer to Catholic Social Services for renovations and construction at the Brother Francis Shelter and AWAIC's transitional housing and was inadvertently referred to as Catholic Community Services. I hope the RECORD will reflect this clarification and will result in an expeditious use of the funds.

Mr. STEVENS. I thank my colleague.

AUTHORITATIVE ROOT SERVER

Mr. BURNS. Will the chairman yield for purposes of a colloquy?

Mr. GREGG. I yield to the Senator from Montana.

Mr. BURNS. I understand that the Internet Corporation for Assigned Names and Numbers, ICANN, intends to request that the Department of Commerce transfer the Internet's authoritative root server to ICANN's control. The authoritative root server is the foundation of the Internet, which cannot function without it. Would the chairman agree that the Department of Commerce should retain control of the authoritative root server until the appropriate committees of Congress have reviewed the legality, appropriateness and implications of such a transfer?

Mr. GREGG. I agree with the Senator from Montana that Congress should be given the opportunity to exercise its oversight responsibility over this important issue.

Mr. HOLLINGS. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from South Carolina.

Mr. HOLLINGS. Mr. Chairman, I would like to join you in supporting the statements made by the Senator from Montana. As managers of the Commerce, Justice, State bill, you and I have the responsibility and expectation of providing agencies under our jurisdiction with congressional input and guidance. On an issue of this great importance—transferring the a-root server to ICANN—it is critical we carefully look at the implications a decision like this would have.

Mrs. MURRAY. Will the chairman yield to me on this issue?

Mr. GREGG. I yield to the Senator from Washington.

Mrs. MURRY. I share the concerns expressed by the Senators from Montana and South Carolina about the premature transfer of the authoritative root server to ICANN. Control of this root server includes the power to dramatically affect all aspects of Internet activity, including e-commerce and our national security. The Department of Commerce should not transfer the root server to ICANN until Congress has had the opportunity to review the wisdom of such a transfer.

Mr. GREGG. I agree with the views expressed by my ranking member, Senator HOLLINGS, and the Senators from Washington and Montana on this matter.

ANTIDUMPING DUTIES

Mr. DURBIN. Mr. President, I would like to commend the chairman of the Finance Committee for his bipartisan efforts which resulted in the passage of section 1425 of H.R. 4868, the Miscellaneous Tariff Act. This section is intended to address an unfortunate situation involving the imposition of antidumping duties on a number of entries of conveyor chain from Japan. At the time of these entries, the applicable antidumping duty cash deposit rate was 0 percent. As a result, no cash deposits were made on these entries by the U.S. importer. Through no fault of the U.S. Customs Service, the antidumping duties and interest subsequently imposed when these entries were liquidated as a result of the Department of Commerce administrative review process now represents a severe and unanticipated hardship on the U.S. importer, Drives, Inc., based in Fulton, Illinois. This legislation is intended to address this situation by having the Customs Service reliquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry.

Mr. ROTH. The senior Senator from Illinois is correct and I thank him for his kind words. He is correct with regard to the purpose and intended effect of this section. My understanding is that the antidumping duty order covering these entries has recently been revoked. I also understand that the domestic industry association that was the complainant in the dumping proceedings is aware of this legislation and does not object.

Mr. DURBIN. That is correct. In accordance with this legislation, the identified entries will be re-liquidated with no antidumping duties assessed. Moreover, no interest charges which relate in any way to antidumping duties will be assessed. Since the deposit rate at the time of entry of all of the identified entries was 0 percent, this will have the effect of liquidating the entries at the cash deposit rate in effect at the time of entry.

Mr. ROTH. We should note for the record that during the drafting of this legislation, a few words were inadvertently left out, with the unintended consequence of the language being not as clear as we would like for Customs' interpretation. It was our intent with this legislation that re-liquidation should occur within 90 days of enactment. This was the intent of the Congress when it reviewed and passed this section.

Mr. DURBIN. The senior Senator from Delaware is correct. There was a mistake made in drafting the language. Regardless, the intent of the original legislation, and the intent that can still be interpreted from the law as enacted, is to have the Customs Service re-liquidate the entries at the antidumping duty cash deposit rate in effect at the time of entry. I thank the Senator from Delaware for his guidance and appreciate working with him on a bipartisan basis.

Mr. ROTH. I thank the Senator from Illinois.

ASBESTOS VICTIMS

Mr. DEWINE. I notice my colleague from Ohio, Senator VOINOVICH is on the floor as well as the majority leader. I think I speak for my colleague when I say we are extremely disappointed that our bill, S. 2955, was not able to be passed in this Congress. That bill is very important to asbestos victims and two of our State's largest employers.

As we all probably know, our nation is facing an asbestos litigation crisis. A crisis for which the federal government, in my opinion, shares responsibility. From World War II through the Vietnam war, the government mandated the use of asbestos to insulate our naval fleet from secondary fires. This mandate is the cause of many tragic disabilities. Unfortunately, while the federal government would be one of the largest asbestos defenders due to this mandate, an aggressive and successful litigation strategy to assert sovereign immunity has allowed them to evade any monetary culpability.

Since the federal government is not paying their fair share of the costs, the former asbestos manufacturers are burdened with asbestos claims. Of the approximately 30 original core defendants, over two dozen have gone bankrupt, in large part due to asbestos claims. The situation has reached the crisis stage. Good companies, providing good jobs, and providing payments to victims, are in significant peril. The recent bankruptcies of several former asbestos manufacturers have placed an even more overwhelming burden on the remaining defendants. Due to joint and several liability, the remaining defendant companies are now paying an even higher share of asbestos claims. The markets have taken note. Stock market values are declining, making it more and more difficult for these companies to receive the financing they need to survive. The very future of these companies, the very future of these jobs are at stake.

But, it is not just the companies who are suffering. Asbestos victims are also suffering greatly. They are not receiving the awards to which they are entitled. If something is not done to correct this situation, good companies will continue to go bankrupt, good jobs will continue to be lost, and asbestos victims will not receive any compensation.

We must act now to do this. I understand the majority leader understands and appreciates the urgency of this situation. I would ask that the bill that Senator VOINOVICH and I have introduced would be one of the first bills considered when we return for the 107th.

Mr. VOINOVICH. I wholeheartedly agree with my colleague, Senator DEWINE. I do not think we can stress enough that this really is a matter of survival for these companies and their employees. The government bears some responsibility here, we simply must get this bill done as soon as possible. The companies, their workers, and asbestos victims—after all when the companies go bankrupt it affects payments to victims—need certainty that this will be brought to the Senate floor at the earliest possible date next year. We need to work to keep these companies afloat.

Mr. LOTT. I appreciate the concerns of the two Senators from Ohio. They have made a very strong and convincing case on the need for a solution to this problem. I pledge to work with them to see that this issue is addressed as early as possible in the 107th Congress.

DISASTER-RESISTANT WOOD CONSTRUCTION PROGRAM

Ms. COLLINS. Mr. President, as you know, natural disasters exact a tremendous toll on our nation. In just two decades (1975–1994), 24,000 individuals nationwide lost their lives to natural disasters. An additional 100,000 were injured, and the resulting property damage reached a staggering $500 billion.

Hurricanes are responsible for 80 percent of these $500 billion in damages. The continued rapid building of homes and commercial facilities along our coastlines increases the potential for even higher natural disaster costs in the future. Since Congress often responds to these disasters with emergency supplemental appropriations, it makes sense to also support the development of technologies and building techniques to mitigate damage resulting from hurricanes and other natural disasters.

Mr. GREGG. I agree with my distinguished colleague from Maine that we need to do what we can to mitigate the devastation caused each year by natural disasters. Exciting new building techniques and technologies hold promise in this regard.

Ms. COLLINS. They certainly do. And one of the most exciting technologies involve wood composites. The fact is, most natural disasters directly affect wood construction, which is used for 99 percent of houses constructed nationally. The University of Maine Advanced Engineered Wood Composites Center (AEWC) has developed new technologies to reinforce wood construction materials with fiberglass material. These fiberglass-reinforced wood composites are two to three times stronger, more impact resistant and more ductile than their unreinforced counterparts. Homes and buildings constructed with these advanced materials should greatly enhance occupant protection from hurricanes, earthquakes, tornadic missiles, and other natural threats. In addition to their benefits in new construction, these technologies can be used to retrofit and strengthen existing wood buildings. The University of Maine and its industry partners require $4 million in fiscal year 2001 funds to complete material and wood panel testing on these technologies, and to start developing building code provisions to transition the new disaster resistant panels into residential and commercial construction.

I commend my good friends, Chairman GREGG and the subcommittee's ranking member, Senator HOLLINGS, for their efforts thus far to allocate additional funds to the National Institute of Standards Scientific and Technical Research Services programs. I am particularly pleased with the additional funds that have been allocated to the NIST Building and Fire Research Laboratory, which is ideally suited to develop improved building technologies resistant to natural disaster.

I would strongly encourage the NIST Building and Fire Research Lab to support development work on advanced wood composites, demonstrate the performance of reinforced-wood composites under simulated hurricane wind conditions, and introduce the new construction materials into national building codes and standards.

Mr. HOLLINGS. I thank my good friend and colleague, Senator COLLINS, for her kind remarks regarding this subcommittee's work on the FY '01 Commerce, Justice, State, and judiciary appropriations bill. I recognize the importance of investing in advanced building technologies that can resist damage from hurricanes. As you know, South Carolina has experienced several costly and disastrous hurricanes. Yet our coastal economy continues to expand and to serve as a commercial and recreation resource to our State and the Nation.

I agree with my colleague that development of fiberglass-reinforced wood composites is important, and I also encourage the National Institute of Standards and Technology to support the development and deployment of these materials. Improvements to wood building materials will result in direct benefits to the people of South Carolina and all other coastal communities in the United States.

Mr. GREGG. I thank my distinguished colleague from Maine as well and share her concerns about the impact of natural disasters on the lives of people and on the economy. In the past, government has worked effectively with the building industry to make homes and commercial buildings better and safer through building codes and standards, and by supporting improvements in building technology.

The subcommittee is very interested in the contributions that the NIST Building and Fire Research Laboratory can make to improve the quality of building products. Fiberglass-reinforced wood composites can greatly increase the safety of homes subjected to natural disasters. I agree that the National Institute of Standards should pursue with the University of Maine the development and demonstration of fiberglass-reinforced wood composites for improved building materials.

EXPANSION OF A SUCCESSFUL EXECUTIVE MBA PROGRAM

Mr. L. CHAFEE. Mr. President, I would like to clarify the intent of the conferees regarding a provision in the conference report accompanying H.R. 4576, FY01 Defense appropriations bill (H. Rept. 106–754). Within this legislation is $2 million for the expansion of a successful Executive MBA program, jointly administered by the Naval Undersea Warfare Center (NUWC), Newport, Rhode Island and Bryant College, Smithfield, Rhode Island. The funding

will be used to expand the current student enrollment from 30 to 60 Navy personnel and to expand and upgrade Bryant's technical capabilities. Specifically, funds will be used to expand and upgrade Bryant's network bandwidth to gigabit speed, as well as fund technological enhancements to Bryant's new Bello Center for Information and Technology, allowing Executive MBA students better access to valuable information resources. This, in turn, will assist them in their studies at Bryant. The $2 million for the expansion of this program will not only allow 30 more military/government personnel to earn an MBA at Bryant, but will link those students with expanded technical resources at Bryant. This linkage will allow Executive MBA students access to all information available within Bryant's resources and create the capability to interact with each other and with other students on and off campus.

Is this description what the conferees intend?

Mr. STEVENS. Yes, that is correct.

Mr. GRAHAM. Mr. President, I do not mean to be the skunk at the picnic party, but I believe there are some realities to be faced. Those realities are that we are establishing on the last evening of the 106th Congress some standards that are going to be either positive paths towards greater cooperation in the next Congress or will be impediments to achieving success in what will be the most divided National Government in our Nation's history.

I am afraid what we are doing tonight will not make a positive contribution. The fact is that at 7:08 p.m. on a Friday evening, we are taking up in one enormous piece of legislation—a piece of legislation which dwarfs the New York City telephone directory in size, a piece of legislation which not one single Member of this body or the House of Representatives has ever had an opportunity to read.

The fact that we are about to adopt this legislation without the normal debate and opportunity to understand what is in this bill is not a positive sign because, in my judgment, the kinds of bipartisan cooperation that we will require in the future are going to be based upon respect, understanding, and a due regard for our constituents who also deserve to be served better than we are doing this evening.

It also, frankly, has to be based on a level of trust among Members when commitments are made, that there is a sense of a solemn obligation. This body cannot function, as no human institution can function, unless there is a fundamental level of trust and regard among its membership. This document does not reflect that trust.

My fundamental concern about this appropriations bill, which will expend approximately $180 billion of our taxpayers' money, is that it takes the wrong fundamental path.

Contrary to myth, the 21st century has not begun. The new century will actually commence at 12:01 a.m. on January 1, 2001. The first Congress of the new millennium, the 107th Congress, will convene on January 3. This historic Congress will find itself at the proverbial commencement of the century and a fork in the road. Two very different fiscal paths will lie in front of it.

The path we select will play a major role in shaping our country's future in the 21st century. One path maintains the fiscal discipline that has marked the latter half of this decade. It has played an integral part in creating the longest economic expansion in U.S. history. This expansion has created over 20 million jobs since 1993. It has reduced unemployment to a 30-year low of 3.9 percent in October of this year. During all of this, inflation has remained at its lowest core rate since 1965. Those are all achievements for which we can take considerable pride.

This first path views the projected budget surplus as a means to continue this economic success by continuing to pay down the national debt.

This first path also recognizes that a portion of the surplus should be used to address some of the long-time intergenerational challenges which are confronting our Nation—securing Social Security's future and modernizing Medicaid. Social Security is in fine shape today. Payroll tax revenues exceed the funds needed to pay current benefits by record amounts.

This positive cash-flow, however, will not last long. In just 15 years, payroll tax revenue will no longer be sufficient to pay benefits. We need to act now to strengthen the program's finances so that today's workers and tomorrow's retirees will have the security of knowing that their Social Security benefits will also be paid.

Medicare faces a similar long-term funding shortfall, only it begins 5 years earlier, in 2010. In addition, Medicare has one substantial deficiency. That is its focus on sickness rather than wellness. Thus, Medicare needs to be fundamentally reformed to conform with modern medicine and the desires of its beneficiaries. That will require the inclusion in Medicare of a prescription drug benefit. Virtually every preventive program currently in use has prescription drugs as a substantial component of its treatment modality. A portion of the surplus should be devoted to fixing these deficiencies in Social Security and Medicare.

I just described the first path. There is a second path. That alternate path veers off to a far different destination. That path focuses on short-term desires, the here and now, and foregoes fiscal discipline in favor of new spending programs and tax cuts. It views the surplus as a giant windfall to be doled out to favored constituencies as if Christmas lasted 365 days. In short, this is a path back to the past.

This final bill of the 106th Congress represents another step down the wrong path, the path to the past. The Senate is considering the final 2001 appropriations bill, a bill that combines the Department of Labor and HHS, the Departments of Treasury, Postal, and the legislative branch. This agreement also clears the Department of Commerce, Department of State, and Department of Justice bill for signature.

Discretionary spending in these combined bills totals nearly $182 billion. This bill follows the pattern established by most of the previous appropriations bills considered by the Senate. Its total spending greatly exceeds the standard established by the Senate in the budget resolution adopted in April of this year. Section 206 of the budget resolution proposed a cap on discretionary appropriation spending for the fiscal year 2001 at $600 billion. That level would have allowed discretionary spending to grow at a rate that was above inflation, a rate of approximately 3.5 percent. What do we have before the Senate at 7:15 in the evening of December 15? We have a bill which allows spending to grow by 8 percent, more than twice that tolerated under the budget resolution.

I admit I support many of the programs funded in this bill, but we must exercise restraint. We must establish some sense of priorities. I have spoken on the Senate floor on several occasions earlier this year to decry specific appropriations bills as they were being considered. The common complaint I have had with each of these bills has been that they have been crafted in a vacuum without a clearly defined blueprint to give Congress the full picture of the implications of its actions before it acts. It is as if a carpenter about to build a home would start to build the living room without any awareness of what the rest of the house was going to look like.

The budget resolution should have provided exactly such a blueprint. But it has failed to do so. A good part of the reason it has failed to do so is that it was developed without the full participation of all Members of the Senate. It was a partisan document, representing one point of view but not providing the context around which all Members of this body as reflective of the public of the United States could give their support. In addition, it was crafted with wholly unrealistic expectations of where we were headed.

Let me demonstrate in this chart back to the year 1997. In 1997, we passed a budget resolution that capped discretionary spending at $528 billion; we actually spent $538 billion. By 1998, our commitment to fiscal discipline had grown stronger and we only exceeded the budget resolution by $2 billion. Since that year, every year, we have had substantial deviations from our budget resolution. In every year, we have spent substantially more than we had committed ourselves to do in our budget resolution.

To go back to that example of the carpenter and the house, it is as if the family said: we have a budget. We can afford, based on our income, to build a

$100,000 house. But they build a $125,000 house which stretches their financial capability.

This year we had a resolution that said we spent $600 billion; with this legislation tonight, we will spend $634 billion. We have overspent our budget by $34 billion. This chart exposes the failure of our current budget process. Each year we pass a budget resolution which establishes limits, and each year we break the resolution.

The fiscal year 1999 budget resolution which was supposed to be a spending limit of $533 billion had a final tally of $583 billion. In the year 2000, the limit was supposed to be $540 billion and the final tally was $587 billion. As I indicated, this year was supposed to be $600 billion and we have concluded now at $634 billion.

The last 3 years highlight the dangers of considering spending bills without a credible budget, one that establishes reasonable parameters and results from the participation of both parties.

While that is my fundamental objection to this budget and why I will request to be counted as voting no when we take the final voice vote on this matter, this legislation also includes changes to the Medicare program that will result in greater payments to providers. This bill increases payments to Medicare providers by $35 billion over the next 5 years, $85 billion over the next 10 years. My primary objection to these changes is that too much of the $35 billion for the first 5 years and $85 billion for the next decade is funneled into one aspect of the Medicare program—health maintenance organizations, HMOs. In my opinion, and more importantly, in the opinion of the experts, the HMOs do not need and cannot justify the level of additional appropriations which they are about to receive.

While I appreciate the modest improvements for beneficiaries which are included in this bill, the fact remains that HMOs, which enroll less than one out of six Medicare beneficiaries, will receive almost one-third of the overall funding. I am alarmed by increasing payments to HMOs because we are told by the experts that the payments are already too high. The General Accounting Office says under current law:

> Medicare's overly generous payment rates to HMOs well exceed what Medicare would have paid had these individuals remained in the traditional fee-for-service program.

The General Accounting Office concluded that Medicare HMOs have never been a bargain for the taxpayers. Increasing HMO payments will not keep them from leaving the markets where they are most needed.

One of the several outrages in this area is the requests that were made that if we were going to provide this generous additional payment to HMOs, one-third of the money for less than one-sixth of the Medicare beneficiaries, that they would have to commit they would not, as they have done in many areas in my State and virtually every other State, pack up leaving beneficiaries without coverage.

Or in other areas, as I recently experienced in the city of Jacksonville, HMOs have been driving down the benefits within their plans. I found while working at a pharmacy in Jacksonville earlier this year, most of the HMOs in that city have now put a cap on the annual payments of prescription drugs, and that cap is $500. As anyone who knows about the cost of prescription drugs, a $500 annual limit, particularly for an elderly population, is a very meager benefit. If you take this overly generous additional payment, you have to make some commitments to the beneficiaries relative to your willingness to stay and serve in the communities where you are currently providing services and to maintain your service benefit level. None of that is in this final bill. This is a check being written with no response, in terms of protection for beneficiaries.

According to the testimony from Gail Wilensky, chair of the Medicare Payment Advisory Commission, she states that plan withdrawals—that is, withdrawals from HMOs:

> . . . have been disproportionately lower in counties where payment growth has been the most constrained.

What Ms. Wilensky is saying is that where you have constrained reimbursements to HMOs, you have less withdrawals than you do where you are, as we proposed to be in this legislation, excessively generous.

It comes down to priorities. Should we spend billions on HMOs or try to help frail and low-income seniors, people with disabilities and children?

The managed care industry and its advocates in Congress have thwarted every effort to reform the Medicare+Choice Program so that it does what it was designed to do—save money while providing reliable, effective health care services.

A prime example of this occurred almost a year ago in this Chamber. In 1997, under the Balanced Budget Act, we provided for two demonstration projects to provide for the outrageous idea that there be competitive bidding among HMOs, to let the marketplace—which we all laud as being the best distributor of resources—let the marketplace decide what should an HMO be paid. This happens to be the same practice which is used in the private sector in its selection of HMOs and in some of the largest public employee HMO plans. Implementation of such a process had the potential of saving taxpayers and the Medicare program millions of dollars. It could have ensured that HMOs with the best bids were awarded contracts. It would have eliminated the discrimination against rural and smaller communities vis-a-vis the large communities which now get the largest HMO reimbursement.

Unfortunately for the American public, last year the managed care industry convinced their friends in Congress to beat back even these two demonstration projects. In so doing, they assured that we would not have a competitive system, a system that based contracts on merit. In fact, they would not have to compete at all. In fact, there would be no basis by demonstration of what would be the potential benefits to competition.

This year the HMOs have launched a multimillion-dollar lobbying effort to pressure Congress to increase their payment rates, and they have been successful. The HMOs are claiming that their current rates are too low, yet these are the same HMOs that committed congressional homicide when they killed a proposal that would have allowed a more market oriented system which would have resulted in higher reimbursement rates if the market indicated that was appropriate. This is the equivalent of a man shooting his mother and father and throwing himself on the mercy of the court because he is an orphan.

Worse yet, the bill fails to provide adequate accountability requirements for these plans. The House bill, when it was originally passed, required that any new funds be used for beneficiary improvements. This bill, this conference bill, contains no such requirement.

To be honest, there are some high points in this bill, as few and far between as they might be. I was pleased to learn the bill being considered added new preventive benefits for Medicare beneficiaries.

I strongly believe Medicare must be reformed from a system based on illness to one based on maintaining the highest standard of health. I have introduced legislation to this effect. The benefits I included were based on recommendations made by the experts in the field: the United States Preventive Services Task Force. Therefore, I was disappointed to find that this bill fails to provide Medicare coverage for hypertension screening and smoking cessation counseling, which are the highest two priorities as identified by the United States Prevention Services Task Force in its ''Guide to Clinical Preventive Services.''

This bill also provides access to nutrition therapy for people with renal disease and diabetes, but leaves out the largest group of individuals for whom the Institute of Medicine recommends nutrition therapy, people with cardiovascular disease. This is the recommendation of the Institute of Medicine, a recommendation which has been politically rejected.

I believe strongly that additions to the Medicare program must be based on scientific evidence and medical science, not on the power of a particular lobbying group or the bias of a single Member. It appears to me that instead of taking a rational, scientific approach to prevention, the Members who constructed this Medicare add-back provision used a ''disease of the month'' philosophy, leaving those who

need help the most without relevant new Medicare services.

When I asked why did the authors of this bill ignore the expert recommendations, why did they provide that seniors with cardiovascular disease could not take advantage of the nutrition therapy, what was the answer? I was told that it was excluded because it was too expensive.

It does not take a Sherlock Holmes, or even a Dr. Watson, to understand what is happening. This bill provides $1.5 billion over 5 years for prevention services to our older citizens. It provides a whopping $11.1 billion for the HMO industry. Clearly, the money is there but the real goal is not to direct it to the greatest need. It is, rather, to herd seniors into HMOs as a means of avoiding the addition of a meaningful Medicare prescription drug benefit for our Nation's seniors.

Whether you believe in the broad Government subsidization of the managed care industry or in providing benefits to seniors and children, we should all agree that taxpayers' money should be spent responsibly. This legislation does not meet that test. Congress has the responsibility to make certain that the payment increases we offer are based on actual data rather than anecdotal evidence or speculation. How can we justify that over the next 10 years the managed care industry—Mr. President, I ask you and our Members to listen to this startling fact—over the next 10 years the HMO industry will walk away with almost the same amount of funding increase as hospitals, home health care centers, skilled nursing facilities, community health centers, and the beneficiaries combined. That allocation makes no sense.

One of the most appalling omissions of this bill is the exclusion of a provision which would have given the States the option, under another important program, Medicaid and children's health insurance coverage, to make that coverage available to legal immigrant children and pregnant women.

Current census data shows us that last year nearly half of low-income immigrant children in America had no health coverage. Congressional Republicans and Democrats, Governors—and I am proud to say including Gov. Jeb Bush of the State of Florida, Christie Todd Whitman of New Jersey, Paul Cellucci of Massachusetts, and the Clinton administration—have been advocating for the inclusion of this commonsense provision in this balanced budget add-back bill. But some in Congress have opposed the inclusion of a provision that will provide health care coverage for indigent immigrant women and children, arguing that the welfare reform law removed legal immigrants from the health rolls.

There was a reason why they were removed, and that reason was money. By limiting the number of people eligible for Medicaid and children's health insurance, the Federal Government was able to save some dollars. This provision had nothing to do with the overall worthy goals of welfare reform, which were encouraging self-reliance, self-sufficiency, and discouraging single parenting. There is no evidence that legal immigrants come to the United States to secure health benefits. In fact, in the last decade immigrants have been moving from high benefit States such as California and New York to low benefit States such as North Carolina and Virginia.

There is also no denying that the money to cover this population of approximately 200,000 persons is available if we choose to use it. The proof is covering children and pregnant women is not only humane, it is fiscally responsible. The Medicare ''give back'' package is aimed at keeping strapped hospitals solvent. These same struggling hospitals bear the brunt of providing uncompensated emergency room care for children without health insurance whose families cannot afford to pay. Taxpayers are eventually going to wind up paying the cost of citizen children born prematurely because their legal immigrant mothers could not get prenatal care.

This bill is disturbing for both what it has and what it does not have. As I said, it does not have a clear blueprint towards a path of sustained fiscal responsibility.

Mr. President, I ask unanimous consent that at the conclusion of my remarks an article written by Dr. Robert Reischauer entitled ''Bye-Bye Surplus'' be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. GRAHAM. Dr. Reischauer outlines the four ingredients present in today's political environment that are likely to lead to a feeding frenzy that will lay waste to the surplus that we have until now guarded. Those ingredients are: No. 1, the need for the next President to affirm his administration's legitimacy; No. 2, even larger budget provisions; and a compliant Congress, and finally a weakening economy.

Why should we worry about all this? Why should we at this stage, at 7:35 on a Friday evening, suddenly become exercised about the issue of fiscal discipline? Some budget observers believe the Federal surplus may be revised upward by as much as $1 trillion when the new budget estimates are revealed. If that is the case, the unified budget surplus for the next 10 years will rise to roughly $5.5 trillion.

Given these larger surplus projections, one may ask why Americans should be concerned with the deterioration of budget discipline. Americans should worry because Congress is frittering away the hard-won surplus without a real plan for utilizing those surpluses, without addressing the long-term, major challenges facing Americans—Social Security, Medicare, and paying down a $5.5 trillion national debt. Americans should care because we are sleepwalking through the surplus. We are denying ourselves the chance to face major national challenges. We are leaving to our grandchildren the credit card bills that our generation has accumulated.

The Congressional Budget Office recently released its long-term budget outlook. The findings in that report are not encouraging, but they are not surprising. That may explain why the report garnered such little attention.

What were the Congressional Budget Office findings?

The Federal Government spending on health and retirement programs—Medicare, Medicaid, Social Security—will dominate the long-term budget outlook. Spending on major health and retirement programs will more than double, rising from 7.5 percent of gross domestic product today to 16.7 percent 40 years from now. Why? The retirement of the baby boom generation will drastically increase the number of Americans receiving retirement and health care benefits, and the cost of providing health care is growing faster than the overall economy.

Saving most or all of the budget surpluses that CBO projects over the next 10 years—using them to pay down the debt—would have a positive impact on these projections and substantially delay the emergence of a serious fiscal imbalance.

There could be no more clear delineation of the long-term problem. Equally clear is the proffered outline of the short-term steps Congress can take to begin to address this problem: Save the surplus; pay down the debt.

Yet despite the obvious, Congress seems content to take the easier path and to fritter away the surplus. We have an obligation not to let this happen.

The ugly days of deficits taught Congress some very valuable lessons. One of those lessons was the need to prioritize. We all have expectations. We all are representing our constituents to the best of our ability. We all have a sense of our national responsibility. But the tool that forced us to do what was required was the one that said that for each additional dollar of spending, a dollar of spending had to be reduced or a dollar of taxes had to be raised. That is what discipline is about.

The surplus has eroded that discipline. We are failing the American public by not having honest, open debate about the tradeoffs that are necessary if we create programs, build projects, or cut taxes.

Few Congresses in the history of this Nation have squandered their opportunities as much as the 106th. Few Congresses in the history of this Nation have had the opportunity of redemption that awaits the 107th Congress. Few Congresses will be judged more harshly for avoiding, trivializing, and ultimately failing to seize that opportunity.

For those reasons, I have asked that I be recorded as ''no'' on the final vote on the omnibus appropriations bill.

I thank the Chair.

EXHIBIT 1

[From the Washington Post, Dec. 5, 2000]

BYE-BYE, SURPLUS

(By Robert D. Reischauer)

A president with no mandate to pursue his campaign promises. A Congress hardened by four years of partisan combat, scarred by a bitter election and immobilized by the lack of a party with a clear majority. Isn't this the recipe for continued gridlock? Won't legislative paralysis leave the growing budget surpluses safe from plunder for another two years?

Don't bet on it. A torrent of legislation that squanders much of the projected surplus is much more likely than continued gridlock, because four key ingredients needed to cook up a fiscal feast of historic proportions will all be present next year.

First, there will be the new president's desperate need to affirm his administration's legitimacy. There's no better way to do this than to quickly build a solid record of legislative accomplishment, one that convinces Americans that the era of partisan gridlock is over and the new occupant of the Oval Office deserves to be president of all the people, even if he didn't win a convincing majority of the popular vote.

The second ingredient will be new and even larger projections of future surpluses. These will make the president's legislative agenda look like the well-deserved reward for a decade of fiscal fasting rather than a return to reckless budget profligacy. During the presidential campaign, the two candidates debated how best to divide an estimated $2.2 trillion 10-year surplus among tax cuts, spending increases and debt reduction. The budget offices' new projections, which will be released early next year, will almost certainly promise even fatter, juicier surpluses, surpluses that will boost the expectations of all of the greedy supplicants.

Rather than being bound by gridlock, the 107th Congress will be poised for a feeding frenzy, the third ingredient for the fiscal feast. Nervously eyeing the 2002 election, when each party will have a reasonable shot at gaining effective control of Congress, Democrats and Republicans will curry favor with all important—and many not so important—interest groups. While the election campaign underscored the different priorities of the two parties, it also revealed many areas where there was bipartisan agreement that more should be spent. Education, the top priority of both candidates and the public's primary concern, could benefit from a bidding war if each side tries to prove that it is the ''Education Party.'' Increases in defense spending also have broad bipartisan support. And then there is the irresistible impulse to shower resources on health research (NIH), Medicare providers and farmers, to name but a few.

The size of the projected surpluses, the uncertain political environment, and the argument that those surpluses are ''the hard-working people of America's money . . . not the government's money'' will make a large tax cut almost inevitable. No one will stop to ask whose money it was when the hard-working people's representatives racked up $3.7 trillion in deficits between 1980 and 1998 or whether we owe it to our kids to pay down the increased public debt these deficits generated. Instead, large bipartisan majorities will rally around and add to a presidential proposal that includes marriage penalty relief, rate cuts, tax credits for health insurance, new incentives for retirement saving, and an easing of the estate tax for struggling millionaires who have had to suffer through a period of unprecedented prosperity and soaring stock values.

A weakening economy—the final ingredient—will wipe away any lingering qualms lawmakers may have about wallowing again in waters of fiscal excess. No matter that the vast majority of economists welcome slower growth because they believe that the current 4 percent unemployment rate is incompatible with price stability. If the unemployment rate drifts up close to 5 percent—a level that labor, business and the Fed considered unattainable as recently as 1995—the summer soldiers of fiscal prudence will cut and run, slashing taxes and boosting spending, claiming as they retreat that these actions are the only way to save the nation from another Great Depression.

The current fiscal year will be the third consecutive one in which the budget, excluding Social Security, has been in surplus. The last time such a record was achieved was 1928 to 1930. If the new president and the 107th Congress do what comes most naturally, we may have to wait another 70 years to celebrate such an accomplishment. Worse yet, we will wake up after the fiscal feast to discover that the surplus has been squandered while the nation's foremost fiscal challenge—providing for the baby boomers' retirement—has not been addressed because that required difficult choices and political courage.

The PRESIDING OFFICER. Under the previous order, the conference report is agreed to.

Ms. COLLINS. Mr. President, the Appalachian National Scenic Trail is a treasure that thousands of Americans enjoy every year. From day hikers to adventures making the 2,167 mile trip from Georgia to Maine, all who travel the footpath enjoy a remarkable wilderness experience.

The National Trails System Act of 1968 designated the Appalachian Trail as one of our nation's first scenic trails and authorized the Secretary of Interior to protect the trail through the acquisition of land along the trail or by other means. Over the years, Congress has supported this important effort through appropriations that have enabled the National Park Service to acquire more than 3000 parcels of land, protecting ninety-nine percent of the trail for future generations.

Despite the success of the last thirty years, more work needs to be done to ensure that the trail is preserved in its entirety. The longest remaining unprotected segment of the Appalachian Trail crosses Saddleback Mountain, in the Rangeley Region of western Maine. The 3.1 miles that traverse the Saddleback Mountain range is one of the trail's highest stretches, offering hikers an alpine wilderness trek and extraordinary vistas. The mountain is also home to Saddleback Ski Area, which draws skiers to an area of Maine where many are employed in the tourism industry.

For nearly twenty years, the National Park Service and the owners of the ski area have sought an agreement that balances the preservation of the trail experience as it exists today and development opportunities at the mountain that would draw additional skiers to the resort and the region. Some have been inclined to suggest that skiers and hikers cannot share Saddleback Mountain, but I have always maintained that with careful planning, preservation and economic development can coexist. Consequently, I have long urged both sides to work together to find a resolution that satisfies the interests of those who cherish the Appalachian Trail, as well as those who live and work in the Rangeley Region.

Mr. President, the impasse between the National Park Service and the owners of Saddleback Mountain is drawing to a close. The agreement so many have labored to achieve has been all but finalized, and with the passage of the bill before us today, Congress will establish the framework by which this matter can be resolved. Included in the bill is a provision proposed by me and Senator SNOWE directing the Secretary of Interior to acquire the land necessary to protect the Appalachian Trail as agreed to by both the Department and the owners of Saddleback Mountain. The language also directs the Secretary to convey the land to the State of Maine.

I would like to express my appreciation to Appropriations Committee Chairman STEVENS and Subcommittee Chairman SPECTER for working with Senator SNOWE and I on this matter of importance to our State. I would also like to thank Interior Subcommittee Chairman GORTON for including the Saddleback acquisition in the list of projects approved for Title VIII funds in the FY 2001 Interior Appropriations bill. Their support, along with the dedication of many others who have been involved in the negotiations, will ensure that skiers and hikers can share in the enjoyment of the natural beauty and wonders of Saddleback Mountain for generation to come.

CORRECTING THE ENROLLMENT OF H.R. 4577

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 162.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 162) to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, all without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 162) was agreed to, as follows:

S. CON. RES. 162

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. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: '', except that the text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)''.

Mr. STEVENS. Mr. President, I regret deeply that last concurrent resolution, and at some time in the future I will explain it.

I am awaiting some other papers. For the time being, let me say this. I have stood on the Senate floor several times talking about the Steller sea lion problem. I personally thank Mr. John Podesta, the President's assistant, for talking to me for so long and working with our staff and myself for so long, into the early hours this morning and through the day, to bring about a resolution of the problem I have been discussing.

I cannot say we won this argument, but I can say we have reached a conclusion that will allow a substantial portion, approximately 90 percent, of the fishermen affected by this issue to return to fishing next January. These are people who live along a stretch of coastline and on islands, as I said, that are the same distance as from this city to the end of the Florida chain. They are people who live in very harsh circumstances and have one basic source of income, and that is fishing.

We have been able now to agree on a process by which the fishing season will commence on January 20. Incidentally, it has nothing to do with the Inauguration; it just happens to be the first day of fishing season. We are delighted we have found a way to resolve the conflict. It still means there is a long hard task ahead of not only this Secretary of Commerce and his personnel but the next Secretary of Commerce and personnel to carry out the agreement we have crafted and to see that it works.

I am pleased to say we have had a great many people who have assisted us. As I said earlier, the distinguished majority leader and minority leader were personally involved, as were their staffs, along with the staff of the Assistant to the President, and the Office of Management and Budget. I cannot leave out, and would not leave out, the distinguished chairman of the House Appropriations Committee, the Honorable BILL YOUNG, a Representative from Florida, who waited for this resolution.

I know it was a harsh task he had, and there are many Members in both the House and Senate who were inconvenienced by this delay. I can only thank them for their cooperation. As I have said before, not one Member of Congress argued with me about the delay. They all understood that we had a substantial problem.

It is not easy to represent a State and people who live closer to Tokyo than Washington, DC. These people really have but three spokesmen in Washington compared to the many that other States have. They rely on us to convey their wishes and to convey their dilemmas over potential Federal actions and to seek solutions.

I am delighted we have received the cooperation that led to a consensus today that I believe will assist them and will start the resolution of this problem and bring it to a conclusion where we can abide by the Magnuson-Stevens Act that governs the fisheries off our shores and, at the same time, respect the findings that are made under the Endangered Species Act.

I thank Sylvia Matthews, Office of Management and Budget; Michael Deitch, Office of Management and Budget; Penny Dalton of NOAA; Mark Childress of Senator DASCHLE's office; Dave Hoppe of Senator LOTT's office; and Lisa Sutherland and David Russell of my office for their hard work on the issue pertaining to Steller sea lions.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 46 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 46) to provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today we consider three bipartisan measures offered together as a package: the Public Safety Officer Medal of Valor Act, H.R. 46; the Computer Crime Enforcement Act, which I introduced as S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM; and a Hatch-Leahy-Schumer ''Internet Security Act'' amendment. I thank my colleagues for their hard work on these pieces of legislation, each of which I will discuss in turn.

I support the Public Safety Officer Medal of Valor Act. I cosponsored the Stevens bill, S. 39, to establish a Public Safety Medal of Valor. In April and May, 1999, I made sure that the Senate acted on Senator STEVENS' bill, S. 39.

On April 22, 1999, the Senate Judiciary Committee took up that measure in regular order and reported it unanimously. At that time I congratulated Senator STEVENS and thanked him for his leadership. I noted that we had worked together on a number of law enforcement matters and that the senior Senator from Alaska is a stalwart supporter of the men and women who put themselves at risk to protect us all. I said that I looked forward to enactment of this measure and to seeing the extraordinary heroism of our police, firefighters and correctional officers recognized with the Medal of Valor.

On May 18, 1999, I was privileged to be on the floor of the Senate when we proceeded to consider S. 39 and passed it unanimously. I took that occasion to commend Senator STEVENS and all who had worked so hard to move this measure in a timely way. That was over one year ago, during National Police Week last year. The measure was sent to the House where it lay dormant for the rest of last year and most of this one.

The President of the United States came to Capitol Hill to speak at the Law Enforcement Officers Memorial Service on May 15, 2000, and said on that occasion that if Congress would not act on the Medal of Valor, he was instructing the Attorney General to explore ways to award such recognition by Executive action.

Unfortunately, these calls for action did not waken the House from its slumber on this matter and the House of Representatives refused to pass the Senate-passed Medal of Valor bill. Instead, over the past year, the House has insisted that the Senate take up, fix and pass the House-passed version of this measure if it is to become law. House members have indicated that they are now prepared to accept most of the Senate-passed text, but insist that it be enacted under the House bill number. In order to get this important measure to the President, that is what we are doing today. We are discharging the House-passed version of that bill, H.R. 46, from the Judiciary Committee, adopting a complete substitute, and sending it back to the House.

I have worked with Senator HATCH, Senator STEVENS and others to perfect the final version of this bill. We have crafted bipartisan improvements to ensure that the Medal of Valor Board will worked effectively and efficiently with the National Medal of Valor Office within the Department of Justice. Our legislation establishes both of these entities and it is essential that they work well together to design the Medal of Valor and to create the criteria and procedures for recommendations of nominees for the award. The men and women who will be honored by the Medal of Valor for their brave deeds deserve nothing less.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of

information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

Many of us have worked on these issues for years. In 1984, we passed the Computer Fraud and Abuse Act to criminalize conduct when carried out by means of unauthorized access to a computer. In 1986, we passed the Electronic Communications Privacy Act (ECPA), which I was proud to sponsor, to criminalize tampering with electronic mail systems and remote data processing systems and to protect the privacy of computer users. In 1994, the Violent Crime Control and Law Enforcement Act included the Computer Abuse Amendments which I authored to make illegal the intentional transmission of computer viruses.

In the 104th Congress, Senators KYL, GRASSLEY and I worked together to enact the National Information Infrastructure Protection Act to increase protection under federal criminal law for both government and private computers, and to address an emerging problem of computer-age blackmail in which a criminal threatens to harm or shut down a computer system unless their extortion demands are met. In the 105th Congress, Senators KYL and I also worked together on criminal copyright amendments that became law to enhance the protection of copyrighted works online.

The Congress must be constantly vigilant to keep the law up-to-date with technology. The Computer Crime Enforcement Act, S. 1314, and the Hatch-Leahy-Schumer ''Internet Security Act'' amendment are part of that ongoing effort. These complementary pieces of legislation reflect twin-track progress against computer crime: More tools at the federal level and more resources for local computer crime enforcement. The fact that this is a bipartisan effort is good for technology policy.

But make no mistake about it: even with passage of this legislation, there is more work to be done—both to assist law enforcement and to safeguard the privacy and other important constitutional rights of our citizens. I wish that the Congress had also tackled online privacy in this session, but that will now be punted into the next congressional session.

The legislation before us today does not attempt to resolve every issue. For example, both the Senate and the House held hearings this session about the FBI's Carnivore program. Carnivore is a computer program designed to advance criminal investigations by capturing information in Internet communications pursuant to court orders. Those hearings sparked a good debate about whether advances in technology, like Carnivore, require Congress to pass new legislation to assure that our private Internet communications are protected from government over-reaching while protecting the government's right to investigate crime. I look forward to our discussion of these privacy issues in the next Congress.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes. Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

The Internet Security Act of 2000 makes progress to ensure that we are properly dealing with the increase in computer crime. I thank and commend Senators HATCH and SCHUMER for working with me and other Members of the Judiciary Committee to address some of the serious concerns we had with the first iteration of their bill, S. 2448, as it was originally introduced.

Specifically, as introduced, S. 2448 would have over-federalized minor computer abuses. Currently, federal jurisdiction exists for a variety of computer crimes if, and only if, such criminal offenses result in at least $5,000 of damage or cause another specified injury, including the impairment of medical treatment, physical injury to a person or a threat to public safety. S. 2448, as introduced, would have eliminated the $5,000 jurisdictional threshold and thereby criminalized a variety of minor computer abuses, regardless of whether any significant harm resulted.

For example, if an overly-curious college sophomore checks a professor's unattended computer to see what grade he is going to get and accidently deletes a file or a message, current Federal law does not make that conduct a crime. That conduct may be cause for discipline at the college, but not for the FBI to swoop in and investigate. Yet, under the original S. 2448, as introduced, this unauthorized access to the professor's computer would have constituted a federal crime.

Another example is that of a teenage hacker, who plays a trick on a friend by modifying the friend's vanity Web page. Under current law, no federal crime has occurred. Yet, under the original S. 2448, as introduced, this conduct would have constituted a federal crime.

As America Online correctly noted in a June, 2000 letter, ''eliminating the $5,000 threshold for both criminal and civil violations would risk criminalizing a wide range of essentially benign conduct and engendering needless litigation. . . .'' Similarly, the Internet Alliance commented in a June, 2000 letter that ''[c]omplete abolition of the limit will lead to needless federal prosecution of often trivial offenses that can be reached under state law. . . .''

Those provisions were overkill. Our federal laws do not need to reach each and every minor, inadvertent and harmless computer abuse—after all, each of the 50 states has its own computer crime laws. Rather, our federal laws need to reach those offenses for which federal jurisdiction is appropriate.

Prior Congresses have declined to over-federalize computer offenses as originally proposed in S. 2448, as introduced, and sensibly determined that not all computer abuses warrant federal criminal sanctions. When the computer crime law was first enacted in 1984, the House Judiciary Committee reporting the bill stated:

> The Federal jurisdictional threshold is that there must be $5,000 worth of benefit to the defendant or loss to another in order to concentrate Federal resources on the more substantial computer offenses that affect

interstate or foreign commerce. (H.Rep. 98–894, at p. 22, July 24, 1984).

Similarly, the Senate Judiciary Committee under the chairmanship of Senator THURMOND, rejected suggestions in 1986 that ''the Congress should enact as sweeping a Federal statute as possible so that no computer crime is potentially uncovered.'' (S. Rep. 99–432, at p. 4, September 3, 1986).

The Hatch-Leahy-Schumer substitute amendment to S. 2448, which was reported unanimously by the Judiciary Committee on October 5th, addresses those federalism concerns by retaining the $5,000 jurisdictional threshold in current law. That Committee-reported substitute amendment, with the additional refinements reflected in the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46, which the Senate considers today, makes other improvements to the original bill and current law, as summarized below.

First, titles II, III, IV and V of the original bill, S. 2448, about which various problems had been raised, are eliminated. For example, title V of the original bill would have authorized the Justice Department to enter into Mutual Legal Assistance Treaties (MLAT) with foreign governments that would allow the Attorney General broad discretion to investigate lawful conduct in the U.S. at the request of foreign governments without regard to whether the conduct investigated violates any Federal computer crime law. In my view, that discretion was too broad and troubling.

Second, the amendment includes an authorization of appropriations of $5 million to the Computer Crime and Intellectual Property (CCIP) section within the Justice Department's Criminal Division and requires the Attorney General to make the head of CCIP a ''Deputy Assistant Attorney General,'' which is not a Senate-confirmed position, in order to highlight the increasing importance and profile of this position. This authorized funding level is consistent with an amendment I sponsored and circulated to Members of the Judiciary Committee to improve S. 2448 and am pleased to see it incorporated into the Internet Security Act amendment to H.R. 46.

Third, the amendment modifies section 1030 of title 18, United States Code, in several important ways, including providing for increased and enhanced penalties for serious violations of federal computer crime laws, clarifying the definitions of ''loss'' to ensure that the full costs to a hacking victim are taken into account and of ''protected computer'' to facilitate investigations of international computer crimes affecting the United States, and preserving the existing $5,000 threshold and other jurisdictional prerequisites for violations of section 1030(a)(5)—i.e., no Federal crime has occurred unless the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

The amendment clarifies the precise elements of the offense the government must prove in order to establish a violation by moving these prerequisites from the current definition of ''damage'' to the description of the offense. In addition, the amendment creates a new category of felony violations where a hacker causes damage to a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security.

Currently, the Computer Fraud and Abuse Act provides for federal criminal penalties for those who intentionally access a protected computer or cause an unauthorized transmission to a protected computer and cause damage. ''Protected computer'' is defined to include those that are ''used in interstate or foreign commerce.'' See 18 U.S.C. 1030(e)(2)(B). The amendment would clarify the definition of ''protected computer'' to ensure that computers which are used in interstate or foreign commerce but are located outside of the United States are included within the definition of ''protected computer'' when those computers are used in a manner that affects interstate or foreign commerce or communication of this country. This will ensure that our government will be able to conduct domestic investigations and prosecutions against hackers from this country who hack into foreign computer systems and against those hacking though the United States to other foreign venues. Moreover, by clarifying the fact that a domestic offense exists, the United States will be able to use speedier domestic procedures in support of international hacker cases, and create the option of prosecuting such criminals in the United States.

The amendment also adds a definition of ''loss'' to the Computer Fraud and Abuse Act. Current law defines the term ''damage'' to include impairment of the integrity or availability of data, programs, systems or information causing a ''loss aggregating at least $5,000 in value during any 1-year period to one or more individuals.'' See 18 U.S.C. §1030(e)(8)(A). The new definition of ''loss'' to be added as section 1030(e)(11) will ensure that the full costs to victims of responding to hacking offenses, conducting damage assessments, restoring systems and data to the condition they were in before an attack, as well as lost revenue and costs incurred because of an interruption in service, are all counted. This statutory definition is consistent with the definition of ''loss'' appended by the U.S. Sentencing Commission to the Federal Sentencing Guidelines (see U.S.S.G. §2B1.1 Commentary, Application note 2), and will help reconcile procedures by which prosecutors value loss for charging purposes and by which judges value loss for sentencing purposes. Getting this type of true accounting of ''loss'' is important because loss amounts can be used to calculate restitution and to determine the appropriate sentence for the perpetrator under the sentencing guidelines.

Fourth, section 303(e) of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 clarifies the grounds for obtaining damages in civil actions for violations of the Computer Fraud and Abuse Act. Current law authorizes a person who suffers ''damage or loss'' from a violation of section 1030 to sue the violator for compensatory damages or injunctive or other equitable relief, and limits the remedy to ''economic damages'' for violations ''involving damage as defined in subsection (e)(8)(A),'' relating to violations of 1030(a)(5) that cause loss aggregating at least $5,000 during any 1-year period. Current law does not contain a definition of ''loss,'' which is being added by this amendment.

To take account of both the new definition of ''loss'' and the incorporation of the requisite jurisdictional thresholds into the description of the offense (rather than the current definition of ''damage''), the amendment to subsection (g) makes several changes. First, the amendment strikes the reference to subsection (e)(8)(A) in the current civil action provision and retains Congress' previous intent to allow civil plaintiffs only economic damages for violations of section 1030(a)(5) that do not also affect medical treatment, cause physical injury, threaten public health and safety or affect computer systems used in furtherance of the administration of justice, the national defense or national security.

Second, the amendment clarifies that civil actions under section 1030, and not just 1030(a)(5), are limited to conduct that involves one of the factors enumerated in new subsection (a)(5)(B), namely, the conduct (1) causes loss to 1 or more persons during any 1-year period aggregating at least $5,000 in value, (2) impairs the medical care of another person, (3) causes physical injury to another person, (4) threatens public health or safety, or (5) causes damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security. This clarification is consistent with judicial constructions of the statute, requiring proof of the $5,000 loss threshold as a prerequisite for civil suit, for example, under subsection 1030(a)(2)(C). See, e.g., *America Online, Inc.* v. *LCGM, Inc.*, 46 F.Supp. 2d 444, 450 (E.D. Va. 1998) (court granted summary judgment on claim under 1030(a)(2)(C), stating, ''[p]laintiff asserts that as a result of defendants' actions, it suffered damages exceeding $5,000, the statutory threshold requirement'').

While proof of ''loss'' is required, this amendment preserves current law that civil enforcement of certain violations of section 1030 is available without requiring proof of ''damage,'' which is defined in the amendment to mean ''any impairment to the integrity or availability of data, a program, a system, or information.'' In fact, only subsection 1030(a)(5) requires proof of ''damage''; civil enforcement of other subsections of this law may proceed without such proof. Thus, only the factors enumerated in new subsection (a)(5)(B), and not its introductory language referring to conduct described in subsection (a)(5)(A), constitute threshold requirements for civil suits for violations of section 1030 other than subsection 1030(a)(5).

Finally, the amendment adds a new sentence to subsection 1030(g) clarifying that civil actions may not be brought ''for the negligent design or manufacture of computer hardware, computer software, or firmware.''

The Congress provided this civil remedy in the 1994 amendments to the Act, which I originally sponsored with Senator Gordon Humphrey, to enhance privacy protection for computer communications and the information stored on computers by encouraging institutions to improve computer security practices, deterring unauthorized persons from trespassing on computer systems of others, and supplementing the resources of law enforcement in combating computer crime. [See The Computer Abuse Amendments Act of 1990: Hearing Before the Subcomm. On Technology and the Law of the Senate Comm. On the Judiciary, 101st Cong., 2nd Sess., S. Hrg. 101–1276, at pp. 69, 88, 92 (1990); see also Statement of Senator Humphrey, 136 Cong. Rec. S18235 (1990) (''Given the Government's limited capacity to pursue all computer crime cases, the existence of this limited civil remedy will serve to enhance deterrence in this critical area.'')]. The ''new, civil remedy for those harmed by violations of the Computer Fraud and Abuse Act'' was intended to ''boost the deterrence of the statute by allowing aggrieved individuals to obtain relief.'' [S. Rep. No. 101–544, 101st Cong., 2d Sess., p. 6–7 (1990); see also Statement of Senator LEAHY, 136 Cong. Rec. S18234 (1990)]. We certainly and expressly did not want to ''open the floodgates to frivolous litigation.'' [Statement of Senator LEAHY, 136 Cong. Rec. S4614 (1990)].

At the time the civil remedy provision was added to the Computer Fraud and Abuse Act, this Act contained no prohibition against negligently causing damage to a computer through unauthorized access, reflected in current law, 18 U.S.C. § 1030(a)(5)(C). That prohibition was added only with subsequent amendments made in 1996, as part of the National Information Infrastructure Protection Act. Nevertheless, the civil remedy has been interpreted in some cases to apply to the negligent manufacture of computer hardware or software. See, e.g., *Shaw* v. *Toshiba America Information Systems, Inc.*, NEC, 91 F.Supp. 2d 926 (E.D. TX 1999) (court interpreted the term transmission to include sale of computers with a minor design defect).

The Hatch-Leahy-Schumer Internet Security Act amendment to subsection 1030(g) is intended to ensure that the civil remedy is a robust option for private enforcement actions, while limiting its applicability to negligence cases that are more appropriately governed by contractual warranties, state tort law and consumer protection laws.

Fifth, sections 304 and 309 of the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 authorize criminal forfeiture of computers, equipment, and other personal property used to violate the Computer Fraud and Abuse Act, as well as real and personal property derived from the proceeds of computer crime. Property, both real and personal, which is derived from proceeds traceable to a violation of section 1030, is currently subject to both criminal and civil forfeiture. See 18 U.S.C. § 981(a)(1)(C) and 982(a)(2)(B). Thus, the amendment would clarify in section 1030 itself that forfeiture applies and extend the application of forfeiture to property that is used or intended to be used to commit or to facilitate the commission of a computer crime. In addition, to deter and prevent piracy, theft and counterfeiting of intellectual property, the section 309 of the amendment allows forfeiture of devices, such as replicators or other devices used to copy or produce computer programs to which counterfeit labels have been affixed.

The criminal forfeiture provision in section 304 specifically states that only the ''interest of such person,'' referring to the defendant who committed the computer crime, is subject to forfeiture. Moreover, the criminal forfeiture authorized by Sections 304 and 309 is made expressly subject to Section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, but subsection (d) of section 413 is expressly exempted from application to Section 304 and 309. That subsection (d) creates a rebuttable presumption of forfeiture in favor of the government where a person convicted of a felony acquired the property during the period that the crime was committed or within a reasonable time after such period and there was no likely source for such property other than the criminal violation. Thus, by making subsection (d) inapplicable, Sections 304 and 309 make it more difficult for the government to prove that the property should be forfeited.

Sixth, unlike the version reported by the Judiciary Committee, the amendment does not require that prior delinquency adjudications of juveniles for violations of the Computer Fraud and Abuse Act be counted under the definition of ''conviction'' for purposes of enhanced penalties. This is an improvement that I urged since juvenile adjudications simply are not criminal convictions. Juvenile proceedings are more informal than adult prosecutions and are not subject to the same due process protections. Consequently, counting juvenile adjudications as a prior conviction for purposes of the recidivist sanctions under the amendment would be unduly harsh and unfair. In any event, prior juvenile delinquency adjudications are already subject to sentencing enhancements under certain circumstances under the Sentencing Guidelines. See, e.g., U.S.S.G. § 411.2(d) (upward adjustments in sentences required for each juvenile sentence to confinement of at least sixty days and for each juvenile sentence imposed within five years of the defendant's commencement of instant offense).

Seventh, the amendment changes a current directive to the Sentencing Commission enacted as section 805 of the Antiterrorism and Effective Death Penalty Act of 1996, P.L. 104–132, that imposed a 6-month mandatory minimum sentence for any conviction of the sections 1030(a)(4) or (a)(5) of title 18, United States code. The Administration has noted that ''[i]n some instances, prosecutors have exercised their discretion and elected not to charge some defendants whose actions otherwise would qualify them for prosecution under the statute, knowing that the result would be mandatory imprisonment.'' Clearly, mandatory imprisonment is not always the most appropriate remedy for a federal criminal violation, and the ironic result of this ''get tough'' proposal has been to discourage prosecutions that might otherwise have gone forward. The amendment eliminates that mandatory minimum term of incarceration for misdemeanor and less serious felony computer crimes.

Eighth, section 310 of the amendment directs the Sentencing Commission to review and, where appropriate, adjust sentencing guidelines for computer crimes to address a variety of factors, including to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts.

The Sentencing Guidelines already provide for enhanced penalties when persons obstruct or impede the administration of justice, see U.S.S.G. §3C1.1, or engage in more than minimal planning, see U.S.S.G. §2B1.1(b)(4)(A). As the use of encryption technology becomes more widespread, additional guidance from the Sentencing Commission would be helpful to determine the circumstances when such encryption use would warrant a guideline adjustment. For example, if a defendant employs an encryption product that works automatically and transparently with a telecommunications service or software product, an enhancement for use of encryption may not be appropriate, while the deliberate use of

encryption as part of a sophisticated and intricate scheme to conceal criminal activity and make the offense, or its extent, difficult to detect, may warrant a guideline enhancement either under existing guidelines or a new guideline.

Ninth, the Hatch-Leahy-Schumer Internet Security Act amendment to H.R. 46 would eliminate certain statutory restrictions on the authority of the United States Secret Service (''Secret Service''). Under current law, the Secret Service is authorized to investigate offenses under six designated subsections of 18 U.S.C. § 1030, subject to agreement between the Secretary of the Treasury and the Attorney General: subsections (a)(2)(A) (illegally accessing a computer and obtaining financial information); (a)(2)(B) (illegally accessing a computer and obtaining information from a department or agency of the United States); (a)(3) (illegally accessing a non-public computer of a department or agency of the United States either exclusively used by the United States or used by the United States and the conduct affects that use by or for the United States); (a)(4) (accessing a protected computer with intent to defraud and thereby furthering the fraud and obtaining a thing of value, unless the object of the fraud and the thing obtained consists only of the use of the computer and the value of such use is not more than $5,000 in a one-year period); (a)(5) (knowingly causing the transmission of a program, information, code or command and thereby intentionally and without authorization causing damage to a protected computer; and illegally accessing a protected computer and causing damage recklessly or otherwise); and (a)(6) (trafficking in a password with intent to defraud).

Under current law, the Secret Service is not authorized to investigate offenses under subsection (a)(1) (accessing a computer and obtaining information relating to national security with reason to believe the information could be used to the injury of the United States or to the advantage of a foreign nation and willfully retaining or transmitting that information or attempting to do so); (a)(2)(C) (illegally accessing a protected computer and obtaining information where the conduct involves an interstate or foreign communication); and (a)(7) (transmitting a threat to damage a protected computer with intent to extort).

The Internet Security Act removes these limitations on the authority of the Secret Service and authorizes the Secret Service to investigate any offense under Section 1030 relating to its jurisdiction under 18 U.S.C. § 3056 and subject to agreement between the Secretary of the Treasury and the Attorney General. This provision also makes clear that the FBI retains primary authority to investigate offenses under subsection 1030(a)(1).

Prior to 1996 amendments to the Computer Fraud and Abuse Act, the Secret Service was authorized to investigate all violations of Section 1030. According to the 1996 Committee Reports of the 104th Congress, 2nd Session, the 1996 amendments attempted to concentrate the Secret Service's jurisdiction on certain subsections considered to be within the Secret Service's traditional jurisdiction and not grant authority in matters with a national security nexus. According to the Administration, which first proposed the elimination of these statutory restrictions in connection with transmittal of its comprehensive crime bill, the ''21st Century Law Enforcement and Public Safety Act,'' however, these specific enumerations of investigative authority ''have the potential to complicate investigations and impede interagency cooperation.'' (See Section-by-section Analysis, SEC. 3082, for ''21st Century Law Enforcement and Public Safety Act'').

The current restrictions, for example, risk hindering the Secret Service from investigating ''hacking'' into White House computers or investigating threats against the President that may be delivered by such a ''hacker,'' and fulfilling its mission to protect financial institutions and the nation's financial infrastructure. The provision thus modifies existing law to restore the Secret Service's authority to investigate violations of Section 1030, leaving it to the Departments of Treasury and Justice to determine between them how to allocate workload and particular cases. This arrangement is consistent with other jurisdictional grants of authority to the Secret Service. See, e.g., 18 U.S.C. §§ 1029(d), 3056(b)(3).

Tenth, section 307 of the Hatch-Leahy-Schumer Internet Security Act amendment would provide an additional defense to civil actions relating to preserving records in response to government requests. Current law authorizes civil actions and criminal liability for unauthorized interference with or disclosures of electronically stored wire or electronic communications under certain circumstances. 18 U.S.C. §§ 2701, et seq. A provision of that statutory scheme makes clear that it is a complete defense to civil and criminal liability if the person or entity interfering with or attempting to disclose a communication does so in good faith reliance on a court warrant or order, grand jury subpoena, legislative or statutory authorization. 18 U.S.C. § 2707(e)(1).

Current law, however, does not address one scenario under which a person or entity might also have a complete defense. A provision of the same statutory scheme currently requires providers of wire or electronic communication services and remote computing services, upon request of a governmental entity, to take all necessary steps to preserve records and other evidence in its possession for a renewal period of 90 days pending the issuance of a court order or other process requiring disclosure of the records or other evidence. 18 U.S.C. § 2703(f). Section 2707(e)(1), which describes the circumstances under which a person or entity would have a complete defense to civil or criminal liability, fails to identify good faith reliance on a governmental request pursuant to Section 2703(f) as another basis for a complete defense. Section 307 modifies current law by addressing this omission and expressly providing that a person or entity who acts in good faith reliance on a governmental request pursuant to Section 2703(f) also has a complete defense to civil and criminal liability.

Finally, the bill authorizes construction and operation of a National Cyber Crime Technical Support Center and 10 regional computer forensic labs that will provide education, training, and forensic examination capabilities for State and local law enforcement officials charged with investigating computer crimes. The section authorizes a total of $100 million for FY 2001, of which $20 million shall be available solely for the 10 regional labs and would complement the state computer crime grant bill, S. 1314, with which this bill is offered.

AMENDMENT NO. 4366

(Purpose: To enhance computer crime enforcement and Internet security, and for other purposes)

Mr. STEVENS. Mr. President, Senator HATCH has an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. HATCH, proposes an amendment numbered 4366.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4366) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 46), as amended, was read the third time and passed.

The title was amended so as to read:

To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.

MAKING TECHNICAL CORRECTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Judiciary

Committee be discharged from further consideration of S. 3276 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3276) to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. I commend the current occupant of the chair who introduced this measure.

Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3276) was read the third time and passed, as follows:

S. 3276

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

SECTION 1. TECHNICAL CORRECTIONS TO THE COLLEGE SCHOLARSHIP FRAUD PREVENTION ACT OF 2000.

(a) SENTENCING ENHANCEMENT GUIDELINES.—Section 3 of the College Scholarship Fraud Prevention Act of 2000 (Public Law 106–420) is amended—

(1) by striking ''obtaining or providing of'' and inserting ''the obtaining of, the offering of assistance in obtaining''; and

(2) by striking ''base offense level for misrepresentation'' and inserting ''enhanced penalties provided for in the Federal sentencing guidelines for an offense involving fraud or misrepresentation''.

(b) LIMITATION ON EXEMPT PROPERTY.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000, is amended—

(1) by striking ''in the obtaining or providing of'' and inserting ''or misrepresentation in the providing of, the offering of assistance in obtaining, or the furnishing of information to a consumer on,''; and

(2) by striking ''(20 U.S.C. 1001)''.

(c) EFFECTIVE DATE; APPLICATION OF AMENDMENTS.—

(1) EFFECTIVE DATE.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect on November 1, 2000.

(2) APPLICATION OF SECTION 552(C)(4) OF TITLE 11, UNITED STATES CODE.—Section 522(c)(4) of title 11, United States Code, as added by section 4 of the College Scholarship Fraud Prevention Act of 2000 and as amended by subsection (b) of this section, shall apply only with respect to cases commenced under title 11, United States Code, on or after November 1, 2000.

CONGRATULATIONS TO JOSH HEUPEL

Mr. DASCHLE. Mr. President, I rise today to congratulate South Dakota's Josh Heupel, quarterback of the Oklahoma Sooners, on his incredible season leading his top-ranked and undefeated football team to the National Championship game. I am tremendously proud of the achievements of a fellow South Dakotan and Aberdeen Central graduate.

I am not the first and certainly will not be the last to praise Josh for his accomplishments. Josh passed for 3,392 yards and 20 touchdowns this season and led his team through a difficult schedule of worthy opponents. It is no surprise that Josh received so many honors this year: he was named Player of the Year by the Walter Camp Football Foundation; College Football Player of the Year by the Associated Press; and College Football Player of the Year by the Sporting News.

Most recently he was the runner-up for the Heisman Trophy, South Dakota's first Heisman Finalist. While he may have felt some disappointment in not winning, Josh handled himself with the maturity and grace that has molded him into a fine young leader and allows him to put team accomplishments and goals before his personal feats.

I believe Josh's success at the national level is the result of natural ability coupled with hard work and drive. But he has not been content with excellence simply in the athletic realm. He has also committed himself to civic duty, visiting sick children in hospitals and coordinating food drives, and has been a dedicated student. More than that, he lives by ideals instilled in him by his family—his parents Ken and Cindy, and sister Andrea—and the values and life experiences gained in South Dakota. He is an inspiration to all of us, young and old, teaching us to follow our dreams but stay close to our values.

I speak for South Dakota when I say that we proud of Josh Heupel and we wish him the best of luck as he leads his team into the National Championship game on January 3d and in his future athletic and academic endeavors.

TRIBUTE TO SECRETARY OF DEFENSE BILL COHEN

Mr. WARNER. Mr. President, I rise today to pay tribute to Secretary of Defense Bill Cohen and Mrs. Janet Langhart Cohen. As Secretary of Defense for almost four years, Bill Cohen has led the Defense Department and the military services with leadership and a strong commitment.

In contemporary political history, persons of a political party other than the party of the Administration, have offered to serve this Nation. It takes a special courage; Bill Cohen has that courage. He has earned—with distinction—a place in history.

Bill Cohen and I were first elected to the Senate in 1978. We served together on the Armed Services Committee from 1979 until Bill retired from the Senate in 1996. Throughout his service with the Senate, he was recognized as a leader.

A prodigious student of history, diplomacy, foreign policy and national security, he was recognized as one of the most able and productive members of the Armed Services Committee. He worked hard to develop and maintain a bipartisan consensus on national security policy. For Bill Cohen, partisan politics—in the words of the famous Republican senator from Michigan, Senator Arthur Vandenberg—''stopped at the water's edge.''

Fortunately, the President recognized the wealth of knowledge and experience Bill had developed during his service in the Congress.

Bill Cohen also had the good fortune of being the son of parents he loved and admired. That gave him inner strength.

In December 1996, he was nominated to be Secretary of Defense and was promptly confirmed by the Senate.

When Bill Cohen accepted the nomination, he undestood the extraordinary challenges that lay ahead. He understood that he would be responsible for a department and for military services that had undergone, and were undergoing, the most significant reduction in force and personnel and equipment in almost thirty years.

The problems associated with these reductions were compounded by increasing operational commitments. Comparing the period between the end of the Vietnam War and the beginning of Operation Desert Storm to the period between Operation Desert Storm to today, these commitments have increased by over 400 percent. And there would be no foreseeable end to our extended commitments in many parts of the world.

It was at such a critical crossroad in the history of the U.S. Armed Forces that a leader with a strong sense of purpose and keen intellect was needed at the helm of the Department of Defense. That leader was Bill Cohen. We, in this chamber, knew very well the profound depth of his intellect and leadership through his oratory, his writings, his poems and, yes, his occasional ''doodles'' on the notepad. Like Colonel Joshua Chamberlain, a Union Army soldier and son of Maine, that Cohen revered, he likewise accepted the daunting challenge with which he was presented.

Upon taking the helm at the Department of Defense, Bill Cohen quickly identified those key areas that required his immediate attention. Shortly after his confirmation hearing, Secretary Cohen stated that he would dedicate his time in office to working on the quality of life for military personnel and their families and to addressing continuing shortfalls in readiness and modernization of the Armed Forces.

So began his four years of labor to lead the largest agency in the Federal Government—one of the largest organizations in the world. But this was a labor of love for the new secretary. Bill Cohen recently described his tenure as ''the most demanding, exhilarating experience'' he has ever had—work he would do ''forever.''

Sharing this experience with Bill Cohen is his wife, Janet Langhart Cohen. She has been equally enthusiastic in her role supporting him—and military personnel throughout the world—as a ''First Lady of the Pentagon.''

Janet Langhart Cohen's tireless and selfless work for our men and women in uniform, and their families, has been remarkable. She has been committed to making sure that the American people's hearts and minds are fully joined with those who are wearing the uniform. Thanks to Janet Langhart Cohen, soldiers, sailors, airmen and Marines have come to know how much they are appreciated by their fellow Americans.

To this end, Janet Langhart Cohen called on the USO—and their volunteer entertainers—to bring the message from the homefront to our forward deployed military men and women. She recognized that the USO helped those in the military who are far from home give in to laughter rather than give way to loneliness and despair. With the USO, Janet Langhart Cohen reinvigorated the spirit of our warriors.

Understanding the important relationship between the men and women of the Armed Forces and the USO, Janet Langhart Cohen led the effort to build a lasting exhibit to the USO in the Pentagon. Thanks to her, the tribute was unveiled just a few short weeks ago. To many, she is now also recognized as the ''First Lady of the USO.''

Together, Bill and Janet have been a dynamic team. They have tackled many of the problems facing military families today. They have also circled the globe together to demonstrate their combined conviction and support for our men and women in uniform wherever they are deployed. Only recently, Bill and Janet completed their third trip to Kosovo since the June 1999 end of the air campaign.

In our brief years, Secretary Cohen, through tireless work, study, and travel, has continued to develop his already formidable understanding of global, economic and national security issues. And as had been the case during his 24 years of service in the Congress, Secretary Cohen's conviction for supporting the troops continued without question.

Anyone who has been privileged to serve in the Department of Defense, especially as the ''Top Gun,'' knows there is no more difficult a job in the Executive Branch of our government. Bill Cohen earned his place in history, alongside the best, and the men and women in uniform render a respectful ''hand salute.''

VICTIMS OF GUN VIOLENCE

Mrs. BOXER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

December 15, 1999:

Jerome Anderson, 26, Washington, DC; Danta Dandridge, 17, Washington, DC; Diane Gibbs, 39, Atlanta, GA; Jimmy Gibbs, 21, Atlanta, GA; Kasmas Hall, 18, Miami-Dade County, FL; Byron Johnson, 21, Pittsburgh, PA; Antoine Omar, 19, Boston, MA; Glenn Roundtree, 29, Chicago, IL; Oscar Segura Nieto-Lopez, 32, St. Paul, MN; Ricky Truss, 27, Detroit, MI; William Wilder, 39, New Orleans, LA; Venis Woods, 29, Philadelphia, PA; and Unidentified Male, 24, Newark, NJ.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

TRIBUTE TO CONGRESSMAN JULIAN DIXON

Mr. SHELBY. Mr. President, I rise in tribute to a friend and colleague, Julian Dixon. Congressman Dixon honorably represented the 32nd District of California for more than 22 years. Julian and I were members of the Congressional Freshman Class of 1978. It was my pleasure to serve with him for more than two decades.

Everyone in the Senate knew him and I know no member of the House or Senate who did not like him, as well as respect him. His life exemplified public service and his actions were always motivated by truth, justice and compassion. He was without question a Distinguished Gentlemen.

During his tenure in office, Congressman Dixon accomplished many things. He was always magnanimous in victory and gracious in defeat and accepted difficult assignments, such as the Chairmanship of the House Ethics Committee in 1989. It is a responsibility that few members seek and only the most selfless accept. Congressman Dixon did so, and the House of Representatives is a better place for his service.

From 1957 to 1960, he served as an enlisted man in the United States Army, rising to the rank of sergeant. This experience made him a life long advocate for the men and women in the Armed Forces. He understood their hardships and needs as well as any member of the Congress. The military services have lost a good friend.

At the conclusion of the Cold War, our defense expenditures were cut dramatically. Literally, hundreds of military installations, large and small, around the Nation were slated for closure. Thousands of small businesses depended entirely, or mostly on work generated by the defense industry, and they were in danger of failure.

In an effort to help these businesses, Congressman Dixon sponsored legislation to assist small businesses in making the difficult transition to new markets. His efforts saved innumerable small businesses from going under and now many are thriving because of his foresight and stewardship. Most recently he was the very able Ranking Member of the House Permanent Select Committee on Intelligence. He was a voice of reason and restraint in an arena that often lends itself to hyperbole and grandstanding. Julian served his country well in this capacity.

Congressman Dixon was known for his intelligence, political savvy and strong character. While Julian surely had much lift to accomplish, he truly made a difference while he walked among us. He was a family man and a man of the people. He will be missed. Our prayers are with his family, friends and people he served so well.

DRUG ADDICTION TREATMENT ACT OF 2000

Mr. LEVIN. Mr. President, I rise today with my colleague, Senator HATCH, Chairman of the Judiciary Committee, to comment on a provision of the recently enacted omnibus children's health legislation (H.R. 4365; Public Law 106–310) that established a number of excellent children's health programs. The bill also included important new legislation, the Drug Addiction Treatment Act [DATA], which I authored along with Senator HATCH, working with our colleagues Senators BIDEN and MOYNIHAN. It will make a revolutionary difference in the way in which we battle heroin and other opiate addiction.

Mr. HATCH. Mr. President, my colleague from Michigan is correct. Additionally, as my colleagues are aware, the bill reauthorized the operation of the Substance Abuse and Mental Health Services Administration, and established and reinforced penalties for illegal manufacture, sale, and possession of certain illicit drugs.

Mr. LEVIN. Mr. President, when implemented, the DATA bill, as we call it, will change significantly the way opiate addiction is addressed by allowing qualified physicians, for the first time, to prescribe in their private offices, substances which block the craving for heroin and otherwise address this deadly addiction.

Mr. HATCH. Mr. President, as Senator LEVIN knows, the DATA bill includes a provision similar to one applicable for many years to both the Medicaid and Medicare programs, which makes clear that basic decisions about the way medicine is practiced are to be made by physicians and patients, not by the federal government.

Mr. LEVIN. In other words, it is our intent that with respect to the amendments to the Controlled Substances

Act made by the provisions incorporated in H.R. 4365, decisions by qualified physicians about the appropriate means to treat their patients and to prescribe and dispense medications are not a proper matter for government regulation.

While the bill clearly provides authority for the Department of Health and Human Services to issue regulations to expand the pool of qualified physicians, it is not the intention of our legislation that those regulations extend to the practice of medicine.

Mr. HATCH. I certainly agree with that. Indeed, such an interpretation is expressly prohibited by the language: ''Nothing in such regulations or practice guidelines may authorize any Federal official or employee to exercise supervision or control over the practice of medicine or the manner in which medical services are provided.''

Mr. LEVIN. This clarification is important, both for the qualified physicians who wish to participate in this new approach to addiction treatment and for patients for whom a new treatment option may present a life-changing possibility. I know my colleague from Utah agrees that we want this legislation to work. An unauthorized and ill-advised attempt to regulate the practice of medicine, including the practice of prescribing anti-addiction medication, would make it unworkable.

Mr. HATCH. I do agree wholeheartedly. I feel compelled to add, however, that as the Chairman of the Committee of jurisdiction, it was important to me to make certain that the bill in no way impedes the Drug Enforcement Administration [DEA] from vigorously enforcing the Controlled Substances Act. Specifically, the DATA legislation is not intended to prevent the DEA from its historic role of prosecuting physicians for dispensing controlled substances without a legitimate medical purpose.

Mr. LEVIN. I agree with my colleague. I believe we successfully balanced both interests in the DATA bill. It is important legislation and I am pleased to have had the support of the Chairman of the Judiciary Committee and Senators BIDEN and MOYNIHAN as we successfully moved this bipartisan legislation to enactment.

Ms. SNOWE. Mr. President, I rise in support of the passage of H.R. 1653, which includes the Pribilof Islands Transition Act and the Coral Reef Conservation Act of 2000. This bill contains a number of ocean, coastal, and fisheries related titles that will result in major conservation gains for our nation's marine resources at a time when we are placing enormous demands on them. The bill not only attempts to provide additional environmental protections through a number of state and local programs, but also tools for better management.

Title I of this bill is the Pribilof Islands Transition Act. The Alaskan Pribilof Islands in the Bering Sea were a former reserve for harvesting fur seals. The Commerce Department, acting through the National Oceanic and Atmospheric Administration (NOAA), has been involved in municipal and social services on the islands since 1910. In 1983, NOAA tried to remove themselves from administering these programs. However, despite the $20 million in funds the Pribilof Islands received to replace future annual Federal appropriations, the Pribilof Islanders claim that the terms of the transition process were not met and the withdrawal failed.

This title authorizes $28 million over five years to again attempt to achieve the orderly withdrawal of NOAA from the civil administration of the Pribilof Islands. Additionally, it authorizes $10 million a year for five years for NOAA to complete its environmental cleanup and landfill closure obligations prior to the final transfer of federal property to the six local entities. The Pribilof Islands have historically been a very expensive program to the American taxpayers. Congress expects that this title will provide a final termination of NOAA's municipal and social service responsibilities on the islands and a distinct end to federal taxpayer funding of those services.

Title II of this bill is the Coral Reef Conservation Act of 2000. It is based on legislation that I first introduced over three years ago and S. 725, a bill that I introduced earlier in the 106th Congress along with Senator MCCAIN, the Chairman of the Commerce Committee.

Over the last decade, the United States had been leading a focused effort to conserve and manage coral reef ecosystems. The plight of coral reefs, both in the United States and internationally, gained much attention in 1997, the International Year of the Reef. One very successful program undertaken during the year-long event involved grants to local groups to build grassroots support for coral reef conservation, management, and educational programs. Since that time, NOAA has steadily improved coral reef management programs utilizing the full range of existing statutory authorities including the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Magnuson-Stevens Fishery Conservation and Management Act, the Marine Mammal Protection Act, and the Endangered Species Act. These complementary authorities provide the framework for comprehensive coral reef conservation and management. Working in partnership with the States and other agencies, NOAA has demonstrated its unique ability among the federal agencies to effectively manage these valuable resources.

This title will augment the tools already available and provides an outline to assist NOAA as it moves forward with coral reef ecosystem management plans. It requires the creation of a national coral reef action strategy. Of particular note is the use of marine protected areas to serve as replenishment zones. The U.S. Coral Reef Task Force has called for setting aside 20 percent of coral reefs in each region of the United States that contains reefs as no-take areas. However, many of the U.S. islands that have coral reefs have significant cultural ties to these reefs. It is imperative that any new marine protected areas are developed in close cooperation with the people of these islands and account for traditional and cultural uses of these resources. Without such cooperation, there will not be public support. The national strategy will address how such traditional uses will be incorporated into these replenishment zones.

The national program will also incorporate such important topics as mapping; research, monitoring, and assessment; international and regional management; outreach and education; and restoration. According to NOAA, the majority of our nation's coral reefs are within federal waters, therefore it is expected that NOAA will continue to work cooperatively with the states, territories, and commonwealths in the development and implementation of coral reef management plans and not shift the burden of responsibility onto these states, territories, and commonwealths. It is particularly important that NOAA not let recent activities in the Northwestern Hawaiian Islands consume too much of the agency's personnel and financial resources at the expense of the rest of the nation's reefs. While the Northwestern Hawaiian Islands Coral Reef Reserve will provide protection for the majority of reefs within our borders, it will not provide protection for our most heavily degraded reefs. NOAA must work collaboratively with our island partners to implement meaningful coral reef management strategies that target the full range of problems.

The title also creates a new coral reef conservation program, which will provide grants to states, governmental authorities, educational institutions, and non-governmental organizations. This is intended to foster locally based coral reef conservation and management. Creation of a coral reef conservation fund is also authorized. This fund would allow the Administration to enter into agreements with nonprofit organizations to support partnerships between the public and private sectors to further the conservation of coral reefs and help raise the matching funds required as part of the new grants program.

The title authorizes a total of $16 million a year for fiscal years 2001 through 2004 to be spilt equally between the local coral reef conservation program and national coral reef activities. It is our expectation that this money will be utilized in such a way that builds upon partnerships with the U.S. islands.

Title III of the bill makes a number of minor technical changes to fisheries

laws. The fourth title of the bill authorizes the study of biological and environmental factors that are responsible for an increase in deaths in the eastern gray whale population. Two-hundred ninety thousand dollars is authorized for fiscal year 2001, and $500,000 is authorized for each of fiscal years 2002 through 2004.

Title V of the bill makes a technical correction to the American Fisheries Act (AFA) with regard to two fishing vessels, the *Providian* (United States Official Number 1062183) and the *Hazel Lorraine* (United States Official Number 592211). The 1998 AFA authorized the participation of certain US-owned fishing vessels in the Bering Sea pollock fishery. The AFA was designed to work in conjunction with the license limitation provisions of the fishery management plan developed by the North Pacific Fishery Management Council. Certain ''qualifying years'' were established in order to determine which vessels had earned a ''fishing history'' to allow them future access to pollock-fishing quotas. During the consideration of the AFA, the special circumstances of many vessels were taken into account. At that time, the fishing vessel *Providian* was being built in a U.S. shipyard as a replacement vessel for the pollock-fishing vessel *Ocean Spray*.

In 1994, the *Ocean Spray* was lost at sea—fortunately without the loss of a single life. Had the *Ocean Spray* not been lost, the vessel would have continued to fish for Bering Sea pollock during the years leading up to the development of the AFA. After the loss of the *Ocean Spray*, the owner-operator followed the replacement guidelines in order to secure his federal fishing permits and endorsement for his new vessel, the *Providian*. According to landing records, it appears that the average pollock harvest of the *Ocean Spray* during the years 1992 through 1994, exceeded 2000 metric tons.

Since the construction on the *Providian* was completed, the owner decided to bring his vessel to Bath, Maine to work in the Maine herring fishery. The current location of this vessel does not eliminate the need to establish fairness and restore the vessel owner's pollock-fishing rights earned with the *Ocean Spray* during 1992–1994. This amendment to the AFA is intended to provide the North Pacific Fishery Management Council and the National Marine Fisheries Service with the authority to qualify the *Providian* under the AFA with directed onshore pollock-fishing rights equivalent to those earned by the *Ocean Spray* during the years 1992–1994.

Mr. President, the authors of the AFA certainly took into account the particular circumstances of other vessel owners and companies. This technical amendment simply qualifies two vessels, the *Providian* and the *Hazel Lorraine* under the AFA for fishing rights that they otherwise should have received allow for the participation of two additional catcher vessels in the Alaskan pollock fishery. These vessels were able to demonstrate that they should have been included in the Act when it passed in 1998.

I would like to thank Senator KERRY, the ranking member of the Oceans and Fisheries Subcommittee for his hard work and support of this bill. I would also like to thank Senator INOUYE for his support, particularly for his contributions to the coral reef conservation section of the bill. In addition, I would like to thank Senator MCCAIN, the chairman of the Commerce Committee, and Senator HOLLINGS, the ranking member of the Committee, for their bipartisan support of this measure. We have before us an opportunity to significantly improve our nation's ability to conserve and manage our marine resources and I urge the Senate to pass H.R. 1653, as amended.

RECOGNITION OF CONGRESSMAN NEIL STAEBLER

Mr. LEVIN. Mr. President, I rise today to acknowledge the life and accomplishments of a distinguished and principled public servant who served as a Member of Congress from my home state of Michigan, Neil Staebler. For nearly six decades, Neil embodied the very ideals on which this nation was founded. Born in 1905, Neil Staebler is widely credited as a founder of the modern Michigan Democratic Party. However, Neil's greatest desire was to make our government work for all its citizens.

Throughout his life, Neil dedicated himself to serving the United States of America. At the age of thirty-seven, he joined the World War II effort by enlisting in the United States Navy, where he served as a lieutenant.

After the conclusion of the war, Neil and a group of other distinguished citizens from Michigan, including former Governor G. Mennen Williams, former Congresswoman and Lieutenant Governor Martha Griffiths, and Martha's husband Hicks, helped to re-shape the Michigan Democratic Party and alter the landscape of Michigan politics. They sought to reinvigorate the Democratic Party and make it more responsive to the will and the needs of Michigan's citizens. Their efforts led to a renewed vibrancy within the Michigan Democratic Party, and propelled Neil to the chairmanship of the Party.

Neil served as state chairman for over a decade, and was able to use his position to encourage active political participation by all people. In addition to serving as state chairman and winning a seat to Congress in 1962, he ran an unsuccessful but hard fought challenge of Governor George Romney in 1964.

While he was a loyal member of the Democratic Party, Neil Staebler was first and foremost committed to our nation's institutions and the need for all citizens to participate in the democratic process. President Gerald Ford recognized Neil's commitment to civic participation when he appointed him to serve on the first Federal Elections Commission.

Throughout this year's election, people of differing political allegiances have remarked on the stable and resilient nature of our nation's institutions. Our health as a democracy is due, in a large part, to the dedication and efforts of individuals like Neil Staebler. Neil Staebler was one of the true lions of Michigan and American politics. I am sure that my Senate colleagues will join me in honoring the memory of Neil Staebler, and in wishing his wife Burnette and their family well in the years ahead.

THE MILLENNIUM HOLIDAY TREE

Mr. ALLARD. Mr. President, the wonderful tree currently gracing the West lawn of this Capitol is from Colorado. I have had the pleasure of working towards getting this tree to DC for 2½ years, and I wanted to share with my colleagues a little about my home state's gift to the nation.

The Millennium Holiday Tree is a gift from the entire state of Colorado to our nation. It is a celebration of all that is Colorado: natural beauty, many cultures, cities and rural communities, and our rich history. The Colorado tree will be shining through early January 2001. The Millennium Holiday Tree is a native Colorado Blue Spruce which stands 65' tall and was projected to be 77 years old at the time of cutting. It was grown on the Pike National Forest near the community of Woodland Park. The tree was selected from this area because it is in the shadow of Pikes Peak, often referred to as ''America's Mountain''.

The Colorado State Forest Service is growing seedlings from the ''grandma'' tree. Seedlings from the Millennium Holiday Tree will be replanted at the cutting site. The Governor and Francis Owens were among the first to receive a Holiday Tree seedling for their support of this project. Hundreds of seedlings will also be planted in memorial forests around the state as part of Holiday Tree celebrations.

Colorado school children made over 4,000 ornaments for the tree. They each depict the theme: ''Valuing the Past—Looking to the Future''. Each county had the opportunity to supply 100 ornaments for the Millennium Holiday Tree and the companion trees.

Through the many community events, we celebrated the richness of Colorado. Each reflected the wide range of cultural and historical influences present in our communities—Native American, Hispanics, pioneers, and others. Local celebrations were encouraged in each of Colorado's 64 counties and at each of the 10 stops along the Tree route. Santa Fe Trail communities in Kansas and Missouri joined the celebrations too, including one in St. Louis at a National Park Service historic site. After the cutting ceremony on November 20th, the tree was

moved indoors where the limbs were drawn up and secured for the long journey. A 65-foot trailer, designed to look like a historic Conestoga pioneer wagon, hauled the tree. Organizers used an experimental shrink wrap method to keep the tree fresh and secure from weather damage. The tree traveled caravan-style here to our nation's Capitol following the Santa Fe Trail, a historic trade route through Colorado, Kansas and Missouri. My friend and our colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, actually drove the tree carrying truck all the way out here. He told me he had a great time, and I believe him.

Sixty four smaller companion trees, one from each county, traveled with the Millennium Holiday Tree and were placed in various government offices throughout DC.

This entire project was made possible through generous financial and in-kind support from the many sponsors. Volunteers, donations, and sponsorships made it all possible. Unused surpluses from this project will be set aside for a rural endowment fund. The year 2000 will be the 31st year a tree has been provided by the U.S. Forest Service and its partners. And I want to especially thank Dr. Raitano and Bill Nelson for their incredible work on this. They ''parented'' the project for years and it is due to their efforts it all turned out so well.

''SHALL ISSUE'' LEGISLATION IN MICHIGAN

Mr. LEVIN. Mr. President, late Wednesday night, the Michigan Legislature passed a bill that, if signed, will have a negative impact on public safety in my home state. The legislature passed the ''shall issue'' bill which would require that local licensing authorities ''shall'' or must issue a concealed handgun license to a person who passes a background check and a safety course. Notably, the legislature waited until after the election to pass the legislation.

The current law in our state now gives local gun boards discretion to issue concealed gun licenses where a need is shown. Current law allows local gun boards—each made up of a local sheriff, a county prosecutor and a designee of the State police—to determine who should be allowed to carry a concealed handgun. The legislation before the state legislature would take discretion away from local law enforcement and allow virtually any applicant to carry a concealed handgun.

In May of 1999, when the State Legislature last took up this bill, a coalition of law enforcement groups led the fight against it. Law enforcement soundly rejects the proliferation of concealed weapons in our communities and have warned that this legislation will move Michigan in a dangerous direction.

The Michigan Law Enforcement Coalition issued the following statement about the bill:

Current law authorizes a local gun board made up of local law enforcement officials to issue CCW [Carry Concealed Weapons] licenses to those citizens who show a demonstrated need to carry a concealed weapon. Legislation that would shift the burden of proof, requiring the board to issue a permit unless it can state a reason, is a state-mandated ''shall issue'' bill and eliminates local control.

The Michigan Law Enforcement Coalition opposes any legislation which strips local gun boards of their discretion and shifts the burden of proof from the applicant to the gun board.

The Michigan Association of Chiefs of Police issued this statement:

This bill not only puts citizens at risk but will also effect law enforcement officers trying to do a difficult and dangerous job. Officers, already concerned due to the proliferation of handguns, would have even more apprehension knowing that the odds of confronting a concealed weapon have been multiplied. The presence of a gun can make any situation more dangerous. A gun can turn routine arguments into episodes of serious injury or death. During stressful times reasonable people do unreasonable things. The shouting match over a parking space or the fist fight at a sporting event can escalate into a shoot-out when guns are more accessible. Already nearly one-third of all murders committed are the result of an argument according to the FBI's Uniform Crime Report.

The Michigan Association of Chiefs of Police urges the Michigan Legislature to refrain from allowing the proliferation of concealed weapons without adequate safeguards by county licensing authorities. An armed society is a frightened and dangerous society.

Law enforcement groups were joined in their opposition to this bill by religious leaders, child advocates, and community leaders. Groups such as the Michigan Catholic Conference, Michigan PTA, Michigan Municipal League, Michigan's Children, Michigan Library Association, Michigan Association of Elementary and Middle School Principals, Michigan Association of Non-public Schools-Parent Network, Michigan Partnership to Prevent Gun Violence, Michigan Association of Theatre Owners, and National Conference for Community and Justice are unified against the ''shall issue'' standard.

Mr. President, I am disappointed that the Michigan Legislature passed this bill. I believe ''shall issue'' is wrong for Michigan and I have urged the Governor to veto the bill. I ask unanimous consent to have printed in the RECORD the letter I sent to the Governor.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DECEMBER 13, 2000.

Hon. JOHN ENGLER,
Governor of the State of Michigan,
Lansing, MI.

DEAR GOVERNOR ENGLER: I am writing to urge you to veto the ''shall issue'' legislation which recently passed the Michigan Legislature.

The ''shall issue'' legislation would make us less safe according to those best in a position to know. That's why it is opposed by a broad coalition of law enforcement groups such as the Michigan Association of Chiefs of Police and the Michigan Police Legislative Coalition (which includes the Michigan State Police Troopers Association, the Michigan State Police Command Officers Association, the Michigan Association of Police, the Police Officers Labor Council, Detroit Police Lieutenants and Sergeants Association, Detroit Police Officers Association, Warren Police Officers Association, and Flint Police Officers Association).

Law enforcement officers, who undergo an initial 72 hours of firearms training as well as annual re-training, have warned that allowing thousands more private citizens to carry concealed handguns would pose significant threats to public safety. It is unrealistic to expect citizens with a fraction of the training to demonstrate the same precautions and the same judgment as police officers. There is no justification for making the already difficult and dangerous job of an officer even more difficult and dangerous by increasing the number of concealed handguns on the streets.

I am also concerned that an increase in concealed weapons licenses will effectively expand an exception in the Brady background check system. The ''Brady Law'' provides that licensed gun dealers are not required to initiate criminal background checks if the purchaser presents a state-issued license to carry a firearm which was issued within five years. This would mean that people who have committed crimes after they have received concealed carry licenses would be able to purchase additional guns with no background checks unless and until their licenses are revoked.

Although the ''shall issue'' legislation allows the State to suspend or revoke a license if the license holder has committed a potentially disqualifying crime, the experiences of other states with such laws show that revocation doesn't happen instantly or always successfully. Some states with ''shall issue'' laws have acknowledged mistakenly issuing hundreds of licenses to applicants with prior convictions. Once those persons manage to slip through the screening process for concealed gun licenses that one time, they are then able to buy guns without further background checks for five years.

Earlier this year, all eyes turned to Michigan after the tragic shooting death of Kayla Rolland. Now, nearly ten months later, the people of Michigan want all of us to work toward decreasing the amount of gun violence in their schools and community places, not increasing the proliferation of guns in our neighborhoods and on our streets. The people of Michigan reject the notion that they will be unsafe in public places if not armed. I urge you to do the same and to veto the ''shall issue'' legislation, leaving local gun boards in charge of these often life and death decisions.

Sincerely,

CARL LEVIN.

RECOMMENDATION OF GLENN A. FINE

Mr. KOHL. Mr. President, I want to voice my support today for Glenn Fine, who would truly be an outstanding Inspector General at the Department of Justice. As you know, the Inspector General is charged with investigating waste, fraud, abuse and corruption. As such, it is a position of critical importance that we should have filled before adjourning for the year to ensure accountable and effective oversight of the DOJ.

Mr. Fine has been dealing with corruption ever since the Harvard-Boston

College basketball game on December 16, 1978, in which he scored 19 points and had 14 assists—perhaps his best performance in college—only to discover later that this particular game was part of a notorious point-shaving scandal. No doubt this first-hand experience drove him in his later quest to weed out corruption at the Department of Justice.

More seriously, though, Mr. Fine has served in a variety of professional roles and always in an exemplary fashion. He is currently the Director of the Special Investigations and Review Unit in the Department of Justice's Office of the Inspector General, where he has supervised a variety of sensitive internal investigations, including the FBI's handling of the Aldrich Ames case. He also worked as an Assistant U.S. Attorney for the District of Columbia, where he prosecuted more than 35 criminal jury trials. His academic credentials are stellar as well. He is a Rhodes Scholar and he was graduated magna cum laude from Harvard Law School. Finally, though this is a political appointment, Mr. Fine is non-partisan—exactly the type of appointee that a Republican President might very well consider keeping on. He worked as an Assistant U.S. Attorney during the Reagan and Bush administrations, and has never been involved in a political campaign.

As this session of Congress comes to a close, a position as important as the Inspector General should have been filled. I'm only sorry that an individual as outstanding as Mr. Fine was not confirmed.

COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. HARKIN. Mr. President, I want to thank and commend Chairman LUGAR for all of his hard work and leadership in bringing the Commodity Futures Modernization Act to the point of this final, agreed upon bill, which will be a part of the appropriations measure passed later today. I am pleased to have had the opportunity to work with Chairman LUGAR on this important legislation and to cosponsor it.

This bill will bring much-needed modernization, legal certainty, clarification and reform to the regulation of futures, options and over-the-counter financial derivatives. At the same time, it maintains regulatory oversight of the agricultural futures and options markets and continues and improves protections for investors and the public interest with regard to futures, options and derivatives.

The legislation carries out the recommendations of the President's Working Group on Financial Markets. Members and staff of the Working Group, especially the Department of the Treasury, the Commodity Futures Trading Commission and the Securities and Exchange Commission, were instrumental in helping to craft the bill. And it is significant that this final version of the bill is strongly supported by all members of President's Working Group on Financial Markets. I ask unanimous consent that a letter from the Working Group be printed in the RECORD at the conclusion of this statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. HARKIN. After many years of effort, this legislation resolves a number of very difficult issues regarding the trading of futures on securities—issues that have caused a great many headaches as well as disparities in the markets over the years. I am pleased that we have been able to arrive at solutions that clear away regulatory impediments to market development, while maintaining and strengthening investor protections and addressing margin and tax issues in order to avoid giving any market an inappropriate competitive advantage over others involved in related transactions.

Clearly, modernizing the regulatory scheme for futures and derivatives must be balanced with maintaining and strengthening protection for individual investors and the public interest. The principal anti-fraud provision of the Commodity Exchange Act is section 4b, which the Commodity Futures Trading Commission has consistently relied upon to combat fraudulent conduct, such as by bucket shops and boiler rooms that enter into transactions directly with their customers, even though such conduct does not involve a traditional broker-client relationship. Reliance on section 4b in such circumstances has been supported in federal courts that have examined the issue, and is fully consistent with the understanding of Congress and with past amendments to Section 4b, which confirmed the applicability of Section 4b to fraudulent actions by parties that enter transactions directly with customers. It is the intent of Congress in retaining Section 4b in this bill that the provision not be limited to fiduciary, broker-client or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce and other markets that will develop under this new statutory framework.

I would also like to discuss my views regarding the substantial regulatory changes for electronic markets in derivatives relating to non-agricultural commodities. Essentially, those commodities are energy and metals. With particular regard to energy, given the recent high volatility in energy markets—with dramatic price increases for gasoline, heating oil, natural gas and electricity—we must take great care in whatever Congress does affecting the way in which markets in energy function. In the Agriculture Committee, I worked to remove an outright exclusion from the bill and basically to continue with the substantial exemption the Commodity Futures Trading Commission had already granted for energy and metal derivatives. Later, there were further negotiations to arrive at the provisions on this subject that are in this bill.

While I still have certain reservations about the energy and metals markets, I recognize the need for compromise, particularly in considering the overall importance and positive features of this legislation. This bill's language and Congressional intent is clear that the Commodity Futures Trading Commission retains a substantial role in ensuring the honesty, integrity and transparency of these markets. For exempt commodities that are traded on a trading facility, this bill clearly specifies that if the Commission determines that the facility performs a significant cash market price discovery function, the Commission will be able to ensure that price, trading volume and any other appropriate trading data will be disseminated as determined by the Commission. This bill also clearly continues in full effect the Commission's anti-fraud and anti-manipulation authority with regard to exempt transactions in energy and metals derivatives markets.

I also want to mention and express appreciation for the cooperation of Chairman GRAMM and Ranking Member SARBANES of the Banking Committee in completing this bill. With respect to banking products, the language of the bill clarifies what is already the current state of the law. The Commodity Futures Trading Commission does not regulate traditional banking products: deposit accounts, savings accounts, certificates of deposit, banker's acceptances, letters of credit, loans, credit card accounts and loan participations.

The language of Title IV of this bill is very clear and very tightly worded. It requires that to qualify for the exclusion, a bank must first obtain a certification from its regulator that the identified bank product was commonly offered by that bank prior to December 5, 2000. The product must have been actively bought, sold, purchased or offered—and not be just a customized deal that the bank may have done for a handful of clients. The product cannot be one that was either prohibited by the Commodity Exchange Act or regulated by the Commodity Futures Trading Commission. In other words—a bank cannot pull a futures product out of regulation by using this provision.

For new products, Title IV is also abundantly clear: the Commodity Exchange Act does not apply to new bank products that are not indexed to the value of a commodity. Again, the plain language is clear and the intent of Congress is clear that no bank may use this exclusion to remove products from proper regulation under the Commodity Exchange Act.

Lastly, Title IV allows hybrid products to be excluded from the Commodity Exchange Act if, and only if, they pass a ''predominance test'' that

indicates that they are primarily an identified banking product and not a contract, agreement or transaction appropriately regulated by the CFTC. While the statute provides a mechanism for resolving disputes about the application of this test, there is no intent that a product which flunks this test be regulated by anyone other than the CFTC.

Once again, I commend Chairman LUGAR and Congressman TOM EWING, the Chairman of the Subcommittee on Risk Management, Research and Specialty Crops, as well as all staff involved for their outstanding work in making this important legislation a reality.

EXHIBIT 1

DECEMBER 15, 2000.

Hon. TOM HARKIN,
Ranking Member, Committee on Agriculture, Nutrition, and Forestry U.S. Senate, Washington, DC.

DEAR SENATOR HARKIN: The Members of the President's Working Group on Financial Markets strongly support the Commodities Futures Modernization Act. This important legislation will allow the United States to maintain its competitive position in the over-the-counter derivative markets by providing legal certainty and promoting innovation, transparency and efficiency in our financial markets while maintaining appropriate protections for transactions in non-financial commodities and for small investors.

Sincerely,

LAWRENCE H. SUMMERS,
Secretary, Department of the Treasury.
ARTHUR LEVITT,
Chairman, Securities and Exchange Commission.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve.
WILLIAM J. RAINER,
Chairman, Commodity Futures Trading Commission.

INCREASING THE FEDERAL DEPOSIT INSURANCE LEVEL

Mr. JOHNSON. Mr. President, I rise today to briefly discuss S. 2589, the Meeting America's Investment Needs in Small Towns Act, or the MAIN Street Act as I call it. Not only is Main Street the acronym formed by this title, but it goes to the heart of why this legislation is necessary.

As we move into the new economy, money is flowing from our small towns and communities to the larger financial markets. While each individual investment decision may make sense, the cumulative effect is a wealth drain from rural America. Money invested in Wall Street is not invested on Main Street. Wall Street wizards can work wonders with a portfolio, but they don't fund a new hardware store down the street. They don't go the extra mile to help a struggling farmer whose family they have served for years. And they don't sponsor the local softball team.

By increasing the federally insured deposit level, we can help community banks and thrifts compete for scarce deposits. My legislation will account for the erosion to FDIC-insured levels from 1980. It will index these levels into the future, protecting against further erosions.

Under current calculations, the immediate impact would be to almost double the insured funds, from $100,000 to approximately $197,000. The long range impact of this legislation would be to make locally based financial institutions more competitive for deposits, help stem the dwindling deposit base many areas face, and lead to new investments in our communities.

Congress last addressed the issue of a deposit insurance increase in 1980. At that time, we increased the insured level from $40,000 to $100,000. Congress has not adjusted that level since 1980. In real terms, inflation has eroded almost half of that protection.

Every bank or thrift customer knows that the FDIC insures deposits up to $100,000. For many people, that notice symbolizes that the financial might of the United States government stands behind their banking institution. We learned the hard lessons of the 1930s, and created the FDIC to protect and strengthen our financial system.

In rural communities across America, local banks serve as the hub of the town. Every business in town relies on the bank for funding. The banker knows the town, and the town knows the banker. In many ways, each knows it disappears without the other.

Individuals in these towns like to know who is handling their money. They like the idea that their funds are secure in their home town. And, they like the fact that their money can be leveraged into other investments that will improve their communities. The more deposits a bank has, the more loans it can make. These loans are made locally, and serve as an investment in local communities.

The MAIN Street Act will help preserve these small towns and communities. It will bring greater liquidity to community banks and promote growth and development. I look forward to working with the FDIC and other banking leaders as we seek to update our banking insurance protections to allow small banks to compete with other investment opportunities available. I ask unanimous consent to have printed in the RECORD an article by Bill Seidman which further outlines some of the issues surrounding federal deposit insurance.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

$200,000 OF FDIC INSURANCE? THE BATTLE HAS JUST BEGUN

The battle is on—in one corner there's the proverbial David in the person of the FDIC Chairman Donna Tanoue, and in the other corner, three giant Goliaths—Senate Banking Committee Chairman Phil Gramm, Treasury Secretary Lawrence Summers, and Federal Reserve Board Chairman Alan Greenspan

Technically the conflict is over the FDIC's Deposit Insurance Option Paper (published in August), which suggested (some said foolishly) that deposit insurance coverage should be increased from $100,000 to $200,000 per depositor. As the paper pointed out, such an increase would compensate for the last 20 years or so of inflation since the insurance level was set at $100,000. The new ceiling might also help to meet an increasingly difficult problem for community banks—obtaining sufficient deposits to meet growing loan demand. Core deposits as a source of funding for community banks have steadily declined and largely are being replaced by loans from the Federal Home Loan Banking System.

Once this idea was floated, Senator Gramm, and ever-pure free marketer, reacted with a resounding ''No way—not on my watch!'' At a recent Senate committee hearing (on an unrelated subject) Gramm gained support for his position from the secretary of the Treasury and the Fed chairman. Treasury said it doesn't agree with the proposal because it increases risk taking and possible government liability; Greenspan said ''no'' because he feels it's a subsidy for the rich. (I guess he's been in government so long that anyone who has over $100,000 is really rich.)

Do these opinions nix the possibility for a change in the deposit insurance ceiling? I don't believe so. This is a complex issue that will require congressional hearings and much research, because it relates to ''too big to fail'' policies and overall financial reform. Here are some of the important points to be weighed in this debate.

Increasing deposit insurance brings more financial risk to government—Possible, but unlikely, since the bank insurance fund has never cost the Treasury a penny (the thrift insurance fund is the one that went broke. Even Chairman Tanoue and Fed Governor Meyer have pointed out that the greatest risk to the fund is likely to be the failure of a large complex bank. Moreover, the risk is much greater to the federal government when it supports a huge home loan bank financing institution (another quasi-governmental agency such as Fannie Mae or Freddie Mac)—where any trouble means big trouble.

It distorts the operations of the free market—This is also referred to as creating a ''morale hazard,'' the idea being that FDIC depositors won't have to worry about the condition of the bank. Of course, the so-called free market is out of kilter anyway, what with the Federal Reserve's discount window and the Treasury's bailout of Mexico and half of Asia through the IMF. In fact, the government seldom does anything that doesn't impact the free market (think environmental protection, antitrust, regulation of good drugs, bad drugs, and so on). The issue of whether to increase the deposit insurance ceiling has less to do with distortion of the free market than it does with whether this particular action in total is ''good for the country.'' (In the case of Mexico, for instance, the free marketers decided that a U.S. bailout of rich U.S. business leaders was good for the country and the world; bingo, the funds were granted.)

It's a subsidy for the rich—It's debatable whether FDIC insurance is a subsidy at all. Most economists (though not Greenspan) doubt that there is much of a subsidy because the banks have paid for all of the insurance and the insurance fund has covered any losses.

Now that I've laid out the opposing views, here are several good reasons for approving the FDIC deposit guarantee increase:

It will level the competitive playing field—Historically, governments have protected all bank depositors when very large banks are in trouble, thus providing an implicit guarantee of unlimited insurance for those institutions (e.g., Japan, Saudi, Korea, Thailand,

and the U.S.). Therefore, at the very least, the increase to $200,00 tends to give community banks a better chance to maintain their deposit base against a too-big-to-fail competitor.

The increase will reduce the risk that smaller banks and the communities they serve will stagnate due to the banks' inability to obtain funding at a reasonable cost—It could also reduce future FDIC insurance payments if these weak banks fail in the next recession. (Incidentally, an FDIC study shows that if the insurance level had been at $200,000 during the problems of the '80s and '90s, it would not have materially increased FDIC insurance costs.)

The increase will help to maintain a banking system that is decentralized and diverse—This type of system helps the economy, boosts productively, and promotes entrepreneurship—important factors in our present prosperity.

It provides a savings incentive—As more baby boomers retire with savings in excess of $100,000, the increased FDIC insurance coverage will provide a convenient and conservative savings option and will encourage savings, which all economists agree would be good for the U.S. economy.

You may have guessed by now that I'm rooting for the corner with little David (Chairman Tanoue) in this important policy showdown—and the battle is far from over. Why? I'll simply use the litmus test that applies to all other proposed reforms: It's good for the country.

RECOGNITION OF SERVICE TO THE STATE OF MICHIGAN

Mr. ABRAHAM. Mr. President, as I leave the service of the Senate, I would like to take a moment and recognize the service of my dedicated staff over these last six years. Pay in a Congressional office is not great, Mr. President, the hours are incredibly long, and often times the work they do goes unheralded. But still these staffers dedicate their time and effort to helping the people of Michigan and advancing their interests.

I would like to take this opportunity, on behalf of the people of the State of Michigan, to thank them all for their dedicated and tireless service.

Mr. President, at this point I would like to enter into the RECORD a list of those people that have served on my staff, both here in Washington and back in Michigan, as a way of thanking them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STAFF OF SENATOR SPENCER ABRAHAM, 1994–2000

Mohammed Abouharb, Staff Assistant; Stuart Anderson, Director of Immigration Policy and Research; Gregory Andrews, Regional Director; Anthony Antone, Deputy Chief of Staff; Sandra Baxter, Assistant to the State Chief of Staff; Beverly Betel, Staff Assistant; Rachael Bohlander, Legislative Assistant.

David Borough, Computer Specialist; Michell Brown, Staff Assistant; Katja Bullock, Office Manager; Carrie Cabelka, Staff Assistant; Cheryl Campbell, Regional Director; Robert H. Carey, Jr., Legislative Director; David Carney, Mail Room Manager.

Joseph Cella, Regional Director; Cesar V. Conda, Administrative Assistant/Legislative Director; Adam Condo, Systems Administrator; Jon Cool, Staff Assistant; Ann H. Coulter, Judiciary Counsel; Majida Dandy, Executive Assistant; Anthony Daunt, Staff Assistant.

Joe Davis, Director of Communications; Nina De Lorenzo, Press Secretary; Larry D. Dickerson, Chief of Staff/Michigan Operations; Joanne Dickow, Legal Advisor; Hope Durant, Executive Assistant to the Chief of Staff; Sharon Einemann, Senior Caseworker.

Paul Erhardt, Special Assistant; Tom Frazier, Regional Director; Bruce Frohnen, Speech Writer; Renee Gauthier, Caseworker; Jessica Gavora, Special Advisor; David Glancy, Staff Assistant; Thomas Glegola, Special Assistant.

Todd Gustafson, Regional Director; Alex Hageli, Staff Assistant; Mary Harden, Staff Assistant; Phil Hendges, Regional Director; Paul Henry, Staff Assistant; Joanna Herman, Special Assistant; Melissa Hess, Staff Assistant.

Stephen Hessler, Deputy Press Secretary; Kate Hinton, Deputy Chief of Staff; David Hoard, Special Assistant; Kevin Holmes, Special Assistant; Kelly Hoskin, Caseworker; Michael J. Hudome, Special Assistant; Randa Fahmy Hudome, Counselor.

F. Chase Hutto, Judiciary Counsel; Michael Ivahnenko, Staff Assistant; Eunice Jeffries, Regional Director; Kaveri Kalia, Press Assistant; Raymond M. Kethledge, Judiciary Counsel; Elizabeth Kessler, General Counsel; Kevin Kolevar, Senior Legislative Assistant.

Jack Koller, Systems Administrator; Kerry Kraklau. Systems Administrator; Peter Kulick, Caseworker; Kristin La Mendola, Staff Assistant; Patricia LaBelle, Regional Director; Brandon L. LaPerriere, Legislative Assistant; Stuart Larkins, Staff Assistant.

Matthew Latimer, Special Assistant; Joseph P. McMonigle, Administrative Assistant/General Counsel; Eileen McNulty, West Michigan Director; Meg Mehan, Special Assistant; Rene Myers, Regional Director; Jennifer Millerwise, Staff Assistant; Denise Mills, Staff Assistant.

Maureen Mitchell, Staff Assistant; Sara Moleski, Regional Director; Jessica Morris, Deputy Press Secretary; Margaret Murphy, Press Secretary; Tom Nank, Southeast Michigan Assistant; James Patrick Neill, Director of Scheduling; Shawn Neville, Northern West Michigan Regional Director.

Na-Rae Ohm, Special Assistant; Lee Liberman Otis, Chief Judiciary Counsel; Kathryn Packer, Director of External Affairs; Chris Pavelich, Regional Director; John Petz, Southeast Michigan Director; James L. Pitts, Chief of Staff; Conley Poole, Staff Assistant.

John Potbury, Regional Director; Tosha Pruden, Caseworker; Laurine Bink Purpuro, Deputy Chief of Staff; Lawrence J. Purpuro, Chief of Staff; Brian Reardon, Legislative Assistant; Elroy Sailor, Special Assistant; David Seitz, Mail Room Manager.

Dan Senor, Director of Communications; Mary Shiner, Regional Director; Anthony Shumsky, Regional Director; Alicia Sikkenga, Special Assistant; Lillian Simon, Staff Assistant; Lillian Smith, Director of Scheduling; Anthony Spearman-Leach, Regional Director.

Robert Steiner, Mail Room Manager; Anne Stevens, Special Assistant; Matthew Suhr, Special Assistant; Julie Teer, Press Secretary; Amanda Trivax, Staff Assistant; Meagan Vargas, Special Assistant; Shawn Vasell, Staff Assistant.

Olivia Joyce Visperas, Staff Assistant; Sue Wadel, Legal Advisor; Seth Waxman, Caseworker; Jeffrey Weekly, Special Assistant; Jennifer Wells, Caseworker; La Tonya Wesley, Special Assistant; Tyler White, Special Assistant; Patricia Wierzbicki, Regional Director; Gregg Willhauck, Legislative Counsel; Billie Kops Wimmer, State Director.

Mr. ABRAHAM. Mr. President, I thank my colleagues for this opportunity, and I yield the floor.

BENEFITS IMPROVEMENT AND PROTECTION ACT

Mr. BAUCUS. Among the most pressing issues facing American senior citizens and persons with disabilities is the need for coverage of prescription drugs under Medicare. While we in Congress continue to work to reach consensus on a Medicare prescription drug benefit, I applaud the bipartisan efforts of my colleagues to restore and preserve Medicare coverage for certain injectable drugs and biologicals that are crucial to seniors and persons with debilitating chronic illnesses. To this end the Act contains a tremendously important provision which amends Section 1861(s)(2) of the Social Security Act relating to coverage under Medicare Part B of certain drugs and biologicals administered incident to a physician's professional service. Because it is expected that the Act will be passed without any accompanying Committee Report language, and due to its importance to thousands of citizens, I rise to explain this statutory language.

The Medicare Carrier Manual specifies that a drug or biological is covered under this provision if it is ''usually'' not self-administered. Under this standard, Medicare for many years covered drugs and biological products administered by physicians in their offices and in other outpatient settings. In August 1997, however, the Health Care Financing Administration issued a memorandum that had the effect of eliminating coverage for certain products that could be self-administered. This changed policy interpretation resulted in thousands of patients who until that time had had coverage for drugs or biologicals for their illnesses, including intramuscular treatments for multiple sclerosis, being denied coverage for these same drugs and biologicals. At a time when the Congress and the Administration are seeking to expand Medicare prescription drug coverage, this HCFA policy has led to a reduction in coverage of many treatments.

The Act's language clarifies the Medicare reimbursement policy to ensure that HCFA and its contractors will reimburse physicians and hospitals for injectable drugs and biologicals for illnesses such as multiple sclerosis and various types of cancer as they had been reimbursed prior to the 1997 memorandum. The new statutory language contained in the Act requires coverage of ''drugs and biologicals which are not usually self-administered by the patient,'' thus restoring the coverage policy that was in effect prior to the August 1997 HCFA memorandum. In carrying out this provision, HCFA

should not narrowly define the word ''usually.'' Nor should HCFA make unsupported determinations that a drug or biological is usually self-administered. In addition, HCFA should assume, as it did for many years, that Medicare patients do not usually administer injections or infusions to themselves, while oral medications usually are self-administered. HCFA should also continue to take into account the circumstances under which the drug or biological is being administered. For example, products that are administered in emergencies should be covered even though self-administration is the usual method of administration, in a non-emergency situation.

I believe that to implement Congressional intent on this provision, HCFA must promptly issue a memorandum to inform its contractors (e.g. carriers and intermediaries) of the change in the law.

I commend the efforts of the bipartisan sponsors of this provision for correctly clarifying the intent of the Medicare reimbursement coverage policy for injectable drugs and biologicals. This issue is of vital importance to thousands of our citizens that are afflicted with debilitating illness such as multiple sclerosis. As Congress and the nation continue to engage in a discussion on expanding prescription drug coverage under Medicare, this is an important step to provide our seniors and persons with disabilities with the life-saving prescription drugs and biologicals that they deserve. I look forward to continue working with the Administration and HCFA to ensure that our seniors and persons with disabilities receive coverage for injectable drugs and biologicals.

FAREWELL TO MANUS COONEY

Mr. HATCH. Mr. President, I would like to take just a moment to offer my public thanks and appreciation to the Judiciary Committee's chief counsel and staff director, Manus Cooney, for all his dedicated work over the last 7 years he has served on my staff, and for his exemplary 12-year career in the Senate.

Manus has been my right hand. I want to state that for the RECORD so that 10 years from now his daughters—Caitlin, Claire, and Tara—will know why their father was hardly ever home for dinner. Let me say to them that, without his tremendous efforts, we could not have accomplished half as much for our country.

Let me also say to my colleagues that I know Manus was tenacious. Senators and staff alike always took it seriously when Manus was on a mission. Believe me, I got as many orders and assignments as you did.

Seriously, though, it was amazing to me how Manus always kept the faith—he believed in what we were doing and never gave up.

I am going to miss him. He will be leaving my office at the end of the year for a new, exciting opportunity to develop corporate strategy and to head Napster's new Washington office. He is the right guy for this job. He has the energy and the know-how to help Congress understand and connect with the complex and rapidly changing high-tech world. Manus is the kind of person who does not face the challenges of an unknown future with dread, but rather with enthusiasm.

So, as we close out this extraordinary 106th Congress, I hope my colleagues will join me in expressing appreciation to Manus for his loyalty and his tremendous contribution to the Senate and to public service. I wish him all the best in the future.

THE INTERNATIONAL CRIMINAL COURT

Mr. LEAHY. Mr. President, I rise today to voice my strong support for the International Criminal Court, ICC. Like all Senators, indeed like all Americans, I understand the need to safeguard innocent human life in wartime, at the same time that we ensure that the rights of our military personnel are protected. The Rome Treaty establishing the International Criminal Court will achieve both those goals, and I urge President Clinton to sign the Treaty before the December 31 deadline.

The Treaty was approved overwhelmingly two years ago by a vote of 120 to 7. Since then, 117 nations have signed the Treaty—including every one of our NATO allies except Turkey, all of the European Union members, and Russia. Regrettably, the U.S. joined a handful of human rights violators like Libya and Iraq in voting against it. Only one of our democratic allies voted with us, and it is quite possible that we will end up as the only democratic country that is not a party to the Court.

During the last century, an estimated 170 million civilians were the victims of war crimes, crimes against humanity, and genocide. Despite this appalling carnage, the response from the international community has been, at best, sporadic, and at worst, nonexistent.

While there was progress immediately following World War II at Nuremberg and Tokyo, the Cold War saw the international community largely abdicate its responsibility and fail to bring to justice those responsible for unspeakable crimes, from Cambodia to Uganda to El Salvador.

In the 1990s, there was renewed progress. The U.N. Security Council established a tribunal at The Hague to prosecute genocide and other atrocities committed in the Former Yugoslavia. A second tribunal was formed in response to the horrific massacre of more than 800,000 people in Rwanda.

In addition, individual nations have increasingly taken action against those who have committed these crimes.

Spain pursued General Pinochet, and he may yet be prosecuted in Chile. The Spanish Government has requested Mexico to extradite Richardo Miguel Cavallo, a former Argentine naval officer who served under the military junta, on charges that include the torture of Spanish citizens.

A number of human rights cases have also been heard in U.S. civil courts. In August, 2000, $745 million was awarded to a group of refugees from the Balkans who accused Radovan Karadzic of conducting a campaign of genocide, rape, and torture in the early 1990s. Also that month, an organization representing Chinese students who are suing the Chinese Government for its brutality during the 1989 Tiananmen Square protests, successfully served papers on Li Peng, the former Chinese Premier, as part of an ongoing lawsuit.

They are important steps towards holding individuals accountable, deterring future atrocities, and strengthening peace. But the ICC would fill significant gaps in the existing patchwork of ad hoc tribunals and national courts. For example:

A permanent international court sends a clear signal that those who commit war crimes, crimes against humanity, and genocide will be brought to justice.

By eliminating the uncertainty and protracted negotiations that surround the creation of ad hoc tribunals, the Court will be more quickly available for investigations and justice will be achieved sooner.

International crimes tried in national courts can result in conflicting decisions and varying penalties. Moreover, sometimes governments take unilateral actions, even including kidnaping, to enforce prosecutorial and judicial decisions. The Court will help to avoid these problems.

The Court will act in accordance with fundamental standards of due process, allowing the accused to receive fairer trials than in many national courts.

In the past, when the international community established war crimes tribunals, the United States was at the forefront of those efforts. The performance of the U.S. delegation at Rome was no different. The U.S. ensured that the Court will serve our national interests by being a strong, effective institution and one that will not be prone to frivolous prosecutions.

Why then did the United States oppose the Treaty, despite getting almost everything it wanted in the negotiations? Many observers feel that it was because the Administration could not get iron-clad guarantees that no American servicemen and women would ever, under any circumstances, come before the Court. A related concern was that the Treaty empowers the Court to indict and prosecute the nationals of any country, even countries that are not party to the Treaty.

The legitimate concern about prosecutions of American soldiers by the Court, while not trivial, arises from a misunderstanding of the Court's role.

The U.S. has been successful in obtaining important safeguards to prevent political prosecutions:

First, the ICC is neither designed nor intended to supplant independent and effective judicial systems such as the U.S. courts. Under the principle of ''complementarity'', the Court can act only when national courts are either unwilling or unable to prosecute.

Second, the Court would only prosecute the most atrociousinternational crimes such as genocide and crimes against humanity. The U.S. was instrumental in defining the elements of these crimes and in establishing high thresholds to ensure that the Court would deal with only the most egregious offenses.

Third, the Court incorporates the rigorous criteria put forth by the United States for the selection of judges, ensuring that these jurists will be independent and among the most qualified in world. Further, the Rome Treaty provides for high standards for the selection of the prosecutor and deputy prosecutor, who can be removed by a vote of the majority of states parties.

Finally, the Court provides for several checks against spurious complaints, investigations, and prosecutions. Before an investigation can occur, the prosecution must get approval from a three-judge pre-trial chamber, which is then subject to appeal. Moreover, the U.N. Security Council can vote to suspend an investigation or prosecution for up to one year, on a renewable basis, giving the Security Council a collective veto over the Court.

Because of these safeguards, our democratic allies—Canada, England, France, Ireland—with thousands of troops deployed overseas in international peacekeeping and humanitarian missions, have signed the Treaty.

The Pentagon has, from day one, argued that the United States should not sign the Treaty unless we are guaranteed that no United States soldier will ever come before the Court. In other words ''we will sign the Treaty, as long as it does not apply to us.'' That is a totally untenable position, which not surprisingly has not received a shred of support from other governments, including our allies and friends.

There is no doubt that further negotiations can improve the ICC, but it is unrealistic to expect to single out one's own citizens for immunity, in every circumstance, from the jurisdiction of an international court. If that were possible, what would prevent other nations from demanding similar treatment? The Court's effectiveness would be undermined.

Moreover, as the United States—which has refused to sign the treaty banning landmines, or to ratify the comprehensive test ban treaty, or to pay our U.N. dues—is perceived as acting as if it is above the law, nations may begin to think ''why should we honor our international commitments?'' If the U.S. becomes increasingly isolated, our soldiers will face greater, not less, risk.

Such increasing risk is wholly unnecessary. Our Armed Forces are known globally for their strict adherence to international humanitarian law and conventions governing the conduct of a military in wartime. Signing the Rome Treaty would be the clearest indication possible that we are proud of this record, and are working every day to uphold it.

Mr. President, I too am troubled by the precedent of exerting jurisdiction over non-party nationals. While this is a key component of the Treaty which prevents rogue nations from shielding war criminals from the Court's jurisdiction by refusing to become a party, it could also invite mischief in the future. What if, for example, a dozen states were to join in a treaty that asserts jurisdiction over non-parties for the explicit purpose of targeting the citizens of the United States and its allies? Will the Rome Treaty set a precedent that could make this more likely?

In fact, there is nothing to prevent that from happening today, and it is highly unlikely that such treaties would achieve legitimacy. They would almost certainly not become recognized parts of international law and convention. While it is essential that we do everything possible to protect the rights of American citizens, we also want an effective Court. Indeed, there are almost certainly to be circumstances when we would support ICC jurisdiction over non-party nationals.

Critics argue that the United States should ''block'' the ICC. They are misinformed. That is not an option. The requisite 60 countries are going to ratify the Treaty, and the Court will have jurisdiction over citizens of non-parties, whether or not the U.S. signs.

The real issue is whether we sign the Treaty and enable the U.S. to continue to play a crucial role in shaping the ICC, ensuring that it serves its intended purpose of prosecuting the most heinous crimes—not the U.S. Air Force pilot who mistakenly bombs the wrong target, a tragic but inevitable consequence of war. It is instructive, for those who raise the specter of political prosecutions, that the Tribunal for the Former Yugoslavia—which, like the ICC, the U.S. had a key role in shaping—declined to investigate allegations of war crimes resulting from NATO bombing of Serbia. We will be in a far better position to protect the rights of American citizens if the Court must answer to the U.S. for its actions.

We can sign the Treaty and make clear that if the Court strays from its intended purpose, we will take what steps are needed, from refusing to ratify to withdrawing from the Treaty. I sincerely doubt, however, that will become necessary. A key part of the Court's ability to function is its legitimacy. As others have said, ''the politicization of the Court would quickly end its relevance.''

We all know that it is simply not possible to be part of an international regime and get absolutely everything one wants. Nay sayers can always invent implausible scenarios that pose some risk. The key question is: do the benefits of signing the Rome Treaty and throwing our weight and influence behind it, outweigh the risks? I believe the answer is clearly yes.

Mr. President, the Treaty provides an adequate balance of strength and discretion to warrant signature by the United States. On the one hand, the Court is strong enough to bring war criminals to justice and provide a deterrent against future atrocities. On the other, there are important checks in place to minimize the risks of sham prosecutions of American troops. Yet, without the active participation and support of the United States—the oldest and most powerful democracy on Earth committed to the rule of law—the Court will never realize its potential.

I agreed with President Clinton when he stated that, ''nations all around the world who value freedom and tolerance [should] establish a permanent international court to prosecute, with the support of the United Nations Security Council, serious violations of humanitarian law.''

Those words reminded me of the President's speech at the United Nations six years ago, when he called for an international treaty banning antipersonnel landmines. Two years later, when many of our allies and friends were negotiating such a treaty, the Administration, bowing to the Pentagon, chose to sit on the sidelines. They assumed, wrongly, that without U.S. support the process would run out of steam, and they even tried, at times, to undermine it.

Only in the final days, when the Administration finally realized the mine treaty was going to happen with or without the U.S., did they make several ''non-negotiable'' demands. Essentially, they said ''okay, we will sign the treaty, as long as it does not apply to our landmines.'' Predictably, that was rejected. Today, 138 nations have signed that treaty and 101 have ratified, including every NATO member except the United States and Turkey, and every Western Hemisphere nation except the United States and Cuba.

One would have thought we would have learned from that experience. The fact is that the United States can no longer singlehandedly determine whether an international treaty comes into force. If we do not sign the Rome Treaty, there is a strong possibility that the Court, its prosecutors and judges will develop from the beginning an unsympathetic view towards the United States and its official personnel. That is especially so if we end up opposing the Court and its legitimacy. Do we want a Court that views itself in opposition to the United States? Or do we want a Court whose prosecutors and judges are selected

with the influence of the United States, and a Court that must answer to the United States, as its most significant state party, for its actions? The answer should be obvious to anyone.

Mr. President, it is unacceptable that the world's oldest democracy—the nation whose Bill of Rights was a model for the Universal Declaration of Human Rights, the nation that called for the creation of a permanent, international criminal court and did so much to make it a reality, has shrunk from this opportunity. The President should sign the Rome Treaty.

TRIBUTE TO BOY SCOUTS AND GIRL SCOUTS

Mr. L. CHAFEE. Mr. President, it is with great pleasure that I today pay tribute to the accomplishments of the Girl Scouts and Boy Scouts of Rhode Island. These fine organizations include an admirable group of young men and women who have distinguished themselves as leaders in their communities.

Since the beginning of this century, the Girls Scouts and Boy Scouts of America have provided thousands of youngsters each year with the opportunity to make friends, explore new ideas, and develop leadership skills, along with a sense of determination, self-reliance, and teamwork.

These awards are presented only to those who possess the qualities that make our nation great: commitment to excellence, hard work, and genuine love for community service. The Silver and Gold Awards represent the highest awards attainable by junior and high school Girl Scouts. Becoming an Eagle Scout is an extraordinary award with which only the finest Boy Scouts are honored. To earn the award—the highest advancement rank in Scouting—a Boy Scout must demonstrate proficiency in the rigorous areas of leadership, service, and outdoor skills.

I ask my colleagues to join me in congratulating the recipients of these awards. Their activities are indeed worthy of praise. Their leadership benefits our community and they serve as role models for their peers.

Also, we must not forget the unsung heroes, who continue to devote a large part of their lives to make all this possible. Therefore, I salute the families, Scout leaders and countless others who have given generously of their time and energy in support of Scouting.

It is with great pride that I submit a list of the young men and women of Rhode Island who have earned this award.

Mr. President, I ask that the list be printed the RECORD.

The list of follows:

GIRLS SCOUT SILVER AWARD RECIPIENTS

Barrington, RI: Sarah E. Oberg, Alison Orlando, Shannon Johnston, Sarah Tompkins.

Charlestown, RI: Hillary Gordon.

Chepachet, RI: Margaret Pepper, Rebecca Thurber, Jennifer Tucker.

Coventry, RI: Mandy L. Ponder.

Cranston, RI: Laura R. Gauvin, Tara Tomaselli, Lindsay Wood, Susan Papino, Sarah Watterson.

Exeter, RI: Karissa D'Ambra, Kim McCarthy, Meghan McDermott, Erin Klingensmith.

Foster, RI: Shannon R. Casey.

Glendale, RI: Emily Beauchemin.

Harrisville, RI: Kristin Bowser.

Hope, RI: Meaghan McKenna.

Hope Valley, RI: Jennifer Gregory, Nichole Piacenza.

Kingston, RI: Elizabeth Tarasevich.

Mapleville, RI: Tia Sylvestre, Jessica Wilcox.

Middletown, RI: Kellie Di Palma.

North Kingstown, RI: Kelly-Ann Brooks, Kellie Fitzpatrick, Brittany Kenyon, Elizabeth Mackler, Kelley Barr, Rachel Glidden.

Pascoag, RI: Erin Boucher, Sarah Gautreau, Heather Hopkins, Jennifer Robillard.

Pawtucket, RI: Stephanie Bobola, Emma Locke, Brittany Smith, Allison Arden, Feliscia Facenda, Melissa Perez, Jessica Theroux.

Portsmouth, RI: Rachel Andrews, Laura Cochran, Melissa Baker, Kathryn E. Powell, Sabrina A. Richard.

Wakefield, RI: Lauren Behie, Emily Franco, Kate Danna, Jessica Piemonte.

Warwick, RI: Stephanie Brock, Amanda Miller, Jessica Ogarek, Nicole Patrocelli, Michelle Poirier, Danielle Dufresne, Sarah Pennington.

West Warwick, RI: Kaylin Kurkoski, Alyssa Lavallee, Capria Palmer, Stephanie Danforth.

Woonsocket, RI: Kayla Berard, Erica Laliberte, Melissa Notorango.

Wyoming, RI: Chantal Gagnon.

GIRLS SCOUT GOLD AWARD RECIPIENTS

Cranston, RI: Bethany Lavigne, Sarah Lavigne.

East Greenwich, RI: Elissa Carter, Rosanna Longenbaker.

Harrisville, RI: Carissa Leal.

Middletown, RI: Merideth Bonvenuto.

North Providence, RI: Bonnie Bryden, Alison Kolc, Bethany Bader, Laura Di Tommaso.

Pawtucket, RI: Alyssa M. Nunes, Nicole D. Gendron.

Warwick, RI: Amanda Cadden, Jeniece Fairbairn, Sara Berman, Dawn Armitage, Kristen Giza, Kathryn Marseglia, Justine Evans, Carolyn Beagan.

West Warwick, RI: Jennifer L. Malaby.

West Kingston, RI: Audra L. Criscione.

Westerly, RI: Heather Norman, Karen McGarth.

EAGLE SCOUT RECIPIENTS

Ashaway, RI: Steven Derby, Paul Dumas.

Barrington, RI: Chris Browning, Vincent Crossley, Chris Dewhirst, Jr., David Drew, John Dunn, Jr., Daniel Fitzpatrick, Chris Gempp, Chris Josephson, Patrick Kiely, Brian Mullervy, Anthony Principe, Evan Read, Adam Resmini, Timothy Ryan, Robert Speaker.

Blackstone, RI: Daniel Aleksandrowicz.

Bradford, RI: William Briggs, Jr., Thomas Foley.

Bristol, RI: Chris Cameron, Jason DeRobbio, Thomas DuBios, Matthew Frates, John Maisano IV, Timothy Pray.

Charlestown, RI: Christopher Hyer, Jonathan Lyons, David Piermattei, Jr., Thomas Schipritt.

Chepachet, RI: Eric Ahnrud, Donald Gorrie, Jr., Benjamin King.

Clayville, RI: Geoffrey Lemieux.

Coventry, RI: John Ahern, Nicholas Brown, Michael Camera, James MacDonald.

Cranston, RI: Anthony BaccariThomas Darrow, Erik Fearing, Peter Gogol, Gregory Johnson, Daniel Kittredge, Donald McNally, Gregory Norigian, Matthew Papino, Michael Parent, Ernest Rheaume, Mark Scott II, Marc Sherman, Jonathan Tipton.

Cumberland, RI: Michael DiMeo, Michael Dubois, Timothy Fabrizio, Gregory Hindle, Thomas Parrillo, James Twohey, John Valentine, John Wigmall, Christopher Young.

East Greenwich, RI: Matthew Kazlauskas, Thomas Carbone, Jr., Stuart Fields, Steven Fulks.

Exeter, RI: Warren Halstead III.

Foster, RI: Paul Copp, Robert Schultz, Jr.

Fiskeville, RI: Jonathan Burns.

Glocester, RI: Thomas Cavaliere.

Greene, RI: Steven Autieri, Ryan Hall.

Greenville, RI: Thomas Bowater, Benjamin Folsom, Jason Marrineau, Joseph Stockley.

Harrisville, RI: Davis Jackson, Matthew Kucharski.

Hope Valley, RI: Eben Conopask, John Duell, Nicholas Haberek, Lucas Marland.

Jamestown, RI: Thomas Kelly, Joshua Shea.

Johnston, RI: Jason Cantwell, Geoffrey Garzone, Christopher Lowrey, Anthony Pezza, Michael Wilusz.

Kingston, RI: Robert Dettman, Travis Morello.

Lincoln, RI: Bradford Avenia, Daniel Maynard, Jonathan Toft.

Manville, RI: Peter Rernaud.

Middletown, RI: John Greeley, Andrew Gustafson, Jay Parker, Jr., Alexander Schwarzenberg, Matthew Sullivan, David Tungett.

Newport, RI: Jason Kowrach, James Ross.

North Kingstown, RI: Christopher Nannig, David Piehler, Jason Simeone.

North Providence, RI: Adam Andolfo, Michael Chatwin, Jr., Matthew Konicki.

North Scituate, RI: Alan Campbell, Corey Charest, Jared Leduc, Jason Otto, Stephen Vigliotti.

North Smithfield, RI: Keith Gilmore.

Pawtucket, RI: Brian Gendreau, Peter Blair, Nicholas Cetola, Eric Frati, Christopher Gojcz, Benjamin Sweigart, Alejandro Tobon.

Portsmouth, RI: Mark Dragicevich, James Magrath, Paul Myslinski, Richard Quintal, John Silvia III, Adam Tucker.

Providence, RI: Ashley Oneal, Matthew Dorfman, Jonathan Goulet, Matthew Lynch, John Riley, Matthew Salisbury, Andrew Sawtelle, Stephen Winiarski.

Riverside, RI: Andrew Hurd, William Lange Phillip Olson, Chris Paiva.

Rumford, RI: Jesse Crichton, Chris Jamison.

Smithfield, RI: Charles Ashworth, Brian Twohey, Gerard Lariviere II.

Wakefield, RI: Paul Ayers IV, Joshua Honeyman, Joshua Lamothe, Joshua Rosen, Wyatt Messinger.

Warren, RI: Jonathan Faris, William Kemp IV.

Warwick, RI: Christopher Baker, Richard Agajanian III, Kenneth Arpin, Trevor Byrne-Smith, James Carolan III, Robert Chace III, Jason Christensen, Michael Dean, Timothy Goodwin, Michael Havican, Eric Hayes, Gregory Hughes, Aaron Hughes, Peter Izzi, Thomas Kelley, Daniel Linden, Jeffrey Machado, Robert MacNaught, John Mendonsa.

Westerly, RI: Jonathan Martin, Seth Merkel.

West Greenwich, RI: Jeffrey Bowen.

West Kingston, RI: Joshua McCaughey.

West Warwick, RI: Eric Calcagni, Craig Flanagan, Daniel Flynn, Warrick Monnahan, Chuck Moore.

Wood River Junction, RI: Timothy Brusseau, Scott Morey.

Woonsocket, RI: Michael Minot Matthew Piette, Matthew Soucy, Gary Turner.

Wyoming, RI: Stetson Lee.

PERMANENT RESIDENCY FOR LIBERIANS

Mr. REED. Mr. President, I rise tonight to express my deep disappointment that this final package does not include a provision that allows Liberian nationals living in this country to adjust to permanent residency.

As I have told this body many times, approximately 10,000 Liberians fled to the United States beginning in 1989 when their country became engulfed in a civil war. In 1991, Attorney General Barr granted Liberians Temporary Protected Status (TPS) and renewed it in 1992. Under the Clinton administration, Attorney General Reno continued to renew TPS for Liberians on an annual basis until last year when she granted Deferred Enforced Departure. DED was renewed again this year.

While Liberians can now legally live in the United States for another year, it does not change the fact that they have lived in limbo for almost a decade. The Liberians have lived in a ''protected status'' longer than any other group in the history of this country. These individuals have played by the rules. From the beginning, they have always lived in this country legally. They have established careers, opened businesses, bought homes, had American-born children, and contributed to our communities. Yet, they are unable to enjoy the basic rights and privileges of U.S. citizenship. These people deserve better.

For several years I have been working to see that the Liberians receive the justice they deserve. In March 1999, I introduced S. 656, the Liberian Refugee Immigration Fairness Act which would allow Liberian nationals who had received TPS to adjust to permanent residency. For almost two years I have been unable to convince my colleagues to hold a hearing, debate this issue on the floor, or pass the bill. I did everything I believed was necessary to garner support for this legislation. I spoke on the floor, I wrote ''Dear Colleagues'', I gathered cosponsors on both sides of the aisle, I spoke personally with the leadership of both parties and the White House. Despite these efforts, the plight of the Liberians has not been recognized and their status has not been resolved.

The situation facing the Liberians is not a novel issue for Congress. In the time that the Liberians have lived in this country, several other immigrant groups, including 52,000 Chinese, 4,996 Poles, 200,000 El Salvadorans, 50,000 Guatemalans and 150,000 Nicaraguans, who lived in the U.S. under temporary protective status for far less time have been allowed to adjust to permanent status. Just last month we passed a bill adjusting the status of 4,000 Syrian Jews. There are those who have argued that it is time to stop passing ''nation specific'' immigration fixes and to implement a system that is comprehensive and fair. I fully agree. But until we reach that point and are ready to pass such legislation, I do not believe that we can, in good conscious, arbitrarily deny certain groups a remedy for the unintended and unjust consequences of our immigration law.

I would also like to state that I believe that we have a special obligation to the Liberians because of the special ties the U.S. has with that country. Congress should honor the special relationship that has always existed between the United States and Liberia. In 1822, groups of freed slaves from the U.S. began to settle on the coast of Western Africa with the assistance of private American philanthropic organizations at the behest of the U.S. government. In 1847, these settlers established the republic of Liberia, the first independent country in Africa. Liberians modeled their constitution after the U.S. and named their capital Monrovia after President James Monroe. Mr. President, many of the Liberian nationals in this country can trace their ancestry to American slaves. We owe them more than we are giving them tonight.

When Liberians arrived in this country, they expected to stay only a short time and to return home once it was safe. But one year turned into many and they moved on with their lives. They are now part of our community. They deserve the same benefits that we have given so many others—the rights of citizenship. It is my hope that we can address this grievous situation early in the 107th Congress. We need to right a wrong.

RONALD MCDONALD HOUSE CHARITIES' NEW CHILD HEALTH PROGRAM

Mrs. HUTCHISON. Mr. President, I rise to recognize the Houston arrival of a Ronald McDonald Care Mobile—a state-of-the-art pediatric mobile healthcare unit. It is one of the first in an innovative initiative of the Ronald McDonald House Charities, known and respected worldwide for its dedication to improving children's health.

In cooperation with its local affiliates and local hospitals or health systems, RMHC has begun rolling out these Ronald McDonald Care Mobiles to bring free medical and dental services to children in underserved communities. The Houston Ronald McDonald Care Mobile will be operated and staffed by the Harris County Hospital District. It will travel, on a regular schedule, to schools, churches, apartment complexes and other neighborhood sites where need is great. This RMHC partnership will significantly strengthen the District's capacity to serve the county's disadvantaged children and their families.

The Ronald McDonald Care Mobiles are a far cry from the usual converted vans and school buses. They are specially-designed pediatricians' offices on wheels, with two patient examination rooms, a laboratory, reception and medical records areas and, in some cases, a hearing screening booth and dental hygiene room. The units are also staffed to deliver first-rate care. Staffing will vary according to local needs but is likely to include a pediatrician, a pediatric nurse, and a manager. There may also be a social worker, a dental hygienist, an asthma specialist and/or medical residents, nursing students, and interns in training.

The Ronald McDonald Care Mobiles will go directly into underserved communities. They will provide primary care, including immunizations and medical screenings; diagnosis, treatment, referral, and followup for serious medical and dental conditions; and health education for children and their families. Staff will also help eligible families obtain government-assisted health insurance and will partner with communities to address critical local childhood health needs.

Our children are our nation's most precious resource. We are all beholden to the Ronald McDonald House Charities for bringing vital health care to the underserved so that they may learn and play and grow up strong. This truly is giving back to the community at its finest.

PROTECTING THE RIGHTS OF IMMIGRANT WORKERS

Mr. KENNEDY. Mr. President, fourteen years ago, Congress passed the Immigration Reform and Control Act of 1986, IRCA. That Act has had undeniably profound effects on the nation—both positive and negative. IRCA set into motion the current legalization program, which has brought millions of individuals out of the shadows of illegal immigrant status and onto a path of temporary status, permanent status and, ultimately, United States citizenship. At the same time, IRCA authorized employer sanctions which, in addition to not deterring illegal immigration, have led to a false document industry and caused discrimination against Latino, Asian, other immigrant workers, and even United States citizens, who by their accent or appearance are wrongly perceived as being here illegally.

Many of us supported the provision in IRCA which created an office to address cases of discrimination resulting from employer sanctions. Since then, the Department of Justice Office of Special Counsel for Immigration Related Unfair Employment Practices, OSC, has enforced the anti-discrimination provisions and provided relief to workers who have faced immigration-related job discrimination.

One of the innovative accomplishments of OSC has been to develop effective partnerships with state and local government civil rights agencies. A Memoranda of Understanding enables the civil rights agencies who are supposed to work together to do just that. As a result, all agencies are better equipped to prevent and eradicate discrimination.

Recently, the Massachusetts Commission Against Discrimination joined

with the OSC to educate employers, workers and the general public in the state and to work together to address discrimination. The Boston Globe praised the work of the Office of Special Counsel and urged increases in its staff and budget in order for it to keep up with the growing number of newcomers and employers. In the words of the editorial, ''This would help immigrants and the economy—a winning move for the United States.''

I ask unanimous consent for the Boston Globe editorial, ''Protecting Immigrants,'' to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Boston Sunday Globe, Oct. 19, 2000]

PROTECTING IMMIGRANTS

Working immigrants are like high-octane fuel for the economy. Given the nation's shortage of workers, hiring immigrants is a great way to fill jobs, whether in high-tech or in restaurants.

But immigrants can face serious job discrimination. Some don't know their rights. Others are afraid to complain. That's why federal and state governments must improve enforcement of fair work practices.

One tool is in place, but it needs to grow.

In 1986, eager to crack down on illegal immigration, Congress passed the Immigration Reform and Control Act. The law threatened employers with fines unless they verified that new hires were legally eligible to work.

Congress knew that turning employers into immigration cops could lead to more discrimination. So the act also created the Office of Special Counsel for Immigration Related Unfair Employment Practices.

Today, the Office for the Special Counsel fights discrimination based on national origin and citizenship status. It cracks down on ''document discimination''—asking for more proof of work status than is legally required—and on rarer cases of employer retaliation. The office also mediates disputes and trains employers and human service providers.

This work goes on in states with large immigrant populations, like New York and California, but also in Arkansas, Oregon, and Nebraska, where immigrant populations are growing. In the last two years, the office has reached settlements with SmithKline Beecham, the pharmaceutical company, the Atlanta Journal Constitution newspaper, and Iowa Beef Packers, a meat packing and processing company in South Dakota.

Last year, the special counsel's office awarded $45,000 to the Massachusetts Immigrant and Refugee Advocacy Coalition, a grant used statewide to education immigrants, train community agency staff, and hold forums. The office recently formed a valuable alliance with the Massachusetts Commission Against Discrimination. Since the office has no local branches, it is building a nationwide web of local contacts whom immigrants can turn to for federal help.

Unfortunately as national immigration rates soar, the Office for the Special Counsel is having trouble keeping up. Its activities are limited by a small staff and a budget of just under $6 million. Doubling the budget would spread the office's reach more evenly across the country. It could take more preventative measures, helping employers before laws are violated, instead of punishing them once the harm is done.

This would help immigrants and the economy—a winning move for the United States.

FEDERAL JUDGESHIP

Mr. KOHL. Mr. President, today this Congress has expanded accessibility to justice for hundreds of thousands of residents of northern Wisconsin by creating a Federal judgeship to sit in Green Bay, WI. Let me explain how this judgeship will alleviate the stress that the current system places on business, law enforcement agents, witnesses, victims and individual litigants in northeastern Wisconsin.

First, while the four full-time district court judges for the Eastern District of Wisconsin currently preside in Milwaukee, for most litigants and witnesses in northeastern Wisconsin. Milwaukee is well over 100 miles away. In fact, as the courts are currently arranged, the northern portion of the Eastern District is more remote from a Federal court than any other major population center, commercial or industrial, in the United States. Thus, litigants and witnesses must incur substantial costs in traveling from northern Wisconsin to Milwaukee—costs in terms of time, money, resources, and effort. Indeed, driving from Green Bay to Milwaukee takes nearly two hours each way. Add inclement weather or a departure point north of Green Bay—such as Oconto or Marinette—and often the driving time alone actually exceeds the amount of time witnesses spend testifying.

Second, Wisconsin's Federal judges serve a disproportionately large population. I commissioned a study by the General Accounting Office which revealed that Wisconsin Federal judges serve the largest population among all Federal judges. Each sitting Federal judge in Wisconsin serves an average population of 859,966, while the remaining Federal judges across the country—more than 650—serve less than half that number, with an average of 417,000 per judge. For example, while Louisiana has fewer residents than Wisconsin, it has 22 Federal judges, nearly four times as many as our State.

Third, the Federal Government is required to prosecute all felonies committed by Native Americans that occur on the Menominee Reservation. The Reservation's distance from the Federal prosecutors and courts—more than 150 miles—makes these prosecutions problematic, and because the Justice Department compensates attorneys, investigators and sometimes witnesses for travel expenses, the existing system costs all of us. Without an additional judge in Green Bay, the administration of justice, as well as the public's pocketbook, will suffer enormously.

Fourth, many manufacturing and retail companies are located in northeastern Wisconsin. These companies often require a Federal court to litigate complex price-fixing, contract, and liability disputes with out-of-State businesses. But the sad truth is that many of these legitimate cases are never even filed—precisely because the northern part of the State lacks a Federal court. This hurts businesses not only in Wisconsin, but across the Nation.

In conclusion, having a Federal judge in Green Bay will reduce costs and inconvenience while increasing judicial efficiency. But most important, it will help ensure that justice is more available and more affordable to the people of northeastern Wisconsin.

ILO CONVENTION 182 RATIFICATION

Mr. HARKIN. Mr. President, I rise today to commemorate the first anniversary of U.S. ratification of the ILO's newest core human rights convention: ILO Convention #182—the Elimination of the Worst Forms of Child Labor.

Last Friday was not just the first anniversary of ILO Convention #182. It was also the date on which Convention #182 came into effect in the United States. That means the first report on U.S. compliance with the terms of this treaty is due in Geneva by next September.

I have long been deeply involved in the struggle to end abusive child labor. Ten years ago, the scourge of abusive child labor was spreading in the U.S. and throughout the world with little notice or concern from our government.

That is why I supported the first-ever, day-long Capitol Hill forum on the Commercial Exploitation of Children. I had two primary goals in mind back then.

First, I wanted to sound an alarm about the increase in abusive child labor in the U.S. and overseas. Second, I wanted to elevate this human rights and worker rights challenge to a global priority.

I am heartened to report that significant progress has been made in the past decade, even though much remains to be done.

In June of 1999, ILO Convention #182 was adopted unanimously—the first time ever that an ILO convention was approved without one dissenting vote. Just one year ago, the Senate, in record time, ratified ILO Convention #182 with a bipartisan, 96–0 vote.

And today, 41 countries have ratified ILO Convention #182—countries from every region of the world. 12 African nations, 12 European nations, 10 American Caribbean nations, 5 from the Middle East, and 2 from Asia. Since the ILO was established in 1919, never has one of its treaties been ratified so quickly by so many national governments.

In May of 2000, we enacted the Trade and Development Act of 2000. This Act included a provision I authored that requires more than 100 nations that enjoy duty-free access to the American marketplace to implement their legal commitments to eliminate the worst forms of child labor in order to keep these trade privileges.

Since May, the State Department has demanded thorough review of the efforts of over 130 nations to eliminate

the worst forms of child labor. The U.S. Labor Department is planning to file its first comprehensive report to Congress on whether countries that enjoy preferential access to our markets are fulfilling their obligations de facto until ILO Convention #182. And they've dispatched fact-finding teams around the world to investigate.

Their findings will be submitted to an inter-agency review process chaired by the Office of the U.S. Trade Representative. Later this year, this process will decide which beneficiary countries should retain their trade privileges and which should not.

Last year, this Congress approved a $30 million U.S. contribution to the ILO's International Program to Eliminate Child Labor (IPEC) for Fiscal Year 2000.

This made our country the single largest contributor to IPEC. And—if and when we finally approve our LHHS Appropriations Bill—our contribution will increase to $45 million in Fiscal Year 2001. This is yet another reason for us to wrap up that legislation before we adjourn.

That's the good news, Mr. President. But we've got a long way to go in our battle to eliminate abusive child labor and open up a bright future for more than 250 million child laborers around the world.

Our first, and perhaps most important step, is to heed ILO Convention #182 in our own country. We have to develop a national action plan to eliminate the worst forms of child labor in our midst—labor which ''by its nature or the circumstances in which it is carried out is likely to harm the health, safety or morals of children.''

Mr. President, who among us can deny that there are children working under such circumstances in our own country?

In order to be a credible leader in the world struggle against abusive child labor, we've got to do more to eliminate the worst forms of child labor right here in America.

Fortunately, the Child Labor Coalition has recently convened meetings of non-governmental organizations to begin fashioning recommendations for the U.S. national action plan required by ILO Convention #182.

Hopefully, President Clinton will be moved to act on some of these recommendations when they are presented to White House officials today. He has already distinguished himself as a President who has done more than all of his predecessors combined to fight abusive child labor.

I conclude my remarks by describing one glaring example of abusive child labor in our own backyard that cries out for immediate legislative redress.

Right now, as many as 800,000 migrant child laborers toil in the fields of large-scale commercial agriculture picking the produce we eat every day. They are working at younger ages, for longer hours, exposed to more hazardous conditions than minors working in non-agricultural jobs.

Their plight has prompted me to introduce the Children's Act for Responsible Employment (S. 3100—The CARE Act) which I will push hard to enact next year.

This legislation will end our current double standard in employment. It will extend to minors working in large-scale commercial agriculture—corporate farms, if you will—the same rights and legal protections as those working in non-agricultural jobs. It will also: Toughen civil and criminal penalties for willful child labor violators; protect children under 16 from working in peddling or door-to-door sales; strengthen the authority of the U.S. Secretary of Labor to deal with ''hot goods'' made by children and shipped in interstate commerce; improve coordination and reporting among federal, state, and local governments on injuries and deaths of minors on the job; improve collaboration between the U.S. Labor and Agriculture Departments to enforce federal child labor laws; and preserve exemptions for minors working on family farms as well as those selling door-to-door as volunteers for non-profit organizations like the Girl Scouts of America.

So today, we should all celebrate that day one year ago when we took the high road and ratified ILO Convention #182. But we cannot rest on our laurels. In the next Congress, we've got to re-dedicate ourselves to restoring the childhoods of millions of child laborers and lifting them up from the cruel hand that they and their impoverished families have been dealt.

AMERICAN HOMEOWNERSHIP AND ECONOMIC OPPORTUNITY ACT OF 2000

Mr. ALLARD. Mr. President, on December 7, 2000, the Senate approved H.R. 5640, the American Homeownership and Economic Opportunity Act of 2000. I earlier introduced S. 3274, the Senate companion to this legislation. Title IV of H.R. 5640 included several technical corrections to the Homeowners Protection Act of 1998. These technical corrections have no specific effective date attached to them. In my view, it is the expectation of Congress that lenders impacted by those technical corrections should have a reasonable period of time to make systems changes and conform administrative processes to the new law. This flexibility is important because the Homeowners Protection Act of 1998 does not authorize a Federal agency to provide implementing regulations.

ADDITIONAL STATEMENTS

REMEMBERING ALAN EMORY

● Mr. MOYNIHAN. Mr. President, Alan Emory, who for nearly half a century covered Washington for the Watertown Daily Times, passed away on November 27. Known for years as ''the Dean'' of the New York press corps, he was an indefatigable and prolific writer who often penned up to six stories a day in addition to a twice-weekly column. Even after retiring as bureau chief in 1998, he pursued stories with the same integrity and determination that first brought him to Washington in 1951. This past July, he broke the news that the Health Care Financing Administration intended to cut Medicare reimbursement for outpatient cancer care. Shortly thereafter, in a great part because of Alan's reporting, the plan was abandoned.

He was a dear friend, and he will be missed. I ask that the obituary from the Associated Press be printed in the RECORD.

The material follows:

ALAN EMORY, LONGTIME WASHINGTON CORRESPONDENT FOR WATERTOWN TIMES, DIES

Washington—Alan Emory, Washington correspondent for the Watertown (N.Y.) Daily Times for 49 years, died Monday after a battle with pancreatic cancer.

He was 78.

Emory covered 10 presidential administrations—from Harry Truman to Bill Clinton—during his tenure in Washington. He began his career with the Times in 1947 in Watertown and also worked in the paper's Albany, N.Y., bureau before coming to Washington in 1951.

He specialized in Canadian border issues, founding a group of reporters from northern states that met regularly with Canadian officials. He also covered more than 1,500 White House press conferences, traveling to Russia, China, Canada and South America.

A former president of Washington's famed Gridiron Club, Emory penned many of the songs and skits that were performed in the club's annual spoof of the Washington political scene.

In 1956, he was elected to the Standing Committee of Correspondents of Congressional Press Galleries. He was elected to the Hall of Fame of the Washington chapter of the Society of Professional Journalists in 1979.

Emory graduated from Harvard University and received a master's degree from Columbia University's School of Journalism. He spent almost three years in the U.S. Army.

Emory was diagnosed with pancreatic cancer early in 2000. He continued with his political writing, sometimes also writing about his struggles with the health care system.

Sen. Charles Schumer, D–N.Y., called Emory ''a giant.''

''He practiced journalism the way it should be practiced with integrity and honesty,'' Schumer said Monday. ''Whether you liked the story he was writing or not, you always knew it was going to be fair and honest.''

Emory died at his home in Falls Church, VA.

He is survived by his wife, Nancy Carol Goodman.●

PASSING OF JAMES RUSSELL WIGGINS

● Ms. SNOWE. Mr. President, I rise today to pay tribute to a beloved adopted son of Maine, James Russell Wiggins, whose life brought tremendous pride to our State, credit to the profession of journalism, and joy to all those fortunate to have known him.

For all of us, a great many people pass through our lives. Few clearly and

completely present us with the qualities to which we instinctively know we should aspire. Few truly define and embody the standards to which all of us should hold ourselves, and it is a blessing when we find them.

James Russell Wiggins was instantly recognizable as such a person, and I was blessed to have found him nearly 23 years ago. While his heart has ceased to beat after nearly 97 extraordinary years, his spirit continues to enkindle the hearts of all those whose lives he touched with his warmth, his enthusiasm, and his generosity.

Russ Wiggins cast his light most broadly and brightly through the medium of the printed word, and perhaps most prominently in his 20-year career with The Washington Post. Difficult as it may be to believe today, there was a time when the Post was not widely held in high regard, even in its own hometown. That the Post is internationally recognized today is a testament to the vision of a man for whom the public's right to the best possible information was paramount and integral to the health of our democracy.

Eventually reaching the position of editor, Russ Wiggins' stamp remains on every new edition of the Post. As Stephen Rosenfield, former editorial page editor of The Washington Post, wrote after Russ Wiggins' passing, he ''brought to the Washington Post a passion for newspapering and an unrelenting dedication to the public good . . . (he) set for his staff an unmatched standard of personal decency and integrity.''

Just a few weeks shy of his 65th birthday, and his planned retirement from the Post, Russ Wiggins was tapped by President Johnson to serve as U.S. Ambassador to the United Nations. What would normally be a fitting and distinguished finale to a long and productive working life would become only a prelude to his passion for the years that remained—a weekly newspaper called The Ellsworth American in Ellsworth, Maine.

Russ moved to the state in 1969, and became publisher and editor of The Ellsworth American shortly thereafter, building it into one of the most respected weekly newspapers in Maine and the Nation, and a great treasure for both the community and our state. As if that were not enough for a man ''in retirement'', he also became an active and integral member of his new community of Brooklin, lending his boundless energy and enthusiasm to a variety of civic causes.

I first met Russ Wiggins during my first campaign for Congress in 1977 at an editorial board meeting at the paper. He put me immediately at ease with his remarkable personality and wit, and I was immensely impressed with his extraordinary depth of knowledge.

As I would come to discover, Russ Wiggins had an appetite for learning for which the term ''voracious'' may well be an inadequate description. He loved ideas, and loved testing his ideas against the opinion of others. He exemplified the concept of disagreeing without being disagreeable—he was the definition of a gentleman, and a practitioner of the kind of civility that all-too-often seems an old fashioned notion these days but, in reality, is needed now more than ever.

His excitement over knowledge was infectious, never pretentious. If he was energized by a book he had just read, he would implore others to do likewise. He challenged people not only to assess their own beliefs, but to risk undermining those beliefs with the addition of new facts, new arguments, and new ways of seeing the world. In short, he enriched the minds and souls of all those who knew him, and encouraged everyone he met to rise to their potential.

On that day when I first met Russ, an Ellsworth American photographer chronicled our discussion, particularly my reaction to Russ' comments. The images from that meeting later formed the basis of my first campaign poster—which hangs today in my Washington office and serves as a reminder of the time I spent with him and the example he set for the rest of us. And what a tremendous example that was.

Russell never strayed from his beliefs and integrity, as demonstrated by the high regard with which he was held among his contemporaries. And with his unparalleled skill, he captured the essence of the people he called his neighbors.

During his time with the Ellsworth American, he was able to bring out not just the news of Ellsworth and Hancock County, but also to convey the sensibilities and nature of a special region. Perhaps it is the fact that Russ saw and experienced so much of the world, that he continually showed that the rural coastal setting of Downeast Maine is anything but circumstanced. Whatever the reason, those of us in Maine are especially fortunate that he let us see the dynamic world through his eyes.

Throughout it all, James Russell Wiggins was comfortable in any company, not because he changed his stripes to suit the occasion, but because the essence of the man was always his generosity of spirit—and it was apparent for all to see. He shared what he knew not to elevate his own standing, but rather to elevate the standing of others. He voiced his opinions not to hear himself talk, but rather to advance the level of debate. He searched for the truth not in service to his own ends, but rather in service to humankind.

With his life having touched so many so deeply, it is no surprise that his death has done the same. Columns were written by those with whom he had worked. Katherine Graham, chair of the executive committee of The Washington Post, wrote a special piece eulogizing Russ and thanking him for his service. And letters to the editor expressed the sense of loss we all have felt in the wake of this giant's passing.

So it is with a heavy but grateful heart that I pay whatever humble tribute I might to this great man whom I was privileged to know. How fortunate we are that he lived—and how deeply we will miss him in our lives. I ask that a number of articles that have appeared in the newspapers regarding Russ Wiggins be printed in the RECORD.

The articles follow.

[From the Washington Post, Nov. 20, 2000]

THE EVOCATION OF EXCELLENCE

(By Katherine Graham)

Russ Wiggins, good steward, farseeing guide of The Post for 21 years.

Russ Wiggins's death yesterday leaves a large hole, so great was his embracing personality and a life lived vigorously until five months ago, when his brave heart started to weaken and then gave out.

I feel grateful to Russ because he quite literally created The Post we know today. The Pentagon Papers and Watergate received so much attention that most people don't realize what Russ accomplished.

When my father purchased The Post in 1933, it was the fifth newspaper in a five-newspaper town. He set out to improve The Post and make it viable because he believed Washington deserved a top-quality morning newspaper. However, it was difficult to get people to come to work for a paper most people assumed would fail. My father had found a good, old-fashioned, blood-and-guts editor, who began to make some progress. But clearly more was needed.

When my husband, Phil Graham, became publisher after the war, he and my father tried to find a serious editor and leader for the future. They heard of Russ Wiggins, who had been editor of the paper in St. Paul, Minn., where he'd made quite an impression. When some people accused its owner-publisher of being dependent on Russ, the man had walked into the newsroom and summarily fired Russ.

My father and Phil asked Russ to come to The Post, but he elected instead to go to the New York Times as assistant to the publisher. A year later they went back and persuaded Russ to change his mind. He arrived in 1947 and stayed for 21 years.

Russ immediately made several changes that had a significant impact on the quality and integrity of the paper. First, he eliminated taking favors—free tickets for sports reporters, free admissions to theaters for critics and parking tickets fixed by police reporters for people all over the building. This sounds elementary, but in those days it was done everywhere.

One of Russ's most heroic accomplishments was to lead the way in civil rights. He stopped the use of irrelevant racial descriptions. He printed the first picture of an African American bride. He started hiring minority reporters. This took courage in those days.

Despite the paper's precarious financial situation, Russ and Phil together began to assemble a fine staff—attracted by Russ's won professional standards and hard work. He set the example. He worked seven days a week, if necessary, and rarely took vacations.

Over the years, Russ stood up to many threats to the paper, and he and Phil overcame many obstacles. Not the least was my mother, whose correct but inflammatory political passions encouraged charges of red-baiting. As we grew more successful, Russ built up a national and foreign staff.

His ambition for the paper, Russ told me, ''was unachievable. But how do you lift an

institution except with unachievable ideals? If your ideals are so low you can achieve them, you ought to adjust them,'' he said.

When my husband became mentally ill with manic depression, Russ had to withstand Phil's destructive impulses. When Phil died, Russ held the staff together and encouraged my coming to work. Then he had to teach me how to understand editorial and news policy, which didn't happen overnight. Russ was very patient.

One of the first major issues we confronted was the Vietnam war. Russ was a thoughtful and sensitive hawk; he believed the country's reputation was at stake if we abandoned our allies. At one point, President Johnson said one of Russ's editorials was worth two divisions. Russ was never personally hostile about issues. This enabled us to get though this difficult period.

At all times, Russ was a voracious and learned reader. He often would thrust books at all of us, tell us we had to read them, and check in a day or two to see if we had finished. Just a few years ago, Russ informed me in a letter that he had just completed Soviet Ambassador Anatoly Dobrynin's autobiography, was up to Volume 4 of Edward Gibbon's ''Decline and Fall of the Roman Empire'' and also had read the 35,000-word Unabomber manifesto. It was repetitious, Russ commented.

Russ set a deadline for himself to retire at 65. A few months before, President Johnson nominated him as ambassador to the United Nations. Russ insisted on leaving without much ceremony.

Then Russ did the most admirable thing of all: He went to Ellsworth, Maine, where he had vacationed, bought the paper there and built it up into one of the most distinguished small papers in the country. He wrote a poem for it every week. And he never lost his creative editorial spirit. To point out the deficiencies of the post office, for instance, he mailed a letter to Ellsworth from a neighboring town and had two oxen pull a cart that beat the letter.

Even after he'd left The Post, Russ remained one of our most interested readers and staunchest supporters. Shortly after the Janet Cooke story erupted, Russ came to a meeting of the American Society of Newspaper Editors, where we were being drubbed right and left. With his usual wry humor, Russ said, ''I feel great about the state of the American press. Every editor I saw assured me this couldn't have happened at his paper.''

Russ lived his entire life according to the highest intellectual and moral standards, with great humor and compassion for others, and with panache. He was thoughtful—I would even say brilliant. The words he evokes are ''excellence'' and ''integrity.'' He had fun and he gave it to others. He was a teacher and a friend to the very end.

[From the Washington Post, Nov. 20, 2000]

JAMES RUSSELL WIGGINS

Almost the minute he took over as managing editor of this newspaper in 1947, James Russell Wiggins jolted the city room staff with his passion for rectitude and integrity. No more freebies, he decreed, not even movie passes for copy aides. No more fixing of tickets at police headquarters. These were not the crotchety preachings of a fuddy-duddy; Russ Wiggins, who died yesterday at the age of 96, was a vigorous and engaged editor who cared deeply about ethical standards, old-fashioned honesty and the importance of a free and independent press. During his 21-year stewardship here, his enthusiasm for the competitive pursuit of information was girded by an insistence on fairness.

Today the news and editorial departments at The Post are independently managed. In Mr. Wiggins' day, though, both fell under his exacting command; he took care to maintain a sharp delineation. ''The ideal newspaperman,'' he told the staff, ''is a man who never forgets that he is a reporter . . . not a mover and shaker. . . . Nothing could be more alarming or dismaying to me . . . than to encounter repeatedly the suggestion that the reader knows from the news columns what the views of the newspaper are.'' The reporter ought to have the commitment ''of the honest witness, the fair narrator,'' he said.

A largely self-educated, extraordinarily well-read man who never went to college, Mr. Wiggins kept reporters and editorial writers alike on their toes—quizzing them on findings, recommending books and suggesting further questions or research. Cartoonist Herblock remembers showing sketches to Mr. Wiggins, who might argue about the views and then say, ''God knows, I tried to reason with you''—and let them go.

Mr. Wiggins' own editorial views, often churned out in bunches on a given day, were no fence-sitters. He railed against the evils of gambling, the dangers of a large national debt, restrictions on the press and the slowness of mail service.

Mr. Wiggins left the Post more than three decades ago. But that's not to say he retired. As publisher of the Ellsworth American in Maine, Mr. Wiggins worked and wrote and read on; and he kept up correspondence with this newspaper, exchanging ideas, complimenting an occasional piece and reprimanding us for certain stands taken.

We paid attention, too. To the end, Russ Wiggins was extraordinarily important to this newspaper.●

TRIBUTE TO MICHAEL H. DETTMER

● Mr. LEVIN. Mr. President, I wish to pay tribute to a fine public servant, Michael H. Dettmer, on his retirement.

Since January of 1994, Mike has served diligently as the United States Attorney for the Western District of Michigan. During his seven-year tenure, his office obtained more than 2700 convictions and helped lead numerous crime fighting initiatives in the District involving Federal law enforcement's support, leadership and participation.

Among his impressive accomplishments are the task forces and partnerships he helped create and foster to combat drugs and violent crime. A few of those specialized partnerships are the Methcathinone Task Force, the Benton Harbor Violent Crime Task Force, the Health Care Fraud Task Force, the Western Michigan Environmental Task Force and Project Exile.

Mike is also to be credited for reinvigorating the Law Enforcement Coordinating Committee/Victim-Witness unit of the U.S. Attorney's Office. Since 1994, this unit has adopted an elementary school in the Grand Rapids public school system, participated in the D.A.R.E (Drug Abuse Resistance Education) and D.E.F.Y (Drug Education For Youth) programs, and sponsored more than 80 training programs covering all aspects of law enforcement. In addition, under Mike's leadership, four additional sites to the Weed and Seed Program have been created, making the Western District of Michigan's program one of the largest initiatives among any Federal District in the United States.

In recognition of his efforts, in 1998, Mike was honored by the Department of Justice Programs Director and Assistant Attorney General Laurie Robinson for his work in the area of crime prevention and reduction. In addition, in the year 2000, Mike was honored by the national Executive Office of Weed and Seed with it's ''Creating Healthy Communities'' Award and by the City of Benton Harbor with the presentation of its ''Key to the City'' Award.

Of course, his many achievements could not have been attained without the love and support of his wife of more than 30 years, Teckla, and their children, Janna and Bryn. Mr. President, I know that the members of the Senate will join me in congratulating Mike on a job well-done and thanking him for his service to the people of Michigan.●

A TRIBUTE TO PERCY HILL

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Percy Hill, an accomplished school teacher from Andover, NH. Percy was recently honored at the Disney American teacher Awards, as one of the 33 honorees selected from a group of 70,000 who were chosen for their creativity in the classroom as well as their teaching accomplishments.

Growing up in New England, Percy developed his love for athletics as well as children, spending the past 10 years coaching the Unicycle Team. Working around the clock, he has coached these champions to new levels. They have performed in the Macy's Thanksgiving Day Parade, the Fiesta Bowl Parade, the Strawberry Festival of Virginia and even have gone international, performing in Canada.

Not only has Percy given his time and energy to coaching, but he has spent countless hours raising the funds for the team's traveling expenses. Percy has managed to fund one hundred percent of all of the trips through massive fund raising efforts, allowing all children to go regardless of their situations outside of practice. He has proven time and time again to be a valuable asset not only to the team, but the community of Andover as well.

Aside from Percy's work with the unicycle team he also finds time to volunteer referee both basketball and soccer, proving once again, that Percy Hill puts his dedication to the youth of America at the top of his priority list. He is to be commended on his commitment to Andover Elementary and Middle School, and those students which attend it.

The Disney American Teacher Awards were developed as, ''A way of honoring members of the teaching profession, whose talent, commitment, and creativity have a profound and lasting impact on our children as well as our society as a whole,'' according

to Michael D. Eisner, CEO of Disney. All of Percy Hill's actions speak volumes of his commitment and impact on the children of Andover, NH. It is an honor to represent him in the Senate.●

HONORING MARILYN HERZ AS SOUTH DAKOTA'S TEACHER OF THE YEAR FOR 2001

● Mr. JOHNSON. Mr. President, it gives me great pleasure to honor Marilyn Herz, a sixth grade language arts teacher from Rapid City, who has recently been named South Dakota's Teacher of the Year for 2001.

Marilyn currently teaches at West Middle School in Rapid City and has taught various grade levels in the Rapid City Area School District since 1983. She has devoted an impressive 22 years of her life to teaching elementary school.

Marilyn's greatest service to our community lies in her devotion as an educator to her students. She deserves the greatest praise both from the families of these young individuals, and from all those whose lives she will touch. Her efforts are an invaluable investment in South Dakota's future and we are all truly blessed to have her in the classroom.

In a true testimony of Marilyn's devotion and love for teaching, she commented that her greatest contribution to education is simply that she has given, and will continue to give, all the caring, commitment, and compassion that she has within her to guide students to succeed academically, emotionally, and socially.

Marilyn also makes extra efforts to see that her classes are learning to their potential and preparing themselves for the demands of the 21st century. A true veteran in the field of education, Marilyn's efforts to increase the credibility of teaching as a profession is designed to entice and encourage a new generation of students into following her in this most honorable profession.

Marilyn will now proceed to the national competition for Teacher of the Year. I express my appreciation for the Rapid City Public School Foundation for sponsoring the Teacher of the Year program in the Rapid City School District. As well, I congratulate all of the South Dakota teachers nominated this year.

I commend Marilyn for her outstanding service to the youth of our community. Congratulations and thank you, Marilyn, for your commitment to excellence and dedicated service to your students, your community, and to South Dakota.●

AMBASSADOR DAVID HERMELIN

● Mr. ABRAHAM. Mr. President, today I rise to pay tribute to the memory of an outstanding leader, a philanthropist who knew no limits, and a distinguished public servant whose integrity and decency made him a role-model to all who knew him. A few weeks ago, we in the State of Michigan mourned the passing of Ambassador David Hermelin. I suppose it is a little presumptuous to suggest that only the State of Michigan beams with pride in our association with Ambassador Hermelin, for the organizations that he led, the political leaders he counseled, and the communities to which he dedicated his life, literally span the globe.

Against that backdrop, I will submit for the RECORD excerpts of eulogies—as they were reported in the Detroit Jewish News—by Rabbi Irwin Groner of Congregation Shaarey Zedek in Michigan, Brian Hermelin, Jon Gundersen, deputy chief of the American Embassy in Norway, and U.S. Agriculture Secretary Daniel Glickman.

But before I submit these eulogies, I would just like to take a moment to reflect on the first time I really had a chance to get to know Ambassador Hermelin and the impact he had on me. It was shortly after President Clinton had nominated him to serve as our nation's top diplomatic representative in Norway. As protocol dictates, David contacted his U.S. Senators to seek our support. And while David Hermelin and I did not always see eye-to-eye on the domestic political issues of the day, we agreed to meet to discuss his confirmation process.

While I had heard many things about David before that meeting—about all the charitable causes he had led, about his close relationships with top government leaders in the United States and Israel, about his successful business career—I never could have expected to be drawn to the orbit of David's warmth, energy, kindness and wisdom, in the way that I was.

From the moment we met that afternoon in my office, we forged a friendship, that developed further during our interactions through his Senate confirmation process, when I was proud to testify on his behalf and urge my Republican colleagues on the Foreign Relations Committee to waste no time in ushering this fine man's nomination through the Senate.

And our friendship even deepened further over time. For even though he and I came from opposite sides of the political aisle, I found myself seeking his advice and counsel from time to time.

Sometimes it was his thought provoking perspective on developments in this Middle East, or the insights he had gained the being an active participant in U.S. foreign policy as Ambassador to Norway. Other times it was his advocacy for both the Detroit and American Jewish communities, or his tireless philanthropic efforts in Michigan. Whatever the topic, no matter when we met, it was impossible to not benefit in some way from David Hermelin's wisdom, or his contagious energy and passion for life.

I feel blessed that I knew David Hermelin for the short time that I did. I cannot begin to even imagine the scope and depth of impact he had on the people closest to him. So my heartfelt sympathies and condolences go out to his dedicated and compassionate wife, Doreen, and his devoted, caring, and decent children, grandchildren, nieces, and nephews, many of whom I have had the pleasure of getting to know as well.

In closing, Mr. President, I would like to refer to the description of James Madison, another great American, by one of his biographers, in which Madison was summed up this way: ''When you called on him, he was always home.''

Well, I think that's how David Hermelin could be described as well by everyone he touched. No matter who it was that called on his help and on his leadership—the Jewish community, numerous charitable causes, the State of Michigan, the United States Government, the people of Norway, the State of Israel and most importantly, his family—whenever you called on David Hermelin, he always took your call, and he was always ready to lend a hand.

I am better for having known David Hermelin. He was not only an outstanding leader and generous giver in every way possible, but he was also the kind of individual everyone would want as a neighbor. He will be deeply missed.

I ask that the above mentioned excerpts be printed in the RECORD.

The material follows:

Excerpts from the Detroit Jewish News

DAVID B. HERMELIN, SAYING GOODBYE

A BELOVED LEADER GETS AN EMOTIONAL FAREWELL AT SHAAREY ZEDEK

David Hermelin was remembered by more than 2,500 people whose lives he touched at his Nov. 24 funeral. it was held in Southfield at Congregation Shaarey Zedek—the synagogue he had served as president. Afterwards, some 150 cars formed a procession for the interment at Clover Hill Park Cemetery in Birmingham.

Mr. Hermelin, of Bingham Farms, died of brain cancer Nov. 22, 2000 at age 63.

Delivering the eulogy was his friend of 41 years, Shaarey Zedek Rabbi Irwin Groner. Also speaking were Jon Gundersen, deputy chief of the American Embassy in Oslo, Norway, where Mr. Hermelin served as ambassador; U.S. Agriculture Secretary Daniel Glickman; and Mr. Hermelin's son, Brian.

Speaking first, Gundersen said he has just conveyed to Mr. Hermelin's wife, Doreen, messages from the royal family of Norway, from the U.S. Secretary of State Madeleine Albright, from the Norwegian ambassador and consul general, from the prime minister of Norway and from the foreign minister.

''I've just arrived from Norway, and it seems the entire nation sends to David and Doreen their greatest condolences,'' Gundersen said.

''David and Doreen represented the very best of America and what we stand for. Faith, honesty, openness, tolerance, love. David, your embassy family and indeed an entire nation will miss you. You will be in our hearts forever.''

Glickman, like President Bill Clinton, has known the Hermelins for many years. He shared a letter the president sent to Mrs. Hermelin, which read, in part:

''David loved life. And he made sure that everyone around him shared that love. I will always cherish his friendship and support

and remember with gratitude his exceptional service as our ambassador to Norway.

''He left the world a better place than he found it. And no one could ask for a finer legacy

''Hillary and I are keeping you and your family in our thoughts and prayers.''

Brian Hermelin then gave an emotional, personal tribute to his father.

''The thing about us that made us feel the most special was that he was our dad,'' Brian said. ''Just being able to be with him at the intimate family settings allowed the full bright glow of one of God's brightest lights to shine on us and provided a comfort and security which is irreplaceable.''

Brian added, ''He just knew how much fun it was to be alive. And he was sure if you were with him, you would know how much fun life could be, too.,

''We took such pride in his accomplishments with him,'' Brian said. ''We were all equally amazed at how far and how much he accomplished because we know how he saw himself, just a regular kid from Pasadena [Avenue in Detroit]. He made it all seem so within our reach—the accomplishments, the friends, the admiration, the fun. Just go out there with that positive, can-do attitude and you can have all that, too.''

Rabbi Groner mourned his friend, whose influence was felt from the sanctuary of the synagogue to the far reaches of the world stage.

''When a true leader goes, can he be replaced?'' the rabbi asked. ''Woe is the army that has lost its captain.

''We will miss him. He will miss his hearty welcome, he warm laugh, his quick wit, his words of encouragement, his shared exuberance.

''When David came into a room, his luminous presence was immediately felt,'' Rabbi Groner added. ''He was so vital, so filled with energy, so magnetic that he seemed indestructible.

''Once you came to know David, your life changed. You laughed more, you felt more, you cared more, you gave more.

''To have known David was to have warmed your hands at the central fire of life.

''For David Hermelin, service, benevolence, mitzvot was the very essence of his life,'' said the rabbi.

''David gave us a great and blessed gift. He taught us how to dream a glorious dream.''

Mr. Hermelin is survived by his wife, Doreen; son and daughter-in-law Brian and Jennifer Hermelin; daughters and sons-in-law Marcie and Rob Orley, Karen Hermelin Borman and Mark Borman, Julie Hermelin Frank and Mitchell Frank, Francine Hermelin Levite and Adam Levite; and grandchildren Matthew, Alex, Jason and Olivia Orley, Max and Isabel Hermelin, Asa Levite and Madeline Borman.

Also suriving are sisters and brother-in-law Henrietta Hermelin Weinberg, Lois Shiffman and Terran and Roger Leemis; brothers-in-law and sisters-in-law Eugene and Suzanne Curtis, Reggie and Dr. Robert Fisher and Mitchell Curtis; and mother-in-law Anna Curtis.●

CAROL BROWNER TRIBUTE

● Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to Carol Browner, the longest-serving Administrator in the history of the U.S. Environmental Protection Agency and one of the people with whom I have been most honored to work. I can think of no finer role model for young women, or young men, considering a career in government today than Carol Browner. Since she came to the EPA seven years ago, she has set a gold standard for public service and for protection of the public's health. A dedicated advocate for the environment, she has never neglected her responsibility to protect and preserve the water, land and air that our childrens' children will inherit from us.

Carol Browner has been a tireless advocate for the environment and made significant contributions in every area that the EPA touches. As just one example, Administrator Browner set up a childrens' office at the EPA for the first time, signaling her commitment to strengthening the ties between the environment and children's health. Under Administrator Browner's control, the EPA began to take children into account when developing air and water safety standards, such as the Safe Drinking Water Act. The Food Quality Protection Act was the first law that made health of children, rather than adult males, the benchmark for evaluating safety. These two acts are monuments to Carol Browner's dedication to the environment and to children.

To better protect our nation's surface waters, Administrator Browner was a principal architect of the Clinton Administration's Clean Water Action Plan. One component of this program was to increase the public's knowledge about the potential health threats from swimming in contaminated waters at our nation's beaches. Under her leadership, EPA established a publicly-accessible Internet site containing information about water quality and beach closings across the nation. Administrator Browner and I worked closely together to strengthen the water quality standards for our nation's coastal recreation waters, and to assist states in setting up beach monitoring and notification programs. Our efforts were successful through the enactment of Public Law 106–284, also known as the ''Beach Bill.''

Through the Clean Water Action Plan, Administrator Browner demonstrated her ability to take on the tough fights and to do what was right for the environment. Under her leadership, EPA adopted policies to reduce polluted runoff from factory farms and from aging urban wastewater systems, and helped obtain the funding to implement these controls.

As a proponent of corporate responsibility and the citizen's ''right to know,'' an area of particular interest to me, Administrator Browner, the law and EPA's implementation of it, effected a 50 percent drop in the rate of industrial emissions, without creating any new regulatory mandates. As another example, Administrator Browner fought to limit the industrial pollution generated by coal fire plants in Midwestern states that contributed to air pollution in New Jersey. Under Administrator Browner and President Clinton, the EPA has both vigorously enforced environmental laws and reached out to industry to find creative new incentives and environmental results. This is the kind of leadership that Democrats and Republicans can both rally around.

Perhaps most importantly to my home state, during Administrator Browner's nearly eight-year tenure, the Superfund Program has completed three times the number of waste site cleanups than in its previous twelve years. She helped keep Superfund strong, and held fast to the belief that justice and the environment are best served when polluters pay to clean up the messes they create, even while she strove to improve the program and accelerate clean-ups. I was honored to share the stage with Administrator Browner recently at Pepe Field in Boonton, New Jersey, which was Superfund's 750th clean-up. What was once a malodorous eyesore is now a thriving community park. Pepe Field is but one of many Superfund success stories under Administrator Browner's leadership.

With her oversight of the Brownfields program, Carol Browner has demonstrated the vital ties between a healthy environment and a healthy economy. Revitalizing these sites created more than 8,300 construction jobs. And once the work was done, another 22,000 jobs were either created or retained. Much of this economic revitalization happened in communities in need, where per capita incomes averaged just over $10,000 a year, versus a national average of almost $14,500. This program brings both environmental and economic justice to these neighborhoods. Communities once on the verge of despair are back on the road to revitalization, thanks to Carol Browner.

Carol Browner is one of the best friends this nation's environment has ever had. As I prepare to leave the Senate, I will remember her for many things, but most of all for her optimism, her commitment, and her integrity. I thank her for her work and salute her accomplishments.●

FIFTIETH ANNIVERSARY OF THE ABILENE PHILHARMONIC ORCHESTRA

● Mrs. HUTCHISON. Mr. President, I would like to take this opportunity to note a very important event for the city of Abilene, Texas. On December 2 of this year, the Abilene Philharmonic Orchestra celebrated its 50th anniversary. This is one of Abilene's oldest performing arts organizations. This great symphony orchestra enriches the cultural life of this city in a unique way. It has drawn top quality musicians to this wonderful city. Abilene is now a city where talented musicians can also teach and perform. When the Philharmonic started in 1950, concerts were held in the old Abilene High School with audiences of less that 100 people. Now, the Abilene Philharmonic Orchestra performs in the Abilene

Civic Center with crowds averaging 2,000. I would not only like to acknowledge this organization for their 50th anniversary, but also the enormous impact they have had on the Abilene community.●

TRIBUTE TO LIEUTENANT COLONEL MICHAEL BLOOMFIELD, USAF

● Mr. LEVIN. Mr. President, I rise today to recognize and pay tribute to Lieutenant Colonel Michael Bloomfield, USAF. Lieutenant Colonel Bloomfield was the pilot of the space shuttle Endeavor during its recent 11-day mission to make repairs to the International Space Station Alpha. One of the highlights of this mission was the installation of new solar wings to provide electricity for the astronauts and cosmonauts who live and work there. These solar panels are 240 feet from tip to tip, the longest structure deployed in space.

Lieutenant Colonel Bloomfield was born in Flint, Michigan. He graduated from Lake Fenton High School, and still considers Fenton, Michigan, as his hometown. He attended the United States Air Force Academy, where he was captain of the United States Air Force Academy Falcon Football Team. He received a Bachelor of Science Degree in Engineering Mechanics from the Air Force Academy, and a Master of Science Degree in Engineering Management from Old Dominion University.

Lieutenant Colonel Bloomfield was trained as an F–15 Fighter Pilot, and has been assigned to NASA since 1995. This was his second space flight. His first flight was a mission to rendezvous and dock with the Russian Space Station Mir to exchange U.S. crew members.

Mr. President, we in Michigan are proud of Lieutenant Colonel Bloomfield's record as a NASA astronaut. I know my Senate colleagues join me in congratulating Lieutenant Colonel Bloomfield for his outstanding service to our nation.●

CONRAD N. HILTON AWARD FOR CASA ALIANZA

● Mr. KENNEDY. Mr. President, it is a privilege to bring to the attention of the Senate the excellent work that an impressive organization in Costa Rica is doing to address the tragic problem of street children in Central America. The organization, Casa Alianza—a subsidiary of Covenant House in New York—is headquartered in Costa Rica. It was founded in 1981, and provides services for thousands of homeless children, ages six to eighteen, offering shelter, food, medical care, and educational opportunities.

The extraordinary work of Casa Alianza was recently honored by the Hilton Foundation, when it received one of the world's most prestigious humanitarian awards, the Conrad N. Hilton Award.

At the ceremony in Geneva, Switzerland to present the award, Queen Noor of Jordan praised Casa Alianza. As she stated, ''The phenomenon of street children is global, alarming and escalating. Estimates are that today are 100 million children living on the world's streets. Casa Alianza deserves the Hilton Humanitarian Prize for being the voice and the defender of this helpless and unprotected segment of society and for its important work to stop the human rights abuses inflicted upon them.''

In accepting the award, Bruce Harris, executive director of Casa Alianza, said, ''Street children are often the victims of violence, but what is even more hurtful to them is society's indifference. * * * The prize money will feed and shelter many more abandoned children, but the recognition will feed their souls.''

Mr. Harris was recently profiled in the book Speak Truth to Power: Human Rights Defenders Who Are Changing Our World, by my niece, Kerry Kennedy Cuomo.

I join in commending Casa Alianza for this well-deserved award and for its pioneering work. These children desperately need help, and Casa Alianza is providing it. At great risk, including facing death threats and armed on its facilities, Casa Alianza and Bruce Harris are acting effectively on behalf of these needy children. They deserve our praise, our thanks, and, most importantly, our support. ●

HONORING GERVASE MILLER

● Mr. DORGAN. Mr. President, as America honors and remembers those who have served in our armed forces, I want to recognize the service of Mr. Gervase Miller, a North Dakota native who served his country during World War II. Mr. Miller was drafted into the Army in September 1942 and was away from home while his wife was pregnant with their first child. Although deaf in one ear, Mr. Miller served with distinction for more than three years in China, Burma, and India.

Mr. Miller was a part of the 1575th Heavy Shop Engineers, a group of men who helped to build roads in Burma and then drove heavy supply trucks in this dangerous territory. Throughout his service in the Army, Mr. Miller earned three Battle Stars and one Bronze Star for his heroic actions.

He finally came home for good in December 1945. He was discharged as a Technician, 5th Grade. It is men like Gervase Miller who won World War II for the Allies and helped to guarantee the rights and freedoms that we all enjoy today.

Today, Mr. Miller lives in Parshall, North Dakota, with his wife Bernice. They have four children and 9 grandchildren. As his family gathers for Christmas this year, I want to send out warm holiday greetings to him and a word of appreciation for his service to our country more than 50 years ago.●

THE NATIONAL HUMANITIES MEDAL FOR VIRGINIA DRIVING HAWK SNEVE

● Mr. JOHNSON. Mr. President, I rise to congratulate Virginia Driving Hawk Sneve for being awarded the National Humanities Medal for 2000 presented to her by the President of the United States. Virginia is the first South Dakotan to receive this prestigious award, and I am pleased that she is being recognized for her extraordinary contributions as an author, a counselor, and a teacher.

As you know, the National Humanities Medal honors individuals whose work enhances the nation's understanding of the humanities while also preserving Americans' access to important resources about their history and society. The humanities preserve the voices of generations through history, literature, philosophy, religion, languages, and archaeology. However, the humanities are not simply records of past eras; they are an essential part to the development and understanding of our current culture and definition of who we are as Americans.

Born on the Rosebud Indian Reservation in South Dakota, Virginia Driving Hawk Sneve has become one of the nation's preeminent storytellers. Virginia's stories often come straight from her experiences growing up on the reservation and help give an accurate portrayal of her ancestors' lives in the Dakotas. Her children's books have won numerous awards, including national competitions for minority children's books, because of their unique and poignant mixture of recorded events and imagination.

Virginia has also given us valuable works of literature about the American Indian written from the female perspective. In her award-winning work, Completing the Circle, Virginia breaks the historic mold of denoting Native American women either as princesses like Pocohontas'' or noble savages like Sacagawea.'' The result is an educational account of the strengths and weaknesses of the Sioux culture from the female point of view. Virginia's research and writings have helped others to understand the high level of esteem held by the Sioux for women—a lesson from which Native American society and non-Indian cultures can draw guidance and appreciation.

I applaud Virginia for the literary works she has given us and for her continued teaching, counseling, and mentoring in South Dakota. Virginia's words, either on paper or in person, have opened a nation's eyes to the lives of Native Americans and will prove to be the foundation from which other Native American writers, especially women, will continue to explore their unique heritage and society. Virginia Driving Hawk Sneve is a national treasure and the pride of South Dakota.●

TRIBUTE TO F. FRED GOROSPE

● Mr. LEVIN. Mr. President, I rise today to pay tribute to the life and work of a truly remarkable American and long-time Detroit resident, Fred Gorospe. Born in 1902 in the Philippines, he pursued a dream to journey to America and become part of this great democracy. He overcame many obstacles as a young immigrant, and eventually was able to study mechanical engineering at Purdue University, becoming one of only three minorities hired into the engineering department of the Ford Motor Company not long after the Great Depression. He devoted himself to community and public service, and helped pave the way for many Filipino Americans like himself to assimilate into the mainstream of American life. Fred enjoyed a full life of 97 years and had the good fortune of having a loving wife, Helen, and a caring family that includes four sons and four daughters, and 10 grandchildren. He is well-remembered for his great sense of charity, and his unshakeable faith that people working together can make a difference.

In his lifetime, Fred provided leadership to numerous organizations, including the Federation of Filipinos of Michigan, Michigan Democratic State Central Committee, Advisory Council of Wayne County Community College, Advisory Board and Board of Directors of Detroit Area Agency on Aging, Board of Directors of the International Institute of Metropolitan Detroit, President of Far Eastern Festival of Detroit, Steering Committee of Ethnic Festivals of Detroit, cofounder of Fil-Am Association, and member of the University of Michigan and American Assembly of Columbia University on Philippine-American Relations. Fred made a significant contribution to Detroit's culture, and helped to bridge understanding of and appreciation for diversity. He worked hard to advance equal opportunities for education and social and economic achievement, and promoted the American ideal of social justice.

I would like to express my admiration for the life and accomplishments of Fred Gorospe. We can all benefit from his example of courage, perseverance and leadership. Fred has left an indelible mark on Detroit's history and its community. His family can be proud of his legacy. I know my Senate colleagues will join me in paying tribute to Fred Gorospe, and in congratulating his family on his exemplary and principled dedication to helping and enriching the lives of others.●

TRIBUTE TO JOHN REDNOUR

● Mr. DURBIN. Mr. President, I rise today to recognize John Rednour, who has recently been named the millennium ''Outstanding Citizen of the Year'' by the Du Quoin Chamber of Commerce.

John Rednour has been a friend of mine for over thirty years. His life story is a fascinating tale of humble origins, a great family, hard work, and success. When others might have relaxed or retired, John and his life's partner Wanda continue to give to others every day. John's record as Mayor of Du Quoin is proof positive of his commitment to public service.

John Rednour has served as the Mayor of the City of Du Quoin, Illinois, for the past 11½ years, and his contributions to the city during his tenure have been outstanding. His hard work and dedication have had a tremendous impact on the city and its people, and it is only fitting that he be singled out for the City of Du Quoin Chamber of Commerce's highest honor.

During his time as Mayor, John Rednour has been instrumental in building new public facilities, including a city hall, library, and police department. These are just the beginning of the list of accomplishments in which Mayor Rednour has played the leading role. The strengthening of the infrastructure through water and sewer improvements may be among the less glamorous projects he has undertaken, but they are very important to Du Quoin. Over the years Mayor Rednour assured the safety of the community by fully staffing the Du Quoin police and fire departments. Also, during his administration, for the first time in the history of the 150-year-old city, Du Quoin has secured city wide fire protection.

John Rednour has also greatly increased the economic vitality of a city that is proud of its mayor. One of the ways in which he was able to boost its economic status was through the construction of the Du Quoin Industrial Park, completed with the aid of the Chamber of Commerce. Over the years, he has also helped to attract numerous businesses to the city, resulting in new jobs to the area. His actions have contributed to a fully staffed tourism commission that has helped to give Du Quoin a firm footing in the tourism industry in Southern Illinois. Mayor Rednour has helped Du Quoin through his ability to gain access to state and federal funding, which has helped the city to complete many of these important projects during his administration. His vision is transforming Du Quoin into a 21st century city.

In closing, Mr. President, all of these achievements, and many more, are the fruits of the labor of John Rednour. His dedication to his job as Mayor and to his city have made his administration a great success. I applaud John Rednour for his achievements and his many successful efforts to improve the quality of life for the citizens of Du Quoin.●

RETIREMENT OF RAY KAMMER

● Mr. HOLLINGS. Mr. President, those of us who have been around this town for a while know how much we and this government depend on our civil servants to get the really tough jobs done, to bring ideas to reality, and sometimes to even tell us when our ideas need some adjusting, shall we say. These people don't get much praise, at least not nearly enough.

One of the classic examples of a dedicated civil servant, Ray Kammer, is about to retire from government service after 31 years. Ray retires on December 29 as Director of the Commerce Department's National Institute of Standards and Technology, where he spent the vast majority of his career. I have known Ray for a good portion of that time, both from his work at NIST and from the time he spent at the Department's headquarters and the National Oceanic and Atmospheric Administration, NOAA.

In the late 1980's, the country called upon NIST, which used to be known as the National Bureau of Standards, to help industry rally and regain its competitiveness. It was a time when we first began facing severe competition from overseas. The Bureau's labs had a long-standing reputation for excellence, impartiality, and for working cooperatively with industry. Ray helped us to expand that mission by establishing NIST and adding the Advanced Technology Program, the Manufacturing Extension Partnership, and the Baldrige National Quality Program. It wasn't easy, but we got it done. Ten years later—with Ray's help—those programs have been tremendously beneficial for this country.

While at NOAA and during his time as Acting Assistant Secretary for Administration at the Commerce Department, Ray helped to stabilize several critical programs that needed the steady hand of an experienced manager. He was the Department's fireman of sorts, always being called on to help put out this fire, put out that fire, and to keep another one from breaking out. Even now, Ray is helping us take a look at how to improve NOAA's fisheries service.

I am sorry that we are losing Ray, especially at a time when NIST is just about to begin its centennial year and the agency will be getting a lot more attention and credit for all of the good work that its staff has done. I want to wish him my very best. I know that I am joined by others in this body who have had the pleasure of working with this dedicated public servant, Ray Kammer.●

CELEBRATING THE ACHIEVEMENTS OF SAINT JOSEPH'S HOSPITAL

● Mr. ROCKEFELLER. Mr. President, I rise today to celebrate the achievement of one of West Virginia's finest healthcare facilities, Saint Joseph's Hospital in Parkersburg, West Virginia. Earlier this month, Saint Joseph's was recognized as one of the top 100 hospitals in the United States in a prestigious study conducted by the HCIA-Sachs Institute in conjunction with the University of Michigan School

of Public Health,. This is an enormous honor for one of West Virginia's critical health care providers.

St. Joseph's Hospital is an acute care regional healthcare facility. Located on the western edge of Wood County, the hospital's service area includes three counties in Ohio and eight counties in West Virginia, with a total population of 316,000. With the announcement of the top 100 hospitals, Saint Joseph's became the first facility in West Virginia to receive this great recognition.

I had the pleasure of visiting Saint Joseph's in October 1998, to partake in the ground breaking for their new $20 million extension. This extension has created over 100 new jobs at the hospital, adding to the 860 people already employed by Saint Joseph's. The extension replaced the physical facilities for surgical and emergency services, and consolidated the hospital's heart services.

The HCIA-Sachs study selects the top 100 hospitals based on five categories, depending on the number of beds and teaching status, and ranks them based on seven measures of clinical, operational, and financial performance. Saint Joseph's has been recognized as one of the top twenty large community benchmark hospitals, with more than 250 beds. The list encourages awareness of industry-wide benchmarks and the measurement of performance against peers. For example, the top hospitals have taken median average length of stay to a five-year low this year, and surpassed comparable hospitals in clinical quality measures, such as lower mortality and complications.

I find it highly gratifying that one of West Virginia's finest hospitals has been nationally recognized by this great honor. It is particularly striking that Saint Joseph's has been distinguished by a study with such very high standards as one of the top twenty facilities of its kind. I am so thankful to the Saint Joseph's Hospital's CEO Stephens Mundy, its doctors and nurses, and all of its employees for the amazing work that they continue to do to serve their community. The people of Wood County, West Virginia, and the surrounding areas, are indeed fortunate to have you as part of their community. Congratulations on this great achievement.●

SCIENTISTS AND PUBLIC SERVICE

● Mr. AKAKA. Mr. President, I rise today to call my colleagues' attention to the work of scientists around the country who are involved in guiding the federal government in issues relating to science and technology. As the ranking Democrat on the International Security, Proliferation, and Federal Services Subcommittee, I know the importance of these men and women who support our nation's ability to make informed science policy decisions.

Throughout this Congress, the Governmental Affairs Committee has held extensive hearings on the challenges facing the federal government to ensure adequate staffing levels in the face of aggressive competition from the private sector for skilled employees. A common theme of these hearings is the shortage of information technology employees, and the federal government is taking steps to fill the critical gaps in IT personnel through enhanced recruitment, retention, and training programs. The Office of Personnel Management recently announced new pay schedules for some levels of IT employees, and a new scholarship program will offer financial assistance to undergraduate and graduate students in exchange for a two-year commitment to work for the government in information security. The program was authorized by the FY01 Defense Authorization bill.

However, in the rush to ensure adequate IT and computer information security staffing levels, we should not forget the need to make certain that the federal government continues to attract physical and natural scientists. The November 24, 2000 issue of Science discusses the difficulties and rewards facing scientists who enter public service. These ''civic scientists'' are employed at all levels of government, as well as serving on federal advisory panels and review groups. Their activities play a critical role in making decisions for funding priorities, new initiatives, and regulatory actions that depend increasingly on scientific expertise.

The scientific community and the federal government have a mutually beneficial relationship, which is nurtured through programs that bring scientists into policy staff positions, both as career employees and as temporary staff. I know my colleagues are well acquainted with the Sea Grant Fellowship program that offers an educational experience to graduate students in marine or aquatic studies to work in a congressional, executive branch, or association office. Nor are we strangers to the American Association for the Advancement of Science (AAAS) Fellowship program that introduces over 100 scientists and engineers from diverse fields to executive and legislative policy positions for one to two years. These fellowship programs provide unique opportunities to scientists and serve as an introduction to working for the federal government.

In addition, many professional science and engineering societies are addressing the importance of these programs to science and the value of the scientists who choose to take on these roles. The scientific community is changing its view of those who work in science policy as digressing from ''real science'' to instead seeing it as a respectable career path. These programs and others put scientists into staff roles at the federal level and create politically informed citizen-scientists.

Besides bringing scientific expertise and professional service into federal offices for a year or more, these programs provide scientists with a deeper understanding of policy making and the government. It is expected when these ''civic scientists'' return to their universities, laboratories, and companies that they will share their experiences and understanding with others and encourage their colleagues to become involved. The activities taken by citizen-scientists, both as part of formal fellowship programs, and as employees, advisors, consultants, and individual voters, demonstrate the importance their work plays in our society. I will continue to seek increased opportunities for science fellows and scientific advisors to explore opportunities in federal policymaking, and I ask that the text of the ''Science'' article be printed in the RECORD.

The material follows:

[From Science Magazine, Nov. 24, 2000]

STAFFING SCIENCE POLICY-MAKING

(By Daryl Chubin and Jane Maienschein)

There are repeated calls for scientists worldwide to become involved in guiding government decisions concerning science. In the United States, science policy-making positions span the gamut from political appointees (through a melange of advisory panels, review groups, and professional associations) to consultants, all of whom provide commentary—solicited and unsolicited—on budgets, programs, and current science and technology issues. Neal Lane, Assistant to the President for Science and Technology Policy, has called for ''civic scientists'' to enter public service as staff in support of informed science policy-making.

Given the daily decisions affecting the directions and applications of science, the more staff members who understand science the better. Otherwise, valuable time is wasted and risks are taken in making uninformed decisions about funding priorities, new initiatives, and regulatory actions that increasingly depend on considered scientific judgments. One way to add scientific value to decision-making is to bring scientists into staff positions, either within a policy career path or as a temporary assignment. The question is how to attract more scientists to take up this public service and how to prepare them to contribute?

Overcoming the underlying problem of conflicting core values in the scientific and policy cultures presents a challenge. Working individually within a laboratory hierarchy, scientists are rewarded for originality and ownership of ideas. Even in collaborative projects, the leaders typically receive the credit. Despite periodic calls for rewarding departments, multidisciplinary teams, and broader collaborations, an individualistic ethic prevails. Researchers seek credit, and the community practices individual accountability for performance. Priority of discovery, authorship, and invention all circle around the traditional proprietary nature of scientific knowledge.

Scientists who move from the laboratory into public service, and from the foreground into the background, will experience culture shock. An outstanding speech or position paper on which the scientist's name does not appear replaces an article published in a peer-reviewed journal. Ego must fade from view; instead, satisfaction comes from being part of the process and seeing it work. This requires learning to speak for someone else, in someone else's voice, to someone else's credit. Why should any self-respecting scientist want to do this? Because there is more at stake than acclaim by one's professional

community. There is a larger public and national interest. Beyond altruism, staff work allows another expression of the competitive values of science. In a high-stakes high-tempo environment, scientists can make a difference by drawing on their research and pedagogical skills while mastering new ones. Many have done so admirably, but we need more scientists who are willing to help staff science policy-making.

In the United States, a number of programs exist to provide orientation and on-the-job training for scientists willing to enter this public role. For example, Research!America connects scientists in all federal legislative districts with representatives there. The Ecological Society of America is cultivating a cohort of Aldo Leopold Fellows. The Congressional Fellows program of the American Association for the Advancement of Science introduces scientists to the policy-making process. Many U.S. universities now offer undergraduate and graduate students a semester in Washington as an intern in an agency, congressional office, or think tank. These programs and others put scientists into staff roles at the federal and local levels and create cohorts of politically informed citizen-scientists. We applaud these efforts and call for more.

In particular, we need more public discussion of what it means to serve as staff and why it is important for science that some scientists take on these roles. We need additional training at all levels to negotiate the clash of cultures. We need rewards for those who undertake staffing roles and do them well. These scientists should not be seen as digressing from ''real science'' but as facilitating the expanding reach of science as a respectable career path. Staffing science should be embraced as a necessary part of the scientific enterprise, as well as a form of public service that advances interest, appreciation, and understanding of a rapidly changing world.●

TRIBUTE TO ALLAN W. WITTE

● Mr. DURBIN. Mr. President, I rise today to recognize the extraordinary contributions of Allan W. ''Buck'' Witte to the people of Adams County, Illinois, and to congratulate him on his recent retirement.

One week ago, Al Witte quietly retired as Adams County Treasurer, a post he had held since 1992. But his public service contributions extend far beyond the treasurer's office. Al spent three years on the Adams County Board, winning a district in 1990 that, quite frankly, he wasn't supposed to win.

During his tenure on the County Board and in the treasurer's office, he became one of the most popular public servants in Adams County, drawing the largest vote totals of any county official. He followed in the footsteps of his late father, Art Witte, a hard working Adams County Clerk, who dedicated himself to a lifetime of public service.

Prior to his tenure on the Adams County Board and his service as Treasurer, Al worked for 30 years at Gardner-Denver in industrial engineering, retiring from that post in 1989.

Anyone who knows Al is aware of his strong support for the Democratic Party, an unyielding loyalty that ensured he was the first phone call made by any Democratic politician arranging a visit to Adams County. Although at times a fierce partisan, he kept winning elections by appealing to Democrats, Republicans, and Independents. He was a true bridge builder and an effective county and party official.

Mr. President, I have had the honor of working with Al Witte for most of this past decade, including when I represented Adams County and Quincy in the U.S. House of Representatives. I have always been taken by his dedication, loyalty, and commitment to public service. His will be incredibly big shoes to fill.

In closing, Mr. President, I applaud Al for his commitment and his efforts to improve the quality of life in Adams County, Illinois. I send my best wishes to Al for a happy and healthy retirement that allows him to spend a great deal of time with his wife, Mary, his children, and his grandchildren. We'll miss Buck, but will take comfort in the fact that he is only a phone call away.●

HONORING THE YOUTH MUSEUM OF SOUTHERN WEST VIRGINIA

● Mr. ROCKEFELLER. Mr. President, today I am especially proud to recognize the achievement of one of my state's most prized organizations, the Youth Museum of Southern West Virginia. Joining only 21 other museums nationwide, the Youth Museum has been selected as a recipient of this year's prestigious Institute of Museum and Library Service National Award for Museum Service. This award highlights the enormous contributions made by the Youth Museum to the growth and development of the children of Southern West Virginia. This organization is truly deserving of this national recognition.

Located in the beautiful mountains of Beckley, West Virginia, the Youth Museum has brought culture, art, and the rich tradition of Appalachian history to West Virginian school children since 1977. Earning the praise of teachers, parents, and school administrators, the Museum has touched the lives of thousands of families across the state. Without the vast resources of more urban contemporaries, the Youth Museum has helped to ensure that West Virginia's children have a sense of the diverse accomplishment and creativity that define their state's heritage.

An example of the unique and significant opportunities offered by the Youth Museum can be found in the Page After Page program. Recognizing the extraordinary number of talented writers to be found in our state, the Museum has brought together teachers, librarians, reading specialists, students, and native authors to create an exhibition that emphasizes literacy and the achievements of West Virginia artists. Combining a focus on improving reading skills with the unique and personal contributions of local writers, this program continues to challenge, stimulate, and inspire young readers across the state.

However, the Page After Page program is just one example of the Museum's commitment to providing positive and significant opportunities for West Virginia's youth. The Artists-in-Residence series, programs for special needs preschoolers, a planetarium, a science room, even a recreated pioneer village—the list of educational resources and activities is endless. Of course, this list reflects the hard work and dedication of an organization that has not wavered in its commitment to our children, or in its celebration of the unique and vital history of West Virginia.

For 23 years, the Youth Museum has been enriching the lives of the children and families in our great state. Truly, it was a privilege to nominate the Youth Museum of Southern West Virginia for this year's Award for Museum Service, and it was no surprise to learn that they were chosen for this prestigious national recognition. I am deeply proud of their accomplishment, and look forward to the many contributions the Museum will continue to make to the education of West Virginia's youth.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the House has agreed to the following concurrent resolution, without amendment.

S. Con. Res. 161. Concurrent resolution to correct the enrollment of H.R. 5528.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3594. An act to repeal the modification of the installment method.

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 1999, the Secretary of the Senate, on December 15, 2000, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of

the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

H.R. 2903. An act to reauthorize the Striped Bass Conservation Act, and for other purposes.

H.R. 5461. An act to amend the Magnuson-Stevens Fishery Conservation and Management Act to eliminate the wasteful and unsportsmanlike practice of shark finning.

H.R. 5630. 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.

H.R. 5640. An act to expand homeownership in the United States, and for other purposes.

Under the authority of the orders of the Senate of January 6, 1999, the enrolled joint resolution was signed subsequently by the President pro tempore (Mr. THURMOND).

At 5:17 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 446. Concurrent resolution providing for the sine die adjournment of the second session of the One Hundred Sixth Congress.

At 7:01 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4577) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills and joint resolution:

H.R. 1653. An act to approve a governing international fishery agreement between the United States and the Russian Federation.

H.R. 4942. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes.

H.R. 5016. An act to redesignate the facility of the United States Postal Service located at 514 Express Center Drive in Chicago, Illinois, as the ''J.T. Weeker Service Center.''

H.R. 5210. An act to designate the facility of the United States Postal Service located at 200 South George Street in York, Pennsylvania, as the ''George Atlee Goodling Post Office Building.''

H.R. 5528. An act to authorize the construction of a Wakpa Sica Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

H.J. Res. 133. Joint resolution making further continuing appropriations for the fiscal year 2001, and for other purposes.

Under the authority of the orders of the Senate of December 15, 2000, the enrolled joint resolution was signed subsequently by the Acting President pro tempore (Mr. ABRAHAM).

At 7:58 p.m., a message from the House of Representatives, delivered by Ms. Kelaher, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 604. An act to amend the charter of the AMVETS organization.

H.R. 2049, An act to rename Wolf Trap Farm Park for the Performing Arts as ''Wolf Trap National Park for the Performing Arts.''

H.R. 2816. An act to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

H.R. 3488. An act to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the ''Pat King Post Office Building.''

H.R. 5562. An act ti amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 445. Concurrent resolution whereas Henry B. Gonzalez served his Nation and the people of the 20th District of Texas in San Antonio with honor and distinction for 37 years as a Member of the United States House of Representatives.

The message further announced that the House has passed the following bill, without amendment:

S. 3181. An act to establish the White House Commission on the National Moment of Remembrance, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 138. Concurrent resolution expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year.

S. Con. Res. 158. Concurrent resolution expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II.

The message further announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 2924. An act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes.

The message also announced that the House agrees to the Senate amendment to the House amendments to the bill (S. 2943) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on December 15, 2000, he had presented to the President of the United States, the following enrolled bills:

S. 439. An act to amend the National Forest and Public Lands of Nevada Enhancement Act of 1988 to adjust the boundary of the Toiyabe National Forest, Nevada, and to amend chapter 55 of title 5, United States Code, to authorize equal overtime pay provisions for all Federal employees engaged in wildland fire suppression operations.

S. 1508. An act to provide technical and legal assistance for tribal justice systems and members of Indian tribes, and for other purposes.

S. 1694. An act to direct the Secretary of the Interior to conduct a study on the reclamation and reuse of water and wastewater in the State of Hawaii, and for other purposes.

S. 1898. An act to provide protection against the risks to the public that are inherent in the interstate transportation of violent prisoners.

S. 3045. An act to improve the quality, timeliness, and credibility of forensic science services for criminal justice purposes, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–11876. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Petition By American Samoa for Exemption from Anti-Dumping Requirements for Conventional Gasoline'' (FRL #6908–8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11877. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Control of Emissions from New Nonroad Spark-Ignition Engines Rated above 19 Kilowatts and New Land-Based Recreational Spark-Ignition Engines'' (FRL #6907–5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11878. A communication from the Deputy Associate Administrator, Environmental

Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Partial Withdrawal of District Final Rule for Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Diego County Air Pollution Control District'' (FRL #6908–3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11879. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans Texas; Excess Emissions During Start-up, Shutdown, Malfunction and Maintenance'' (FRL #6907–8) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11880. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Protection of Stratospheric Ozone: Incorporation of Clean Air Act Amendments for Reductions in Class I, Group VI Controlled Substances'' (FRL #6906–4) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11881. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Arizona State Implementation Plan Revision, Pinal County Air Quality Control District and Pinal-Gila Counties Air Quality Control District'' (FRL #6839–9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11882. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources'' (FRL #6577–9) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11883. A communication from the Assistant Chief Counsel for Legislation and Regulations, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Major Capital Investment Projects'' (RIN2132–AA63) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11884. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Authorization of State Hazardous Waste Management Program Revisions'' (FRL #6915–8) received on December 7, 2000; to the Committee on Environment and Public Works.

EC–11885. A communication from the Administrator, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Implementation of Special Apple Loan Program and Emergency Loan for Seed Producers Program'' (RIN0560–AG23) received on December 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11886. A communication from the Office of the President, Overseas Private Investment Corporation, transmitting, pursuant to law , a report relative to establishing a council to promote greater investment in sub-Saharan Africa; to the Committee on Foreign Relations.

EC–11887. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the annual report for the period July 1, 1999 through June 30, 2000; to the Committee on Foreign Relations.

EC–11888. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rev. Proc. 2001–11; Adequate Disclosure'' (Revenue Procedure 2001–11) received on December 7, 2000; to the Committee on Finance.

EC–11889. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Notice 2001–4'' (SPR–128950–00) received on December 8, 2000; to the Committee on Finance.

EC–11890. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Safe Harbor Transfers of REMIC Residuals'' (Revenue Procedure 2001–12) received on December 8 , 2000; to the Committee on Finance.

EC–11891. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Amended Bond Procedures for Articles Subject to An Exclusion Order Issued by the U.S. International Trade Commission'' (RIN1515–AC43) received on December 8, 2000; to the Committee on Finance.

EC–11892. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Export Certificates for Lamb Meat Subject to Tariff-Rate Quota'' (RIN1515–AC54) received on December 8, 2000; to the Committee on Finance.

EC–11893. A communication from the Chief, Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Civil Asset Forfeiture'' (RIN1515–AC69) received on December 11, 2000; to the Committee on Finance.

EC–11894. A communication from the Secretary of Education, transmitting, pursuant to the Federal Advisory Committee Act, a follow-up report on recommendations; to the Committee on Health, Education, Labor, and Pensions.

EC–11895. A communication from the Director of the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled ''Premium Rates; Payment of Premiums'' (RIN1212–AA58) received on December 7, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11896. A communication from the Director of the Office of Regulations Management, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Outer Burial Receptacles (with a companion Notice)'' (RIN2900–AK49) received on December 8, 2000; to the Committee on Veterans' Affairs.

EC–11897. A communication from the Housing and Urban Development Secretary Designee To the Board of Directors, Federal Housing Finance Board, transmitting, pursuant to the Inspector General Act, a report on activities for the six-month period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11898. A communication from the Associate General Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled ''Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing: Administrative Process for Assessment of Insured and Assisted Properties'' (RIN2501–AC45) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11899. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations 65 FR 71262'' received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11900. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 71260'' (Docket No. FEMA–B–7406) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11901. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Changes in Flood Elevation Determinations 65 FR 71258'' (Docket No. FEMA–D–7505) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11902. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Suspension of Community Eligibility 65 FR 75631'' (Docket No. FEMA–7747) received on December 8, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11903. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' received on December 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–11904. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Implementation Plans; Michigan'' (FRL #6907–1) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11905. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Georgia: Final Authorization of State Hazardous Waste Management Program'' (FRL #6907–3) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11906. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Emission Guidelines for Existing Small Municipal Waste Combustion Units'' (FRL #6899–5) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11907. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''New Source Performance Standards for New Small Municipal Waste Combustion Units'' (FRL #6899–6) received on November 27, 2000; to the Committee on Environment and Public Works.

EC–11908. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act; National Primary Drinking Water Regulations; and National Secondary Drinking Water Regulations; Methods Update'' (FRL #6918–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11909. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Toxic Substances Control Act Test Guidelines'' (FRL #6551–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11910. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the California State Implementation Plan, Santa Barbara and Ventura County Air Pollution Control Districts'' (FRL #6895–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11911. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''National Emission Standards for hazardous Air Pollutions from the Pulp and Paper Industry'' (FRL #6917–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11912. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Interim Approval of the Operating Permits Program; Approval of State Implementation Plan Revision for the Issuance of Federally Enforceable State Operating Permits; Antelope Valley Air Pollution Control District, California'' (FRL #6864–3) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11913. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clean Air Act Final Full Approval of Operating Permits Program: The U.S. Virgin Islands'' (FRL #6916–9) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11914. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Illinois; Post–1996 Rate of Progress Plan for the Chicago Ozone Nonattainment Area'' (FRL #6917–7) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11915. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; Nitrogen Oxides Budget Program'' (FRL #6916–8) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11916. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Revisions to Stage II Vapor Recovery Program'' (FRL #6914–1) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11917. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulation: Remove Contract Quality Requirements; Miscellaneous Technical Amendment'' (FRL #6917–2) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11918. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Air Quality Implementation Plan Revisions and Section 112(1) Program; Colorado; Issuance of Permits to Limit Potential to Emit Criteria and Hazardous Air Pollutants'' (FRL #6875–6) received on December 13, 2000; to the Committee on Environment and Public Works.

EC–11919. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a notification of efforts to provide emergency assistance relative to the West Nile Virus; to the Committee on Environment and Public Works.

EC–11920. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report relative to the implementation of transfers between the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund; to the Committee on Environment and Public Works.

EC–11921. A communication from the Chairman of the Board of Directors, Corporation for Public Broadcasting, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11922. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on December 12, 2000; to the Committee on Governmental Affairs.

EC–11923. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, a report providing comments on the Inspector General Semiannual Report; to the Committee on Governmental Affairs.

EC–11924. A communication from the Secretary of Labor, transmitting, pursuant to the Inspector General Act, the semiannual reports of the Pension Benefit Guaranty Corporation; to the Committee on Governmental Affairs.

EC–11925. A communication from the Administrator of the Agency for International Development, transmitting, pursuant to the Inspector General Act, the semiannual report ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11926. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11927. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to the Inspector General Act, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11928. A communication from the Director of the National Gallery of Art, transmitting, pursuant to the Inspector General Act and the Federal Managers Financial Integrity Act, a report attesting to the adequacy of management control systems; to the Committee on Governmental Affairs.

EC–11929. A communication from the Secretary of the Treasury, transmitting, pursuant to law, two semiannual reports for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11930. A communication from the Inspector General of the Railroad Retirement Board, transmitting, pursuant to law, the semiannual report for the period April 1, 2000 through September 30, 2000; to the Committee on Governmental Affairs.

EC–11931. A communication from the Commissioner of Social Security , transmitting, pursuant law, the performance and accountability report for fiscal year 2000; to the Committee on Governmental Affairs.

EC–11932. A communication from the Comptroller General of the General Accounting Office, transmitting, pursuant to law; a report regarding the failure of the National Security Council to provide the General Accounting Office with full and complete access to 26 unredacted documents; to the Committee on Governmental Affairs.

EC–11933. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the semiannual report for the period ending September 30, 2000; to the Committee on Governmental Affairs.

EC–11934. A communication from the Assistant Secretary, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Oil and Gas and Sulphur Operation in the Outer Continental Shelf-Update of Documents Incorporated by Reference-API Specification 14A, Tenth Edition'' (RIN1010–AC–66) received on December 11, 2000; to the Committee on Energy and Natural Resources.

EC–11935. A communication from the Assistant Secretary, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Wilderness Management'' (RIN1004–AB69) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11936. A communication from the Executive Director, Advisory Council on Historic Preservation, transmitting, pursuant to law, the report of a rule entitled ''Protection of Historic Properties (36 C.F.R . Part 800)'' (RIN3010–AA05) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11937. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Maryland Regulatory Program'' (MD–047–FOR) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11938. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Application and Permit Information Requirements; Permit Eligibility; Definitions of Ownership and Control; the Applicant/Violator System; Alternative Enforcement'' (RIN1029–AB94) received on December 12, 2000; to the Committee on Energy and Natural Resources.

EC–11939. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the California wholesale electric market; to the Committee on Energy and Natural Resources.

EC–11940. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations: Revision of Patent Regulations Relating to DOE Management and Operating Contracts'' (RIN1991–AB55) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11941. A communication from the Assistant General Counsel for Regulatory Law, Office of Procurement and Assistance Management, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Acquisition Regulations; Costs Associated with Whistleblower Actions'' (RIN1991–AB36) received on December 14,

2000; to the Committee on Energy and Natural Resources.

EC–11942. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Material Management and Accounting Systems'' (DFARS Case 2000–D003) received on December 12, 2000; to the Committee on Armed Services.

EC–11943. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''North American Industry Classification System'' (DFARS Case 2000–D015) received on December 12, 2000; to the Committee on Armed Services.

EC–11944. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Polyacrylonitrile Carbon Fiber'' (DFARS Case 2000–D017) received on December 12, 2000; to the Committee on Armed Services.

EC–11945. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Authority to Indemnify Against Unusually Hazardous or Nuclear Risks'' (DFARS Case 2000–D025) received on December 12, 2000; to the Committee on Armed Services.

EC–11946. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Domestic Source Restrictions—Ball and Roller Bearings and Vessel Propellers'' (DFARS Case 2000–D301) received on December 12 , 2000; to the Committee on Armed Services.

EC–11947. A communication from the Chairman of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, transmitting, pursuant to law, the second of three annual reports; to the Committee on Armed Services.

EC–11948. A communication from Director of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Profit Incentives to Produce Innovative New Technologies'' (DFARS Case 2000–D300) received on December 12, 2000; to the Committee on Armed Services.

EC–11949. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Modified Styrene-Acrylic Acid and/or Methacrylic Acid Polymers; Tolerance Exemption'' (FRL #6755–7) received on December 13, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11950. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''TD 8902, Electronic Tip Reports'' (RIN1545–AV28) received on December 13, 2000; to the Committee on Finance.

EC–11951. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC–11952. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a transmittal of the certification of the proposed issuance of an export license relative to Turkey; to the Committee on Foreign Relations.

EC–11953. A communication from the Director of Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Immunology and Microbiology Devices; Classification of Anti-Saccaromyces cerevisiae (S. cerevisiae) Antibody (ASCA) Test Systems'' (Docket No. 00N–1565) received on December 12, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11954. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the availability of reasonably priced health coverage; to the Committee on Health, Education, Labor, and Pensions.

EC–11955. A communication from the Chief, Office of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Mystic River, CT (CGD01–00–247)'' (RIN2115–AE47) (2000–0068) received on December 7, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11956. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fraser River Sockeye and Pink Salmon Fisheries; Inseason Orders'' received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11957. A communication from the Assistant Administrator, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''National Sea Grant College Program-National Marine Fisheries Service Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics'' received on December 12, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11958. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to activities and operations of the Public Integrity Section; to the Committee on the Judiciary.

EC–11959. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Thiamethoxam; Pesticide Tolerance for Emergency Exemptions'' (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11960. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Clomazone; Pesticide Tolerance for Emergency Exemptions'' (FRL #6755–8) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11961. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting four items; to the Committee on Environment and Public Works.

EC–11962. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Guidelines on Awarding Section 319 Grants to Indian Tribes in fiscal year 2001'' (FRL #6919–8); to the Committee on Environment and Public Works.

EC–11963. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Cranberries Grown in States of Massachusetts, et al.; Increased Assessment Rate'' (Docket Number: FV00–929–5 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11964. A communication from the Associate Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Walnut Grown in California; Increased Assessment Rate'' (Docket Number: FV00–984–2 FR) received on December 14, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11965. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Artigas, Uruguay, Because of Rinderpest and Foot-and-Mouth Disease'' (Docket #00–111–91) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11966. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Specifically Approved States Authorized To Received Mares and Stallions Imported from Regions where CEM Exists'' (Docket #00–115–1) received on December 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11967. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting , pursuant to law, a report relative to accounts containing unvouchered expenditures; to the Committee on Governmental Affairs.

EC–11968. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Relief for Service in Combat Zone and for Presidentially Declared Disaster'' (RIN1545–AV92) (TD 8911) received on December 14, 2000; to the Committee on Finance.

EC–11969. A communication from the Deputy Assistant for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Final Rule to Implement the Atlantic Herring Fishery Management Plan'' (RIN0648–AI78) received on December 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11970. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Learjet Model 45 Series Airplanes; docket no. 2000–NM–132 [11–1]'' (RIN2120–AA64) (2000–0582) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11971. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica Model EMB–120 Series Airplanes; docket no. 2000–NM–121 [11-7/12–14]'' (RIN2120–AA64) (2000–0583) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11972. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives: Empresa Brasileira de Aeronautica S.A. Model EMB–120 Series Airplanes; docket no. 2000–NM–130 [11–6/12–14]'' (RIN2120–AA64) (2000–0587) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11973. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Revision to the Legal Description of the Shaw Air Force Base Class C Airspace; Area; SC; docket no. 00–AWA–2 [11–22/12–14]'' (RIN2120–AA66) (2000–0281) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11974. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Meridian NAS— McCain Field, MS; docket no. 00–ASO–40 [11–22/12–14]'' (RIN2120&AA66) (2000–0282) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11975. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; New Bern, NC; Docket no. 00–ASO–41 [11–22/12–14]'' (RIN2120–AA66) (2000–0283) received on December 14, 2000; to the Committee on Commerce, Science, and Transportation.

EC–11976. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''West Virginia Regulatory Program'' (WV–086–FOR) received on December 14, 2000; to the Committee on Energy and Natural Resources.

EC–11977. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standards for Business Practices of Interstate Natural Gas Pipelines'' (Order No. 587–M, Docket RM96–1–015) received on December 15, 2000; to the Committee on Energy and Natural Resources.

EC–11978. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medical Device; Exemption From Premarket Notification; Class II Devices; Barium Enema Retention Catheters and Tips With or Without a Bag'' (Docket No. 00P–1343) received on December 15, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–11979. A communication from the Deputy General Counsel, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Investment Companies; Management Ownership Diversity'' (RIN3245–AE48) received on December 15, 2000; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–643. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the issuance of a postal stamp to honor coal miners; to the Committee on Governmental Affairs.

HOUSE RESOLUTION NO. 639

Whereas, Our entire Nation owes our coal miners a great deal more than we could ever repay them for the difficult and dangerous job that they performed so that we could have the fuel we needed to operate our industries and to heat our homes; and

Whereas, It would be proper and fitting for our Nation to recognize our coal miners, both past and present, for their contributions to this Nation; therefore be it

Resolved, That the House of Representatives memorialize the United States Postal Service to issue a postage stamp to honor our coal miners and to commemorate their contributions to our Nation and its citizens; and be it further

Resolved, That copies of this resolution be delivered to the United States Postal Service, to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–644. A resolution adopted by the Senate of the Legislature of the State of Texas relative to the State Criminal Alien Assistance Program; to the Committee on Appropriations.

SENATE RESOLUTION NO. 1106

Whereas, The United States Congress has established the State Criminal Alien Assistance Program (SCAAP) to provide federal assistance to states and localities for costs incurred for the imprisonment of undocumented aliens who commit criminal offenses; and

Whereas, The SCAAP program, which is administered by the United States Department of Justice, has a funding level authorized by statute of $650 million per year; actual SCAAP funding for the 1999 fiscal year, however, is only $585 million, an amount that provides state and local governments a mere 30 percent of their total reimbursable costs; and

Whereas, The amount of money spent in Texas by local and state governmental agencies related to incarceration of undocumented aliens charged or convicted with criminal offenses ranks as the third highest in the nation; and

Whereas, Although full funding of the SCAAP program to the $650 million level will not decrease the total number of undocumented aliens held in state or county facilities, increased funding will raise the level of costs reimbursed by the federal government to approximately 40 percent of the costs for incarceration of these prisoners; now, therefore, be it

Resolved, That the Senate of the State of Texas, 76th Legislature, hereby respectfully request the Congress of the United States to fully fund the State Criminal Alien Assistance Program at the authorized level of $650 million; and, be it further

Resolved, That the Secretary of the Senate forward official copies of this Resolution to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress, and to all the members of the Texas delegation to the Congress with the request that this Resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–645. A petition from a citizen of the State of New York relative to primary and general elections; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CAMPBELL, from the Committee on Indian Affairs:

Report to accompany S. 2508, a bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes (Rept. No. 106–513).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MCCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, Mr. BENNETT, Mr. BREAUX, Mr. HUTCHINSON, and Mr. SANTORUM):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

By Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

By Mr. TORRICELLI:

S. 3281. A bill to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the Pat King Post Office Building; to the Committee on Governmental Affairs.

By Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. HARKIN, Mr. FITZGERALD, Mr. HAGEL, and Mr. JOHNSON):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

By Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personnel Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself, Mr. INOUYE, and Mr. MURKOWSKI):

S. 3287. A bill to amend title 3, United States Code, and the Uniform Time Act of 1966 to establish a single poll closing time for Presidential general elections; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 388. A resolution tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 389. A resolution tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate; considered and agreed to.

By Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 390. To commend the exemplary leadership of the Democratic Leader; considered and agreed to.

By Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID):

S. Res. 391. A resolution to commend the exemplary leadership of the Majority Leader; considered and agreed to.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID):

S. Res. 392. A resolution tendering the thanks of the Senate to the Senate Staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate; considered and agreed to.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. Res. 393. Considered and agreed to.

By Mr. STEVENS (for himself and Mr. BYRD):

S. Con. Res. 162. A concurrent resolution to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. McCONNELL (for himself, Mr. TORRICELLI, Mrs. FEINSTEIN, Mr. ALLARD, Mr. SMITH of Oregon, Ms. LANDRIEU, Mr. BURNS, and Mr. BENNETT):

S. 1. A bill to establish an Election Administration Commission to study Federal, State, and local voting procedures and election administration and provide grants to modernize voting procedures and election administration, and for other purposes; to the Committee on Rules and Administration.

ELECTION REFORM ACT

Mr. McCONNELL Mr. President, I rise today to introduce the Election Reform Act. As chairman of the Senate Rules Committee, I am pleased to be introducing along with Senators TORRICELLI, FEINSTEIN, ALLARD, SMITH, and LANDRIEU meaningful, bipartisan legislation to reform the administration of our nation's elections. As we move into the twenty-first century it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War. The Election Reform Act will ensure that our nation's electoral process is brought up to twenty-first century standards.

By combining the Federal Election Commission's Election Clearinghouse and the Department of Defenses' Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. It will continue to carry out the functions of the two entities that are being combined to create it. These include advising states on the requirements of the Voting Accessibility for the Elderly and Handicapped Act, carrying out the Federal functions under the Uniformed and Overseas Voting Act, and servicing as a clearinghouse for information on federal elections and election administration.

In addition, the new Commission will engage in ongoing study and make periodic recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. This is of special urgency in view of the allegations surfacing in this election of hundreds of felons being listed on voting rolls and illegally voting, as reported last week in the Miami Herald, while other law abiding citizens who allegedly registered were not included on the voting rolls and were unable to vote. Such revelations from this year's elections coupled with the well-known report by ''60 Minutes'' of the prevalence of dead people and pets both registering and voting in past elections make clear the need for thoughtful study and recommendations to ensure that everyone who is legally entitled to vote is able to do so and that everyone who votes is legally entitled to do so—and does so only once. In addition to its studies and recommendations, the Commission will provide matching grants to states working to improve election administration.

I think it is important that this Commission be established as a permanent, ongoing body. Many issues of election administration, such as polling place accessibility and alternative voting methods require ongoing examination in view of ever-changing technology. A permanent Commission will be able to better facilitate timely information about new, cost-effective technologies that can improve election administration, such as technology to enable physically-challenged citizens to vote with the same degree of privacy and dignity enjoyed by other citizens. In this age of rapid technological innovation, continuous, ongoing assessment of the ways technology can improve election administration serves our nation's interest by ensuring that outmoded technology and procedures never again impede democracy in our great nation.

I am pleased to announce that Representative TOM DAVIS, along with Representatives ROTHMAN and KENNEDY, are introducing the House companion to our bill today. And finally, I would like to mention some of the citizens organizations that have announced their support for our bill. They include the Paralyzed Veterans of America, The Voting Integrity Project, The National Council on Disability, and the National Foundation for the Blind.

Mr TORRICELLI. Mr. President, I am pleased to join Senators MCCONNELL, FEINSTEIN, ALLARD, LANDRIEU, SMITH and BENNETT to introduce the Election Reform Act of 2000, bipartisan legislation that seeks to modernize and improve the nation's election procedures. Although there is much about the aftermath of the November 7th elections upon which Americans can disagree, this much should be clear: the United States is a 21st century democracy with a 19th century election system. In order to maintain the legitimacy of our country's democratic institutions, we must have an election system that is fair and accurate.

The antiquated voting equipment used in most counties around the country is perhaps the most startling revelation from this year's election. Election Data Services reports that eighteen percent of Americans vote using technology that prevailed around the time Thomas Edison invented the lightbulb and nearly thirty-three percent of Americans vote by punching out unpredictable little chads, a system implemented during the Johnson administration. In a nation where people can confidently access the balance in their checking account on any street corner, it is unacceptable to have any less confidence in the exercise of the most fundamental of rights. Many states and localities continue to use outdated systems because of the cost of replacing them. Electronic voting machines with touch screens similar to bank ATMs, which are the most modern and accurate systems, cost about $5,000 each while replacing a punch-card system costs only about $225.

The inequity in quality of voting machines across the country raises fundamental questions of fairness and equal protection. Statistics from Florida demonstrate that those individuals who voted in areas with punch cards had a much higher chance that their vote would not register than those who voted with more modern equipment. For example, in Florida predominantly African-American neighborhoods lost many more presidential votes than other areas largely because of the inferiority of their voting machines. Thus, thousands of legally qualified voters were disenfranchised as a direct result of the financial resources of their community.

Therefore, in order to help improve and modernize the nation's election procedures, the Election Reform Act establishes a permanent, federal commission charged solely with the improvement of election administration. By combining the Federal Election

Commission's Office of Election Administration (OEC) and the Department of Defenses' Office of Voting Assistance which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, the bill will create one agency that can bring focused expertise to bear on the administration of elections. This Commission will engage in ongoing study and make periodic, recommendations on the best practices relating to voting technology and ballot design as well as polling place accessibility. The Commission will also study and recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls. Finally, to help diminish the cost to states and localities of updating their election procedures, the Commission will provide at least $100 million a year in matching grants to states working to improve election administration.

There can never be a sense again that an election in the United States is settled on an arbitrary basis or that elections are an approximation. Constitutional guarantees of one person, one vote mean nothing in theory if they do not have any meaning in practice. So long as one voter, whether it be a senior citizen, an African-American, or one in service to their country has doubt about whether their vote was counted, our democracy suffers. That is an American, not a partisan problem. The challenge before Congress is to make sure that the legacy of this election is not the confusion that has reigned for the past five weeks but an enhancement of the legitimacy and credibility of our democratic processes.

Therefore, I look forward to working with the chairman of the Rules Committee as well as my colleagues on both sides of the aisle to see that this bipartisan legislation is the first priority of the 107th Congress. I am encouraged that both Vice-President Elect CHENEY and Senator JOSEPH LIEBERMAN have expressed their strong desire to make election reform legislation their immediate priority in the next administration and Congress. I am also pleased that Representatives ROTHMAN, DAVIS, KENNEDY, and ALCEE HASTINGS are introducing the House companion of this legislation today. Their support along with the endorsements of the Voting Integrity Project, Paralyzed Veterans of America, the National Organization on Disability, and the National Foundation for the Blind gives me great confidence that this legislation will gather strong support progress quickly.

Mrs. FEINSTEIN. Mr. President, I rise today to join with Senators MCCONNELL and TORRICELLI to introduce the Election Reform Act. I believe that this legislation will play an important role in improving elections in the United States.

The situation in Florida with different counties using different equipment, different standards and different methodologies in the conduct of the election is a clear indication that reform is needed. Although elections are within the purview of the states, if the Federal government can provide incentives and financial assistance to update equipment and administration to ensure that every vote counts, that would be a giant step forward.

Our democracy is based on the principle that our political leaders are chosen through a fair and accurate election process. While the aftermath of this year's election brought much disagreement, it is clear that the voting system is antiquated and in need of reform.

This legislation establishes a permanent, federal Commission dedicated to election administration. This Commission will consist of four Commissioners appointed by the President with the advice and consent of the Senate. The Commissioners will serve four-year terms, with no more than two Commissioners affiliated with the same political party.

The Commission would do the following: study various aspects of election administration and make periodic recommendations on such topics as ballot design, accuracy, security, and technological advances in voting equipment; develop and update voluntary standards for voting systems at least every four years; study accessibility to polling places and recommend voluntary guidelines to increase access to polling places; allocate $100 million in matching funds to States and localities that improve their voting systems in a manner consistent with voluntary recommendations developed by the Commission.

This legislation has the support of the Voting Integrity Project, the Committee for the Study of the American Electorate and the National Organization on Disability, the American Foundation for the Blind, and the Paralyzed Veterans of America.

As we move forward in the 21st century, it is essential that the all Americans, and nations throughout the world, continue to have confidence in our electoral process. This means modernizing the system to include new, cost-effective technologies that can improve election administration. The reforms embodied in this legislation will permit these advances. I am hopeful one of the first acts of the 107th Congress will be to pass this legislation.

Mr. SMITH of Oregon. Mr. President, I am pleased today to join Senators MCCONNELL, TORRICELLI, FEINSTEIN, and ALLARD in the introduction of the Election Reform Act. I think this last election made it abundantly clear that the time has come to streamline and update our voting system's outmoded technology and procedures. As my colleague Senator MCCONNELL has pointed out, it is inexcusable that the world's most advanced democracy relies on voting systems designed shortly after the Second World War.

The Election Reform Act will combine the functions of the Federal Election Commission's Election Clearinghouse and the Department of Defense Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into a single Election Administration Commission which will provide grants to states to modernize their voting procedures. It is important to note that the Commission will in no way usurp what is rightfully the responsibility of the states to determine the times, places and manner of holding elections.

The Commission will study Federal, State, and local voting procedures and election administration and will develop, update and adopt every 4 years, voluntary engineering and procedural performance standards for voting systems. In addition, the Commission will engage in ongoing studies of procedures and make periodic recommendations on the best practices relating to voting technology and ballot design. Another very important responsibility of the Commission will be to advise States regarding compliance with the requirements of the Voting Accessibility for the Elderly and Handicapped Act and develop, update, and adopt voluntary procedures for enhancing voting methods for voters, including disabled voters. It is imperative that, as we pursue improvements in the administration of our elections, we also have the most up-to-date information about new technologies to enable the elderly and the disabled to vote with the same degree of privacy and dignity enjoyed by other citizens.

Mr. President, I believe this legislation will go a long way toward restoring confidence in our voting systems, and I am hopeful that the Senate will pass the Election Reform Act very early in the new Congress.

Mr. SPECTER:

S. 3280. A bill to prohibit assistance to the Palestinian Authority unless and until certain conditions are met; to the Committee on Foreign Relations.

LEGISLATION CONDITIONING ASSISTANCE TO THE PALESTINIAN AUTHORITY

Mr. SPECTER. Mr. President, I rise to introduce legislation at this time which will put on the record factors which have been enormously harmful in the current violence which now occurs in Israel. This bill would prohibit assistance to the Palestinian Authority or Palestinian projects, unless and until certain conditions are met. The Oslo Interim Agreement of 1995 provided that the Palestinian Authority would:

> . . . ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.

Notwithstanding that commitment, the Palestinian Authority has filled

the textbooks with the most vitriolic condemnation of Israel and the Jews. For example, the ninth graders are taught:

> One must beware of the Jews, for they are treacherous and disloyal.

The ninth graders are further instructed:

> One must beware of civil war, which the Jews try to incite, and of scheming against the Muslims.

There are some extraordinarily vitriolic comments which are inciting the young people, the Arabs, to turn to violence in the name of Allah, with the instruction directing them that they will be doing Allah's work, and if they are killed, they will go to heaven as Allah's messengers, as Allah's assistants.

There are reports of 12-year-old boys who leave their homes telling their parents they are off to throw stones and otherwise incite violence. The parents permit this under a fatalistic attitude of ''what will be will be,'' and that it is something to be desired—incite to violence and be killed in doing Allah's work.

The difficulties in the peace process are enormous. They are generational. There is absolutely no likelihood of success if the schoolchildren in the Palestinian Authority schools are going to be taught hatred and violence and the most extraordinary forms of misleading comment—about how to please Allah and how to go to heaven by getting themselves killed in the process of killing others and destroying the peace process.

The United States and our allies have contributed very substantially to projects in the West Bank and Gaza. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000, the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza. Between 1995 and 1998, international aid provided by 21 countries and 4 international organizations amounted to almost $227 million. Between 1993 and 1999, the international community pledged a total of $5.7 billion for assistance in the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999, according to the World Bank. I will go into the funding which the United States has provided and which our allies have provided in greater detail.

This legislation would condition any assistance by the United States to the Palestinian Authority on changing those textbooks in accordance with their commitments under the Oslo agreement, ceasing to publish maps which omit Israel but instead refer only to Palestine, and changing the vitriol which appears on the state-sponsored television. These are absolutely minimal steps which have to be taken if there is to be any opportunity for success in the Mideast peace process.

In 1995, Senator SHELBY and I introduced legislation which was enacted which conditioned U.S. aid on the Palestinian Authority changing its charter which called for the destruction of Israel. That, in fact, did happen and perhaps our legislation was somewhat helpful in getting that done. The legislation also conditioned aid on maximum efforts of the Palestinian Authority and Chairman Arafat to restrain terrorists. For a time, I think there was a real effort by Chairman Arafat and many in the Palestinian Authority to do that, but that has totally broken down.

Notwithstanding those grave difficulties, efforts must continue on the peace process to try to terminate the violence there. I note in this morning's press there are reports of additional meetings. I have both privately and publicly commended President Clinton for his efforts in trying to mediate the difficulties between the Israelis and the Palestinians.

This business about teaching sixth graders, seventh graders, eighth graders, and ninth graders to hate and to incite violence is just absolutely intolerable if there is to be any chance at all for the peace process to succeed, and even in the next generation to find a way for people to live in peace with the Jewish State of Israel, the Palestinian Authority and the Arabs, who are citizens of Israel, for that matter.

I am introducing this bill on what is probably going to be the last day of our session so that these educational tools may become better known. People will understand them and will join the fight to insist that they be terminated.

Mr. President, to reinterate, I have sought recognition today to introduce legislation to condition aid to the Palestinian Authority upon the removal of all anti-Semitic and anti-Israel content from their school textbooks, and radio and television broadcasts at publically funded facilities. The Palestinian Authority deliberately and consciously disseminates messages filled with anti-Semitic and anti-Israel hatred with the clear aim of promoting violence against Israel and the Jewish people. This is a clear violation of the spirit of the peace process.

A study by the Center for Monitoring the Impact of Peace, a Jerusalem-based non-governmental organization, found that there is not one example in the entire Palestinian school system of a positive reference to a Jew, Judaism, or to peace with Israel. I urge the passage of this legislation to send a clear signal to the Palestinian people that the international community will not accept the fostering of hatred in textbooks and broadcast media in the West Bank and Gaza. The United States provides assistance to the region in support of the peace process, and we must condition this assistance upon each party's fulfillment of the commitments made to bring peace to the region. Furthermore, we must vigorously press for our allies to do the same.

In years past, Palestinian schools in the West Bank used Jordanian textbooks and the schools in Gaza used Egyptian textbooks. While the areas were under the control of the Israeli government, these books continued to be used but anti-Semitic and anti-Israel material was removed. As a result of the 1993 Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Israeli government to the Palestinian Ministry of Education. While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic material. Currently, the Palestinian Ministry of Education is directly supervising the production of new textbooks which are the first Palestinian-produced textbooks.

As part of a pilot program, the first new textbooks were introduced in the first and sixth grades in September 2000, as part of the new curriculum which the Palestinian Authority plans to expand to cover the grades first through twelfth over the next fours years. Many Israelis and others hoped these books would promote the peace process and teach cooperation and tolerance among the Israelis and the Palestinians. Instead, the new Palestinian textbooks continue to contain anti-Israel material, such as a map denying the existence of Israel. The continued promotion of hatred by the Palestinian Authority is unacceptable, as it not only violates the spirit of the peace process but also the letter of the Oslo Accords. The United States and the rest of the international community must send a message to the Palestinian Authority that this will not be tolerated.

By means of both the new and old textbooks in their schools, the Palestinian Authority is raising an entire generation of Palestinian children to despise Jews and Israel. These teachings foster an environment of hatred and violence, not peace and conciliation. Palestinian school children are actively taught that the Jewish people and Israel are the enemy in a broad range of contexts, and that Jews are not to be trusted. For example, on page 79 of the textbook entitled the Islamic Education for Ninth Grade, the book outlines lessons to be learned by the students. Specifically, it says ''One must beware of the Jews, for they are treacherous and disloyal.'' The book goes on to say on page 94, ''one must beware of civil war, which the Jews try to incite, and of scheming against the Muslims.'' Reinforcing this message, students read on page 182, ''The Jews . . . have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish Administration.''

Another textbook, the Islamic Religious Education for Fourth Grade, on page 44, states ''. . . the Jews—as is their way—do not want people to live in peace. . .'' In the Reader and Literary Texts for Eighth Grade, on pages

96 through 99, students are taught ''The Jews have clear greedy designs on Jerusalem.'' Students are then asked to think about the following question: ''What can we do to rescue Jerusalem and to liberate it from the thieving enemy. . .?'' The authors of these textbooks clearly intended not to foster an environment of trust between the Palestinian people and their Jewish neighbors. Without a foundation of trust in the hearts and minds of the Palestinian people, the peace process is doomed to failure.

The school books also include lessons equating Zionism with Nazism, Fascism, and racism. For example, the textbook entitled The Contemporary History of the Arabs and the World, on page 123, states ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.'' Lessons such as this one are clearly not intended to support peace between the Palestinians and Israelis.

More alarmingly, in addition to anti-Semitic material, these textbooks also teach children to pursue violence and the destruction of Israel. The calls to fight and eliminate Israel through Jihad, holy war, and martyrdom for Allah, appear frequently in the school textbooks. The need to fight Israel is portrayed as a religious imperative in the books.

For example, a fifth grade textbook, Our Arabic Language for Fifth Grade on page 69 and 70, teaches children that ''there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility.'' The book also teaches children to ''remember: The Arabs and the Muslims are fighting the Jews who fought against them and oppressed them and drove them from their homes unjustly. The final and inevitable result will be the victory of the Muslims over the Jews.''

The violent message continues in the seventh grade textbook, Islamic Education for Seventh Grade, on page 108, which states ''if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . .''.

In addition to lessons on Jihad, students are instructed to adopt hostile attitudes on a particularly divisive topic—their responsibility regarding holy sites. The seventh grade textbook, Islamic Education for Seventh Grade, on page 184, states ''Muslims must protect all mosques. . . They must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest.'' The inflammatory language is also included on page 50, ''The Muslim connects the holiness of al-Aqsa Mosque, and its precincts, with the holiness of the 'Sacred Mosque' and Mecca. Therefore, any aggression against one is an aggression against the other and to defend them is to defend Islam. Disregard of the duty in respect of them is a crime for which Allah will punish every believer in Allah and His Prophet.'' The aggressive message clearly encourages the violence which is currently taking place in the Middle East.

The same seventh grade book also teaches children to fight and conquer Israel's capital, Jerusalem. For example, the book contains a composition question which asks: ''How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation.'' It is this type of violent message which leads young children to take to the streets and engage in stone-throwing and other violence.

However, this message is not limited to schoolbooks. The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian Television, which is also under direct control of the Palestinian Authority. For example, on May 14, 1998, Palestinian television broadcast statements such as ''The Jewish gangs waged racial cleansing wars against innocent Palestinians . . . large scale appalling massacres saving no women or children.'' On May 14, 1998, Zionism was presented as ''a cancer in the body of the nation.''

Palestinian television broadcasts a continuous flow of violent images with messages glorifying the children in the streets as martyrs participating in Jihad. For example, television stations around the world broadcast the image of Muhammad al-Durrah, the twelve year old boy who was killed while his father tried to shield him from the crossfire on September 30, 2000. However, the image of the young man, who had no intention when he left his house that day to become a martyr, was instantly the symbol used by Palestinian television of the continued victimization of the Palestinian people at the hands of the so-called Israeli ''occupiers.''

By continually referring to the occupation of their land, Palestinian television refuses to acknowledge the legitimacy of Israel. On May 19, 1998, Palestinian television reported '' . . . the war of 1948 brought about the establishment of the Zionist entity on Palestinian land.'' The television broadcasts also declared in May 1998: ''This is our Palestine. We defend it with blood.''

The hate-filled broadcasts further reinforce the anti-Israel and anti-Semitic messages found in the school textbooks and explicitly aim to incite violence. We cannot tolerate this behavior by a society that claims to be committed to pursuing the peace process. These teachings send a direct message to young children to pursue violence and the destruction of Israel, and the message appears to be reaching the children.

On October 6, 2000, the New York Times reported on Muhammad Ibrahim, a Palestinian teenager engaged in the current violence in the streets. Muhammad joins his young friends on the streets and throws stones at Israeli soldiers, even though his father asked him ''not to go down that road'' and telling him ''we do not need another generation of victims.'' When asked why he engaged in the stone throwing, Muhammad plainly stated, ''You want to express your anger. You know your stone might not hit an Israeli soldier or might not even hurt him. But you want to feel you've done something for the homeland.'' Muhammad made clear where he learned these lessons when he said, ''I was raised with stories of how they kicked us off our land.'' The young people out on the streets today throwing stones have been raised on anti-Israel and anti-Semitic stories, which is formally reinforced in the textbooks used in the schools in the West Bank and Gaza and the television and radio broadcasts. If there is any hope for lasting peace in the region, the next generation of leaders must not be raised on lessons of hatred and violence.

In signing the 1995 Interim Agreement on the West Bank and Gaza, the Israeli government and the Palestinian Authority agreed to use their respective educational systems to support the peace process. Specifically, Article XXII of the Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will ''ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation.'' The Palestinian Authority should be held to the commitments made in the peace process, not the least of which is to educate the young people of the West Bank and Gaza with a curriculum that will contribute to peace between the Israeli and Palestinian peoples.

The United States provides assistance to the region in support of the peace process, and it is imperative to condition this assistance upon the fulfillment of the commitments made to bring peace to the region. While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for educational programs. It is of the utmost importance that the United States conditions any aid to the Palestinian Authority on their commitment

to the peace process, which must be demonstrated by the removal of the anti-Semitic and anti-Israel material from their textbooks and radio and television broadcasts.

It is also imperative that the United States urge our allies to condition their aid to the Palestinian Authority on this issue. Between 1995 and 1998 international aid provided by twenty-one countries and four international organizations provided $226.9 million to educational projects in the Palestinian Territories. Between 1993 and 1999, the international community pledged a total of $5.7 billion in assistance for the West Bank and Gaza, and over $2.7 billion was disbursed by the end of 1999 according to the World Bank. From 1994 to 1999, the European Community committed over $600 million. Recently, on December 6, 2000, the World Bank also agreed to a grant to the Palestinian Authority in the amount of $12 million.

The assistance to the Palestinian Authority, whether through international institutions or our allies, must include conditions which will compel the Palestinian Authority to remove this unacceptable material from the textbooks and the broadcast media. The assistance is given to the Palestinian Authority with the intent to support peace in the region, and therefore, the aid should be conditioned on the removal of material which undermines the peace process from the Palestinian educational system and broadcast media. I urge my colleagues to join me in supporting this legislation which sends a clear signal to the Palestinian Authority that the use of anti-Semitic and anti-Israel material in their schools and television and radio broadcasts will not be tolerated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3280

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

SECTION I. FINDINGS.

Congress makes the following findings:

(1) Today in the West Bank and Gaza, textbooks used in Palestinian schools are teaching hatred towards Jews and the incitement towards violence.

(2) Article XXII of the Israeli-Palestinian Interim Agreement of the West Bank and the Gaza Strip of 1995 declares that Israel and the Palestinian Authority will ''ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation''.

(3) As a result of the Oslo Accords, the responsibility for education in the West Bank and Gaza was transferred from the Government of Israel to the Palestinian Ministry of Education.

(4) Since the early 1950s, Palestinian schools in the West Bank have used Jordanian textbooks and the schools in Gaza used Egyptian textbooks, but when these areas were under the control of the Israeli government, anti-Semitic and anti-Israel content was removed from the school books.

(5) While beginning to develop their own curriculum, the Palestinian Ministry of Education continued to use Egyptian and Jordanian books, but failed to remove the anti-Israel and anti-Semitic content.

(6) The Palestinian Ministry of Education directly supervised the production of new textbooks which are now used in schools in the West Bank and Gaza.

(7) The new textbooks contain anti-Semitic and anti-Israel content, and the Israeli government no longer has the authority to change the content of the textbooks.

(8) Palestinian Authority school children are actively taught that the Jews and Israel are the enemy in a broad range of contexts, and for example, page 79 of the Islamic Education for Ninth Grade reads, ''One must beware of the Jews, for they are treacherous and disloyal''.

(9) The Islamic Education for Ninth Grade also instructs that ''one must beware of civil war which the Jews try to incite, scheming against the Muslims,'' on page 94.

(10) On page 182, the text of the Islamic Education for Ninth Grade reads ''The Jews—have killed and evicted Muslim and Christian inhabitants of Palestine, whose inhabitants are still suffering oppression and persecution under racist Jewish administration.''

(11) The Islamic Religious Education for the Fourth Grade teaches students on page 44, ''. . . the Jews—as is their way—do not want people to live in peace.''

(12) The books include lessons equating Zionism with Nazism, Fascism, and racism, and for example, The Contemporary History of Arabs and the World, on page 123, states ''The clearest examples of racist belief and racial discrimination in the world are Nazism and Zionism.''

(13) Islamic Education for the Fourth Grade teaches children ''the Jews are the enemies'' on page 67.

(14) The new textbooks do not acknowledge the State of Israel, but rather the creation of Israel is explained as the Israeli occupation of 1948.

(15) All the maps of ''Palestine'', be they political, historical, geographical, or natural resource maps in the textbooks, erase mention of Israel.

(16) The calls to fight and eliminate Israel through Jihad (Holy War) and Martyrdom for Allah, appear frequently in the school books.

(17) In addition there is a separate recurring theme: the children are taught to fight and conquer Israel's capital, Jerusalem, and for example, the book Islamic Education for Seventh Grade asks: ''How are we going to liberate our stolen land? Make use of the following ideas: Arab unity, genuine faith in Allah, most modern weapons and ammunition, using oil and other precious natural resources as weapons in the battle for liberation'' on page 15.

(18) The need to fight Israel, all of which is said to be on ''occupied Arab Land'' becomes a religious imperative, with teachings like the following from Islamic Education for Seventh Grade, page 108:''if the enemy has conquered part of its land and those fighting for it are unable to repel the enemy, then Jihad becomes the individual religious duty of every Muslim man and woman, until the attack is successfully repulsed and the land liberated from conquest and to defend Muslim honor. . ''.

(19) The same message appears in the fifth grade text Our Arabic Language for Fifth Grade on pages 69 and 70, ''there will be a Jihad and our country shall be freed. This is our story with the thieving conquerors. You must know, my boy, that Palestine is your grave responsibility.

(20) Children are specifically taught to protect all mosques, and for example, Islamic Education for the Seventh Grade instructs students that ''they must devote all their efforts and resources to repairing them and to protecting them and must wage a Jihad both of life and property to liberate al-Aqsa Mosque from the Zionist conquest'' on page 184.

(21) Palestinian Authority television is under direct control of the Palestinian Authority.

(22) The same hateful portrayal of Jews and Israel found in the school books is promoted regularly on Palestinian television, and for example, on May 14, 1998, Palestinian television broadcast statements such as ''The Jewish gangs waged racial cleansing wars against innocent Palestinians. . . large scale appalling massacres saving no women or children''.

(23) Also, radio and television broadcasts made by publicly funded facilities in the Palestinian Authority-controlled areas of the West Bank and Gaza include programs having an anti-Semitic, anti-Israel content.

(24) On May 14, 1998, on Palestinian Television Zionism was presented as ''a cancer in the body of the nation.''

(25) The Palestinian Television also refuses to acknowledge the state of Israel, and broadcast in May 1998, ''the war of 1948 brought about the establishment of the Zionist entity on Palestinian land.''

(26) The message of Jihad is also conveyed on the Palestinian Television, and for example, the broadcasts declared in May 1998, ''This is our Palestine. We defend it with blood.''

(27) While the United States has not given aid directly to the Palestinian Authority since 1995, in fiscal year 2000 the United States allocated $485 million in development assistance to non-governmental organizations working in the West Bank and Gaza, including funds for education programs.

(28) Between 1995 and 1998 international aid provided by 21 countries and 4 international organizations provided $226.9 million to educational projects in the Palestinian Territories..

(29) From 1994 to 1999, the European Community committed over $600 million in assistance to the Palestinian Territories, including funds for education programs.

SEC. 2. RESTRICTION ON ASSISTANCE.

(a) RESTRICTION.—No assistance shall be provided to the Palestinian Authority unless and until the President certifies to Congress that the Palestinian Authority has removed the anti-Semitic, anti-Israel content included in the textbooks used in schools, and radio and television broadcasts made by publicly funded facilities, in the Palestinian Authority-controlled areas of the West Bank and Gaza.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should urge allies of the United States to apply an equivalent restriction on assistance as described in subsection (a).

Mr. BINGAMAN:

S. 3282. A bill to authorize funding for University Nuclear Science and Engineering Programs at the Department of Energy for fiscal years 2002 through 2006; to the Committee on Energy and Natural Resources.

DEPARTMENT OF ENERGY UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING ACT

Mr. BINGAMAN. Mr. President. I rise today to introduce a bill authorizing

the Secretary of Energy to provide for the Office of Nuclear Science and Technology to reverse a serious decline in our nation's educational capability to produce future nuclear scientists and engineers. Let me outline how serious this decline is, after doing so I will outline its impact on our nation and then discuss how this bill attempts to remedy this situation.

As of this year, the supply of four-year trained nuclear scientists and engineers is at a 35-year low. The number of four-year programs across our nation to train future nuclear scientists has declined to approximately 25—a 50 percent reduction since about 1970. Two-thirds of the nuclear science and engineering faculty are over age 45 with little if any ability to draw new and young talent to replace them. Universities across the United States cannot afford to maintain their small research reactors forcing their closure at an alarming rate. This year there are only 28 operating research and training reactors, over a 50 percent decline since 1980. Most if not all of these reactors were built in the late 1950's and early 60's and were licensed initially for 30 to 40 years. As a result, within the next five years the majority of these 28 reactors will have to be relicensed. Relicensing is a long, lengthy process which most universities cannot and will not afford. Interestingly, the employment demand for nuclear scientists and engineers exceeds our nation's ability to supply them. This year, the demand exceeded supply by 350, by 2003 it will be over 400.

These human resource and educational infrastructure problems are serious. The decline in a competently trained nuclear workforce affects a broad range of national issues.

We need nuclear engineers and health physicists to help design, safely dispose and monitor nuclear waste, both civilian and military.

We rely on nuclear physicists and scientists in the field of nuclear medicine to develop radio isotopes for the thousands of medical procedures performed everyday across our nation—to help save lives.

We must continue to operate and safely maintain our existing supply of fission reactors and respond to any future nuclear crisis worldwide—it takes nuclear scientists, engineers and health physicists to do that.

Our national security and treaty commitments rely on nuclear scientists to help stem the proliferation of nuclear weapons whether in our national laboratories or as part of worldwide inspection teams in such places as Iraq. Nuclear scientists are needed to convert existing reactors worldwide from highly enriched to low enriched fuels.

Nuclear engineers and health physicists are needed to design, operate and maintain future Naval Reactors. The Navy by itself cannot train students for their four year degrees—they only provide advance postgraduate training on their reactor's operation.

Basically, we are looking at the potential loss of a 50 year investment in a field which our nation started and leads the world in. What is worse, this loss is a downward self-feeding spiral. Poor departments cannot attract bright students and bright students will not carry on the needed cutting edge research that leads to promising young faculty members. Our system of nuclear education and training, in which we used to lead the world, is literally imploding upon itself.

I've laid out in this bill some proposals that I hope will seed a national debate in the upcoming 107th Congress on what we as a nation need to do to help solve this very serious problem. It is not a perfect bill, but I think it should start the ball rolling. I welcome all forms of bipartisan input on it. My staff has worked from consensus reports from the scientific community developed by the Nuclear Energy Advisory Committee to the Department of Energy's Office of Nuclear Science and Technology, in particular its Subcommittee on Education and Training. The report is available on the Office's website. I encourage everyone to read and look at these startling statistics.

Here is an outline of what is in the bill.

First and foremost, we need to concentrate on attracting good undergraduate students to the nuclear sciences. I have proposed enhancing the current program which provides fellowships to graduate students and extends that to undergraduate students.

Second, we need to attract new and young faculty. I've proposed a Junior Faculty Research Initiation Grant Program which is similar to the NSF programs targeted only towards supporting new faculty during the first 5 years of their career at a university. These first five years are critical years that either make or break new faculty.

Third, I've proposed enhancing the Office's Nuclear Engineering Education and Research Program. This program is critical to university faculty and graduate students by supporting only the most fundamental research in nuclear science and engineering. These fundamental programs ultimately will strengthen our industrial base and over all economic competitiveness.

Fourth, I've strengthened the Office's applied nuclear science program by ensuring that universities play an important role in collaboration with the national labs and industry. This collaboration is the most basic form of tech transfer, it is face-to-face contact and networking between faculty, students and the applied world of research and industry. This program will ensure a transition between the student and their future employer.

Finally, I've strengthened what I consider the most crucial element of this program—ensuring that future generations of students and professors have well maintained research reactors.

I've proposed to increase the funding levels for refueling and upgrading academic reactor instrumentation.

I propose to start a new program whereby faculty can apply for reactor research and training awards to provide for reactor improvements.

I have proposed a novel program whereby as part of a student's undergraduate and graduate thesis project, they help work on the re-licensing of their own research reactors. This program must be in collaboration with industry which already has ample experience in relicensing. Such a program will once again provide face-to-face networking and training between student, teacher and ultimately their employer.

I have proposed a fellowship program whereby faculty can take their sabbatical year at a DOE laboratory. Under this program DOE laboratory staff can co-teach university courses and give extended seminars. This program also provides for part time employment of students at the DOE labs—we are talking about bringing in new and young talent.

In making all of these proposals, let me emphasize that each one of these programs I have described is intended to be peer reviewed and to have awards made strictly on merit of the proposals submitted. This program is not a hand out. Each element that I am proposing requires that faculty innovate and compete for these funds. If they do not win, then their reactors will simply be shut down by their institutions.

I have outlined a very serious problem that if not corrected now will cost far more to correct later on. If the program I have outlined is implemented, then it will strengthen our reputation as a leader in the nuclear sciences, strengthen our national security and our ability to compete in the world market place.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3282

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

SECTION 1. SHORT TITLE.

This Act may be cited as ''Department of Energy University Nuclear Science and Engineering Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) U.S. university nuclear science and engineering programs are in a state of serious decline. The supply of bachelor degree nuclear science and engineering personnel in the United States is at a 35-year low. The number of four year degree nuclear engineering programs has declined 50 percent to approximately 25 programs nationwide. Over two-thirds of the faculty in these programs are 45 years or older.

(2) Universities cannot afford to support their research and training reactors. Since 1980, the number of small training reactors in the United States have declined by over 50 percent to 28 reactors. Most of these reactors

were built in the late 1950s and 1960s with 30- to 40-year operating licenses, and will require re-licensing in the next several years.

(3) The neglect in human investment and training infrastructure is affecting 50 years of national R&D investment. The decline in a competent nuclear workforce, and the lack of adequately trained nuclear scientists and engineers, will affect the ability of the United States to solve future waste storage issues, maintain basic nuclear health physics programs, operate existing fission reactors in the United States, respond to future nuclear events worldwide, help stem the proliferation of nuclear weapons, and design and operate naval nuclear reactors.

(4) Further neglect in the nation's investment in human resources for the nuclear sciences will lead to a downward spiral. As the number of nuclear science departments shrink, faculties age, and training reactors close, the appeal of nuclear science will be lost to future generations of students.

(5) The Department of Energy's Office of Nuclear Science and Technology is well suited to help maintain tomorrow's human resource and training investment in the nuclear sciences. Through its support of research and development pursuant to the Department's statutory authorities, the Office of Nuclear Science and Technology is the principal federal agent for civilian research in the nuclear sciences for the United States. The Office maintains the Nuclear Engineering and Education Research Program which funds basic nuclear science and engineering. The Office funds the Nuclear Energy and Research Initiative which funds applied collaborative research among universities, industry and national laboratories in the areas of proliferation resistant fuel cycles and future fission power systems. The Office funds Universities to refuel training reactors from highly enriched to low enriched proliferation tolerant fuels, performs instrumentation upgrades and maintains a program of student fellowships for nuclear science, engineering and health physics.

SEC. 3. DEPARTMENT OF ENERGY PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering consistent with the Department's statutory authorities related to civilian nuclear research and development.

(b) DUTIES OF THE OFFICE OF NUCLEAR SCIENCE AND TECHNOLOGY.—In carrying out the program under this Act, the Director of the Office of Nuclear Science and Technology shall—

(1) develop a robust graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) maintain a robust investment in the fundamental nuclear sciences and engineering through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Within the funds authorized to be appropriated pursuant to this Act, the amounts specified under section 4(b) shall, subject to appropriations, be available for the following research and training reactor infrastructure maintenance and research:

(1) Refueling of research reactors with low enriched fuels, upgrade of operational instrumentation, and sharing of reactors among universities.

(2) In collaboration with the U.S. nuclear industry, assistance, where necessary, in relicensing and upgrading training reactors as part of a student training program.

(3) A reactor research and training award program that provides for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-DOE LABORATORY INTERACTIONS.—The Secretary of Energy, through the Office of Nuclear Science and Technology, shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at Department of Energy laboratories in the areas of nuclear science; and

(2) a visiting scientist program in which laboratory staff can spend time in academic nuclear science and engineering departments.

The Secretary shall also provide for fellowships for students to spend time at Department of Energy laboratories in the area of nuclear science.

(e) MERIT REVIEW REQUIRED.—All grants, contracts, cooperative agreements, or other financial assistance awards under this Act shall be made only after independent merit review.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) TOTAL AUTHORIZATION.—The following sums are authorized to be appropriated to the Secretary of Energy, to remain available until expended, for the purposes of carrying out this Act:

(1) $44,200,000 for fiscal year 2002.
(2) $56,450,000 for fiscal year 2003.
(3) $63,100,000 for fiscal year 2004.
(4) $61,100,000 for fiscal year 2005.
(5) $71,700,000 for fiscal year 2006.

(b) GRADUATE AND UNDERGRADUATE FELLOWSHIPS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(1):

(1) $5,000,000 for fiscal year 2002.
(2) $5,100,000 for fiscal year 2003.
(3) $5,200,000 for fiscal year 2004.
(4) $5,200,000 for fiscal year 2005.
(5) $5,200,000 for fiscal year 2006.

(c) JUNIOR FACULTY RESEARCH INITIATION GRANT PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(2):

(1) $10,000,000 for fiscal year 2002.
(2) $11,000,000 for fiscal year 2003.
(3) $11,500,000 for fiscal year 2004.
(4) $11,500,000 for fiscal year 2005.
(5) $11,500,000 for fiscal year 2006.

(d) NUCLEAR ENGINEERING AND EDUCATION RESEARCH PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(3):

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $20,000,000 for fiscal year 2004.
(4) $21,000,000 for fiscal year 2005.
(5) $22,000,000 for fiscal year 2006.

(e) COMMUNICATION AND OUTREACH RELATED TO NUCLEAR SCIENCE AND ENGINEERING.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(b)(5):

(1) $200,000 for fiscal year 2002.
(2) $250,000 for fiscal year 2003.
(3) $300,000 for fiscal year 2004.
(4) $300,000 for fiscal year 2005.
(5) $300,000 for fiscal year 2006.

(f) REFUELING OF RESEARCH REACTORS AND INSTRUMENTATION UPGRADES.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(1):

(1) $6,000,000 for fiscal year 2002.
(2) $6,500,000 for fiscal year 2003.
(3) $7,000,000 for fiscal year 2004.
(4) $7,000,000 for fiscal year 2005.
(5) $7,000,000 for fiscal year 2006.

(g) RE-LICENSING ASSISTANCE.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(2):

(1) $2,000,000 for fiscal year 2002.
(2) $2,500,000 for fiscal year 2003.
(3) $3,000,000 for fiscal year 2004.
(4) $3,000,000 for fiscal year 2005.
(5) $4,500,000 for fiscal year 2006.

(h) REACTOR RESEARCH AND TRAINING AWARD PROGRAM.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(c)(3);

(1) $10,000,000 for fiscal year 2002.
(2) $15,000,000 for fiscal year 2003.
(3) $15,000,000 for fiscal year 2004.
(4) $17,000,000 for fiscal year 2005.
(5) $20,000,000 for fiscal year 2006.

(i) UNIVERSITY-DOE LABORATORY INTERACTIONS.—Of the funds under subsection (a), the following sums are authorized to be appropriated to carry out section 3(d).

(1) $1,000,000 for fiscal year 2002.
(2) $1,100,000 for fiscal year 2003.
(3) $1,100,000 for fiscal year 2004.
(4) $1,100,000 for fiscal year 2005.
(5) $1,200,000 for fiscal year 2006.

By Mr. LUGAR (for himself, Mr. GRAMM, Mr. HARKIN, Mr. FITZGERALD, Mr. HAGEL, and Mr. JOHNSON):

S. 3283. A bill to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systematic risk in markets for futures and over-the-counter derivatives, and for other purposes; read the first time.

THE COMMODITY FUTURES MODERNIZATION ACT OF 2000

Mr. LUGAR. Mr. President, I am pleased to rise today with Senators GRAMM, HARKIN, FITZGERALD, HAGEL, and JOHNSON to re-introduce the Commodity Futures Modernization Act of 2000. This legislation is the Senate companion to H.R. 5660, which Congressman THOMAS EWING introduced yesterday in the House of Representatives and which will be enacted as part of the final appropriations package today. This monumental legislation is the culmination of two years worth of hearings and hard-fought negotiations, but I am confident that the resulting legislation will greatly benefit the U.S. financial industry. I commend all the Members and staff who have contributed to this bill. In particular, I want to applaud Senator GRAMM, Congressman EWING and Senator FITZGERALD for their stewardship and determination in helping pass a bill this year. Its enactment would not have occurred without their efforts. I also want to recognize Treasury Secretary Summers, Commodity Futures Trading Commission, CFTC, Chairman Bill Rainer and Securities and Exchange Commission, SEC, Chairman Arthur Levitt as well as their staffs, who have played a pivotal role in bringing this bill together and garnering support for its passage.

This bill, which re-authorizes the Commodity Exchange Act for five

years, would reform our financial and derivatives laws in five primary ways. First, it would incorporate the unanimous recommendations of the President's Working Group on Financial Markets on the proper legal and regulatory treatment of over-the-counter, OTC, derivatives. Second, it would codify the regulatory relief proposal of the CFTC to ensure that futures exchanges are appropriately regulated and remain competitive. Third, this legislation would repeal the Shad-Johnson jurisdictional accord, which banned single stock futures 18 years ago. Fourth, this legislation provides certainty that products offered by banking institutions will not be regulated as futures contracts. Finally, this bill provides legal certainty for institutional equity swaps by providing the SEC with express but limited authorities over these instruments.

Derivative instruments, both those that are exchange-traded and traded over-the-counter, have played a significant role in our economy's current expansion due to their innovative nature and risk-transferring attributes. The global derivatives market has a notional value that now exceeds $90 trillion. Identified by Federal Reserve Chairman Alan Greenspan as the most significant event in finance of the past decade, the development of the derivatives market has substantially added to the productivity and wealth of our nation.

Derivatives enable companies to unbundle and transfer risk to those entities who are willing and able to accept it. By doing so, efficiency is enhanced as firms are able to concentrate on their core business objective. A farmer can purchase a futures contract, one type of derivative, in order to lock in a price for his crop at harvest. Likewise, automobile manufacturers whose profits earned overseas can fluctuate with changes in currency values, can minimize this uncertainty through derivatives, allowing them to focus on the business of building cars. Banks significantly lessen their exposure to interest rate movements by entering into derivatives contracts known as swaps, which enable these institutions to hedge their risk by exchanging variable and fixed rates of interests.

Signed into law in 1974, the Commodity Exchange Act, CEA, requires that futures contracts be traded on a regulated exchange. As a result, a futures contract that is traded off an exchange is illegal and unenforceable. When Congress enacted the CEA and authorized the CFTC to enforce it, this was not a concern. The meanings of ''futures'' and ''exchange'' were relatively apparent. Furthermore, the over-the-counter derivatives business was in its infancy. However, in the 26 years since the statute's enactment, the OTC swaps and derivatives market, sparked by innovation and technology, has significantly outpaced the exchange-traded futures markets. Thus the definitions of a swap and a future began to blur.

In 1998, the CFTC issued a document containing a concept release regarding OTC derivatives, which was perceived by many as a precursor to regulating these instruments as futures. Just the threat of reaching this conclusion could have had considerable ramifications, given the size and importance of the OTC market. The legal uncertainty interjected by this dispute jeopardized the entirety of the OTC market and threatened to move significant portions of the business overseas. If we were to lose this market, most likely to London, it would take years to bring it back to U.S. soil. The resulting loss of business and jobs would be immeasurable.

This threat led the Treasury Department, the Federal Reserve, and the SEC to oppose the concept release and request that Congress enact a moratorium on the CFTC's ability to regulate these instruments until after the President's Working Group could complete a study on the issue. As a result, Congress passed a six-month moratorium on the CFTC's ability to regulate over-the-counter derivatives. Despite reservations, I supported this moratorium because it brought legal assurance to this skittish market and it allowed the Working Group time to develop recommendations on the most appropriate legal treatment of OTC derivatives. In November 1999, the President's Working Group completed its unanimous recommendations on OTC derivatives and presented Congress with these findings. These recommendations remain the cornerstone of our bill.

Our bill contains several mechanisms for ensuring that legal certainty is attained and that certain transactions remain outside the Commodity Exchange Act. The first, the electronic trading facility exclusion, would exclude transactions in financial commodities from the Act if conducted: (1) on a principal to principal basis; (2) between institutions or sophisticated persons with high net worth; and (3) on an electronic trading facility. The second would exclude these transactions if (1) they are conducted between institutions or sophisticated persons with high net worth; and (2) they are not on a trading facility.

These exclusions attempt to address the advent of electronic trading and the changing and innovating nature of the financial industry. Indeed, we are keenly aware that there are newly emerging electronic systems that provide for the electronic negotiation of swaps agreements between and among large banks and other sophisticated major financial institutions acting as dealers. We do not intend for these systems to come within the definition of trading facilities.

The third exclusion clarifies the Treasury Amendment language already contained in the CEA. It would exclude all transactions in foreign currency and government securities from the Act unless those transactions are futures contracts and traded on an organized exchange. As recommended by the Working Group, the bill would give the CFTC jurisdiction over non-regulated off-exchange retail transactions in foreign currency. Another important recommendation of the PWG was to authorize futures clearing facilities to clear OTC derivatives in an effort to lessen systemic risk and this bill incorporates this finding.

As part of the legal certainty provisions, this legislation also addresses the concern that excluding OTC derivatives from the futures laws will cause these products to be fully regulated as securities. With Senator GRAMM's leadership, this legislation adopts language that would provide the SEC with limited authority over institutional swaps for fraud, manipulation and insider trading. This language will help to provide the legal certainty that these institutional transactions lack under current law.

Title four of this bill also provides legal certainty for banking products. Senator GRAMM has appropriately raised the concern that traditional banking products should not be subject to the CEA. This language provides an exclusion for traditional banking products as well as hybrid products that are predominantly banking in nature. New products offered by banks that are not in existence on December 5, 2000, or are otherwise not excluded from the CEA would fall under a ''jump ball'' provision of the bill. This section provides a mechanism for the CFTC and the Federal Reserve to determine whether a new non-traditional product offered by a bank should be regulated under the banking laws or the futures laws.

The second major section of this legislation addresses regulatory relief. In February of this year, the CFTC issued a regulatory relief proposal that would provide relief to futures exchanges and their customers. Instead of listing specific requirements for complying with the CEA, the proposal would require exchanges to meet internationally agreed-upon core principals. The CFTC proposal creates tiers of regulation for exchanges based on whether the underlying commodities being traded are susceptible to manipulation or whether the users of the exchange are limited to institutional customers. Unsure of whether this legislation would be enacted, the CFTC went ahead and finalized its regulatory relief proposal on November 20, 2000.

When enacted, this legislation will largely incorporate the CFTC's framework. A board of trade that is designated as a contract market would receive the highest level of regulation due to the fact that these products are susceptible to manipulation or are offered to retail customers. Futures on agricultural commodities would fall into this category. This bill also sets out that in lieu of contract market designation, a board of trade may register as a Derivatives Transaction Execution

Facility, DTEF, if the products being offered are not susceptible to manipulation and are traded among institutional customers or retail customers who use large Futures Commission Merchants, FCMs, who are members of a clearing facility.

Also, a board of trade may choose to be an Exempt Board of Trade, XBOT, and not be subject to the Act (except for the CFTC's anti-manipulation authority) if the products being offered are traded among institutional customers only (absolutely no retail) and the instruments are not susceptible to manipulation. Our bill would allow a board of trade that is a DTEF or an XBOT to opt to trade derivatives that are otherwise excluded from the Act on these facilities and to the extent that these products are traded on these facilities, the CFTC would have exclusive jurisdiction over them. With this provision, the intent is to provide these facilities that trade derivatives with a choice—if regulation is beneficial, the facility may choose to be regulated. If not, the facility may choose to be excluded or exempted from the Act.

By refraining from altering certain sections of the Act, this legislation reaffirms the importance of specific authorities granted the CFTC, including its anti-fraud and anti-manipulation powers. Section 4b is the principal anti-fraud provision of the Act and the Commission has consistently used Section 4b to combat fraudulent conduct by bucket shops and boiler rooms that entered into transactions directly with their customers and thus did not involve a traditional broker-client type of relationship. There have been cases involving the fraudulent sale of illegal precious metals futures contracts marketed as cash-forward transactions (*CFTC* v. *P.I.E., Inc.*, 853 F.2d 721 (9th Cir. 1988)) as well as cases involving boiler room operations fraudulently selling illegal precious metals contracts to members of the general public. (*CFTC* v. *Wellington Precious Metals, Inc.*, 950 F.2d 1525 (11th Cir.), cert. denied, 113 S. Ct. 66 (1992)). This reaffirmation is consistent with both Congress' understanding of and past Congressional amendments to Section 4b that confirmed the applicability of Section 4b to fraudulent boiler rooms and bucket shops that enter into transactions directly with their customers.

It is the intent of Congress in retaining Section 4b of the Act that the provision not be limited to fiduciary, broker/customer or other agency-like relationships. Section 4b provides the Commission with broad authority to police fraudulent conduct within its jurisdiction, whether occurring in boiler rooms and bucket shops, or in the e-commerce markets that will develop under this new statutory framework.

The bill's last section addresses the Shad-Johnson jurisdictional accord. In 1982, SEC Chairman John Shad and CFTC Chairman Phil Johnson reached an agreement on dividing jurisdiction between the agencies for those products that had characteristics of both securities and futures. Known as the Shad-Johnson Accord, this agreement prohibited single stock futures and delineated jurisdiction between the SEC and the CFTC on stock index futures.

Meant as a temporary agreement, many have suggested that the Shad-Johnson accord should be repealed. The President's Working Group unanimously agreed that the Accord should be repealed if regulatory disparities are resolved between the regulation of futures and securities. In March 2000, the General Accounting Office released a report that found that there is no legitimate policy reason for maintaining the ban on single stock futures since these products are being traded in foreign markets, in the OTC market, and synthetically in the options markets. Chairman GRAMM and I sent a letter requesting the CFTC and the SEC to make recommendations on reforming the Shad-Johnson ban. On September 14, 2000, the SEC and CFTC reached an agreement on the proper regulatory treatment of these instruments, and we have incorporated this agreement into our legislation.

Under the legislation, the SEC and the CFTC would jointly regulate the market for single stock futures and narrow-based stock index futures. These products will be allowed to trade on both futures and securities exchanges. Single stock futures and narrow-based stock index futures (i.e., security futures) would be statutorily defined as both securities and futures, allowing the agencies the authority to regulate these instruments. However, to avoid redundancy, our legislation exempts these products from a series of regulations and requirements under both the securities and futures laws.

Margin levels, listing standards, and other key trading practices would be jointly supervised by the SEC and CFTC. At the outset, margin levels for security futures products could not be lower than comparable margin levels required in the options markets. The tax treatment of these products would be comparable to the tax treatment of options on securities to ensure a level playing field between the markets.

Futures on broad-based indices would be under the exclusive jurisdiction of the CFTC. The agreement sets out a ''bright-line'' formula for determining when an index is broad-based using the number and weighting of the securities contained in the index. This formula would allow a broad-based index to contain as few as 9 securities.

The goal of this legislation is to ensure that the United States remains a global leader in the derivatives marketplace and that these markets are appropriately and effectively regulated. I believe that this legislation meets these objectives while ensuring that the public's interest in the financial markets is protected.

This long legislative journey began two years ago when the Senate and House Agriculture Committees held a two day roundtable, in which distinguished individuals from the financial community participated. One of those individuals was Merton H. Miller, the Nobel Prize winning professor of economics from the University of Chicago, who passed away this summer. Professor Miller, known for his disarming sense of humor, his plain-spokenness and his generosity, is dearly missed by his family, friends and colleagues. The impact of his death has been particularly hard felt by the community of friends at the Chicago futures markets. Professor Miller was the primary intellectual force behind the development of the modern financial futures market and a staunch defender of the free market system. His body of work helped bring academic legitimacy to these markets, and he is sorely missed by them. As part of our roundtable discussion, we allowed each of the participants to make one wish for the coming 106th Congress. True to his life's work in this area, Professor Miller told us that Congress needed to lessen the cost of regulation on the futures and other financial markets in order to allow these markets to survive and compete in the global economy. I find it particularly satisfying that we are able to pass this historic legislation at the end of the 106th Congress and provide Professor Miller with his wish. I am confident that his legacy will live on through the success and growth of the markets that are benefitted by this legislation.

Mr. GRAMM. Mr. President, today I join with Senator LUGAR, Chairman of the Senate Agriculture Committee, and several others of our colleagues to introduce the Commodity Futures Modernization Act of 2000. The formal purpose of this legislation is to reauthorize the Commodity Exchange Act, the legal authority for the Commodity Futures Trading Commission. As important as that is, this legislation does far more.

This is a landmark bill that addresses the two major purposes that Senator LUGAR and I set out to achieve when we first began discussing this legislation. First of all, this bill would repeal the so-called Shad-Johnson Accord, the 18-year-old temporary prohibition on the trading of futures based on individual stocks. Second, the bill eliminates the legal uncertainty that today hangs as an ominous cloud over the $60 trillion financial swaps markets.

We are introducing the bill today as the finished product of years of work involving half a dozen committees in both Houses of Congress, and as many agencies of the Federal government. This bill is identical to, and is the Senate companion to, H.R. 5660, introduced yesterday in the House and which will be approved by the House and the Senate today. We introduce this bill in the Senate to demonstrate the bicameral authorship and support for this important legislation.

For legislative history, I would direct my colleagues to statements made

elsewhere in the RECORD in connection with House and Senate action on the House companion, part of the package of legislation approved together with the Labor HHS appropriations bill for fiscal year 2001.

I would take this opportunity to thank Chairman LUGAR and all who had a hand in forming this important legislation. All who had a hand in it deserve to be proud of this product.

Mr. DURBIN:

S. 3284. A bill to amend title 5, United States Code, to establish a national health program administered by the Office of Personal Management to offer Federal employee health benefits plans to individuals who are not Federal employees, and for other purposes; to the Committee on Governmental Affairs.

OPTION ACT OF 2000

Mr. DURBIN. Mr. President, today I am introducing legislation to make available to all of our constituents the same range of private health insurance plans available to Members of Congress and other federal employees through the Federal Employees Health Benefits Program, FEHBP.

The OPTION Act—Offering People True Insurance Options Nationwide—would expand insurance options by allowing individuals to enroll in private health insurance plans nearly identical to the plans federal employees currently choose from. Though the OPTION program would be separate from the federal employees program, it would be modeled after FEHBP and would draw from FEHBP's strengths: plan choice, group purchasing savings, comprehensive benefits, and open enrollment periods.

Too many Americans do not have real insurance options. Many individuals lack insurance because no insurer is willing to cover them at a reasonable price. Others work for employers who do not provide health insurance or offer only one insurance provider. The OPTION Act addresses these issues by giving individuals and businesses access to the group purchasing power that undergirds FEHBP and the wide range of health plans in that program.

Under this legislation, all FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits they offer federal employees through FEHBP.

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees, and the OPTION Act would not result in any changes in the premiums or benefits of today's FEHBP health plans.

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll. OPTION plans also would be required to offer rebates or lower premiums for longevity of health coverage. These provisions would act as an incentive for people to sign up when they are young and to maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting until they get sick to enroll, health plans would be allowed to exclude coverage for preexisting conditions for up to one year for people without coverage immediately preceding enrollment.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums, varying from 30 percent to 50 percent depending on the size of the business. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. I want to emphasize that employer participation would be entirely voluntary.

Opening up these health plans to employers would give small businesses a new opportunity to provide health coverage to their employees. Premiums in today's market can be especially high for small businesses buying insurance on their own. The OPTION program will allow businesses to tap into the type of group buying power in the federal employees program.

Premiums would not be government-subsidized and would instead be the responsibility of the participating enrollees and those employers who choose to participate.

Mr. President, I support efforts to provide financial assistance to those who cannot afford health insurance and I have offered other pieces of legislation to provide that assistance. We need to address the fact that 42.6 million Americans, including 1.7 million Illinoisans, currently lack health insurance—up nearly 25 percent from the 34.4 million in 1990. However, I am offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage. No one should be living just a serious accident or major illness away from financial ruin. Making more insurance options available to a greater number of people in this country is a good first step toward universal coverage.

The OPTION program would be administered by the Office of Personnel Management, OPM, which administers the FEHBP program, and would generally follow the rules for FEHBP. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. We can build on OPM's expertise to extend the same health insurance options to all Americans.

Finally, once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums. Those who benefit from the program would pay for its overhead costs.

Mr. President, this legislation could open the door for many Americans to obtain good health insurance coverage. I am introducing it at this late point in the session so that it can stimulate discussion over the next few months. I will reintroduce the measure next year. I welcome the input and support of my colleagues and hope the Senate will work next year to reduce the number of uninsured Americans and expand insurance options.

I ask unanimous consent that a fuller summary of the bill and a copy of the bill itself be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 3284

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Offering People True Insurance Options Nationwide Act of 2000''.

SEC. 2. OPTION HEALTH INSURANCE.

Subpart G of part III of title 5, United States Code, is amended by adding at the end the following:

''CHAPTER 90A—HEALTH INSURANCE FOR NON-FEDERAL EMPLOYEES

''Sec.
''9051. Definitions.
''9052. Health insurance for non-Federal employees.
''9053. Contract requirement.
''9054. Eligibility.
''9055. Alternative conditions to Federal employee plans.
''9056. Coordination with social security benefits.
''9057. Non-Federal employer participation.

''§ 9051. Definitions

''In this chapter—

''(1) the terms defined under section 8901 shall have the meanings given such terms under that section; and

''(2) the term 'Office' means the Office of Personnel Management.

''§ 9052. Health insurance for non-Federal employees

''(a) The Office of Personnel Management shall administer a health insurance program for non-Federal employees in accordance with this chapter.

''(b) Except as provided under this chapter, the Office shall prescribe regulations to apply the provisions of chapter 89 to the greatest extent practicable to eligible individuals covered under this chapter.

''(c) In no event shall the enactment of this chapter result in—

''(1) any increase in the level of individual or Government contributions required under chapter 89, including copayments or deductibles;

''(2) any decrease in the types of benefits offered under chapter 89; or

''(3) any other change that would adversely affect the coverage afforded under chapter 89 to employees and annuitants and members of family under that chapter.

''§ 9053. Contract requirement

''(a) Each contract entered into under section 8902 shall require a carrier to offer to eligible individuals under this chapter,

throughout each term for which the contract remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or applicable health benefits plan to employees, annuitants, and members of family.

''(b)(1) The Office may waive the requirements of this subsection, if the Office determines, based on a petition submitted by a carrier that—

''(A) the carrier is unable to offer the applicable health benefits plan because of a limitation in the capacity of the plan to deliver services or assure financial solvency;

''(B) the applicable health benefits plan is not sponsored by a carrier licensed under applicable State law; or

''(C) bona fide enrollment restrictions make the application of this chapter inappropriate, including restrictions common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government.

''(2) The Office may require a petition under this subsection to include—

''(A) a description of the efforts the carrier proposes to take in order to offer the applicable health benefits plan under this chapter; and

''(B) the proposed date for offering such a health benefits plan.

''(3) A waiver under this subsection may be for any period determined by the Office. The Office may grant subsequent waivers under this section.

''§ 9054. Eligibility

''An individual shall be eligible to enroll in a plan under this chapter, unless the individual is enrolled or eligible to enroll in a plan under chapter 89.

''§ 9055. Alternative conditions to Federal employee plans

''(a) For purposes of enrollment in a health benefits plan under this chapter, an individual who had coverage under a health insurance plan and is not a qualified beneficiary as defined under section 4980B(g)(1) of the Internal Revenue Code of 1986 shall be treated in a similar manner as an individual who begins employment as an employee under chapter 89.

''(b) In the administration of this chapter, covered individuals under this chapter shall be in a risk pool separate from covered individuals under chapter 89.

''(c)(1) Each contract under this chapter may include a preexisting condition exclusion as defined under section 9801(b)(1) of the Internal Revenue Code of 1986.

''(2)(A) The preexisting condition exclusion under this subsection shall provide for coverage of a preexisting condition to begin not more than 1 year after the date of coverage of an individual under a health benefits plan, reduced by 1 month for each month that individual was covered under a health insurance plan immediately preceding the date the individual submitted an application for coverage under this chapter.

''(B) For purposes of this paragraph, a lapse in coverage of not more than 31 days immediately preceding the date of the submission of an application for coverage shall not be considered a lapse in continuous coverage.

''(d)(1) Rates charged and premiums paid for a health benefits plan under this chapter—

''(A) may be adjusted and differ from such rates charged and premiums paid for the same health benefits plan offered under chapter 89;

''(B) shall be negotiated in the same manner as negotiated under chapter 89; and

''(C) shall be adjusted to cover the administrative costs of this chapter.

''(2) In determining rates and premiums under this chapter—

''(A) the age of covered individuals may be considered; and

''(B) rebates or lower rates and premiums shall be set to encourage longevity of coverage.

''(e) No Government contribution shall be made for any covered individual under this chapter.

''(f) If an individual who is enrolled in a health benefits plan under this chapter terminates the enrollment, the individual shall not be eligible for reenrollment until the first open enrollment period following 6 months after the date of such termination.

''§ 9056. Coordination with social security benefits

''Benefits under this chapter shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security Act, be offered (for use in coordination with those social security benefits) to the same extent and in the same manner as if coverage were under chapter 89.

''§ 9057. Non-Federal employer participation

''(a) In this section the term—

''(1) 'employee', notwithstanding section 9051, means an employee of a non-Federal employer; and

''(2) 'non-Federal employer' means an employer that is not the Federal Government.

''(b)(1) The Office shall prescribe regulations providing for non-Federal employer participation under this chapter, including—

''(A) the offering of health benefits plans under this chapter to employees through participating non-Federal employers; and

''(B) a requirement for participating non-Federal employer contributions to the payment of premiums for employees who enroll in a health benefits plan under this chapter.

''(2) A participating non-Federal employer shall pay an employer contribution for the premiums of an employee or other applicable covered individual as follows:

''(A) A non-Federal employer that employs not more than 2 employees shall not be required to pay an employer contribution.

''(B) A non-Federal employer that employs more than 2 and not more than 25 employees shall pay not less than 30 percent of the total premiums.

''(C) A non-Federal employer that employs more than 25 and not more than 50 employees shall pay not less than 40 percent of the total premiums.

''(D) A non-Federal employer that employs more than 50 employees shall pay not less than 50 percent of the total premiums.

''(3) Notwithstanding paragraph (2) (B), (C), or (D), a non-Federal employer that employs more than 2 employees shall pay not less than 20 percent of the total premiums with respect to the first year in which that employer participates under this chapter.''.

SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.

(a) CONTRACT REQUIREMENT UNDER CHAPTER 89.—Section 8902 of title 5, United States Code, is amended by adding after subsection (o) the following:

''(p) Each contract under this chapter shall include a provision that the carrier shall offer any health benefits plan as required under chapter 90A.''.

(b) TABLE OF CHAPTERS.—The table of chapters for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 90 the following:

''90A. Health Insurance for Non-Federal Employees ..... 9051''.

SEC. 4. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act and shall apply to contracts that take effect with respect to calendar year 2002 and each calendar year thereafter.

THE OFFERING PEOPLE TRUE INSURANCE OPTIONS NATIONWIDE (OPTION) ACT OF 2000—SUMMARY

The OPTION Act (Offering People True Insurance Options Nationwide) would expand health insurance options for all Americans by giving them access to the group purchasing power and same range of private health insurance plans available to Members of Congress and other federal employees. Under the OPTION Act:

All Americans would be eligible to enroll in OPTION health plans nearly identical to the health plans from which federal employees currently choose through the Federal Employees Health Benefits Program (FEHBP).

All FEHBP health plans would be required to offer an OPTION health plan to non-federal employees with the same benefits as they offer federal employees through FEHBP (with the exception of plans designated for a specific federal agency such as the foreign service and plans that apply for and receive an exemption due to special circumstances).

OPTION enrollees would be placed in a separate risk pool, to prevent any effect on current FEHBP employees.

The OPTION Act would not result in any changes in the premiums, copayments, deductibles, or benefits of FEHBP health plans, to avoid any adverse effect on the current FEHBP coverage of federal employees and annuitants and their families.

All employers would have the option of voluntarily participating in the OPTION program and providing OPTION health plans to their employees. To be eligible, a business would have to be willing to pay at least a minimum percentage of the premiums for its employees, with the amount varying depending on the size of the business. A small business with 3–25 employees would have to pay at least 30% of the premium for its employees, a larger business with 26–50 employees would have to pay at least 40%, and a business with more than 50 employees would have to pay at least 50%. Employers would be offered an incentive to begin enrolling their employees by allowing them to pay as little as 20% of the premium for the first year only. This innovative employer option would encourage employer health coverage rather than shifting coverage away from the private sector. Employer participation would be entirely voluntary.

Under the OPTION Act, premiums would not be government-subsidized. Enrollees, and those employers who choose to participate, would be responsible for the cost of the premiums. (Senator Durbin supports and has offered separate legislation to provide financial assistance to those who cannot afford health insurance but is offering this measure on its own to focus specifically on expanding health coverage options and encouraging businesses to provide coverage.)

One of the few differences from FEHBP is that OPTION plans would be allowed to vary premiums by age, so that younger enrollees would be more likely to enroll.

OPTION plans also would be required to offer rebates or lower premiums to encourage and reward longevity of health coverage. This would create an incentive for people to sign up when they are young and maintain continuous coverage.

OPTION health plans would not be allowed to impose any preexisting condition exclusions on new OPTION enrollees who have at least one year of health insurance coverage immediately prior to enrollment in an OPTION plan. To prevent people from waiting

until they get sick to enroll, health plans would be allowed to exclude coverage for pre-existing conditions for up to one year for people without coverage immediately prior to enrollment (reduced by one month for each month of immediately previous coverage). OPTION enrollees who terminate their coverage mid-year would have to wait to re-join until the next annual open season that is at least six months after the date of termination.

People who lost their previous health coverage and are not eligible for COBRA would be allowed to enroll in an OPTION plan at the start of the next month, just as newly hired federal employees can enroll in FEHBP.

The benefits provided by OPTION plans would be the same as the benefits in the corresponding FEHBP plans. (Current FEHBP benefits include inpatient/outpatient hospital care; physician services; surgical services; diagnostic tests; and emergency care; as well as child immunizations; certain cancer screening tests, including mammography; prescription drugs, including contraceptives; mental health and substance abuse treatment benefits with parity for mental and physical health; organ transplantation; and a 48-hour minimum inpatient stay for childbirth and mastectomies.)

The OPTION program would be administered by the Office of Personnel Management (OPM), which administers the FEHBP program, and would generally follow the rules for FEHBP. For example, OPM would conduct the same annual open season for enrollment and would negotiate premiums and benefits with OPTION health plans as it does with FEHBP plans. OPM has developed considerable expertise in negotiating and working with health plans and has shown that it can run a health program well at a minimum of cost. Its expenses are currently limited to no more than one percent of the total premiums for the FEHBP program. Rather than reinventing the wheel, we can build on OPM's expertise to extend the same health insurance options to all Americans.

Once it is up and running, the program would pay for itself. Administrative costs would be covered from a portion of the OPTION premiums.

By Mr. DURBIN:

S. 3285. A bill to amend the Internal Revenue Code of 1986 to exclude tobacco products from qualifying foreign trade property in the treatment of extraterritorial income; to the Committee on Finance.

STOP GIVING SPECIAL TAX BREAKS TO TOBACCO

Mr. DURBIN. Mr. President, today I am introducing legislation to exclude tobacco from the Extraterritorial Income Exclusion tax benefit, which has replaced the Foreign Sales Corporation tax benefit.

This tax provision provides tax benefits to a variety of companies, including many in Illinois, and I understand how important it is to them. But one product should be clearly, in law, excluded from this benefit, and it is the one product which kills its user when used according to the manufacturer's directions—tobacco.

The FSC replacement law already contains several exclusions from its benefits. Oil, gas, and other primary products are excluded to help ensure that natural resources in the United States are not depleted.

Unprocessed timber is excluded in order to ensure no displacement of U.S. jobs.

The law also excludes certain products in order to promote congruence with other federal government policies. For example, there are exclusions relating to items subject to the Export Administration Act, which prohibits or severely restricts export of certain civilian goods and technology that have military applications. Similarly, we should not be subsidizing tobacco products that are sold overseas while at the same time trying to cut smoking rates in the U.S. Our trade and health priorities should be on the same page.

The biggest tobacco companies in America currently benefit handsomely from the Foreign Sales Corporation tax break and will benefit from the Extraterritorial Income Exclusion tax break. The latest available data from the Statistics of Income Division at the Internal Revenue Service show tobacco products sold through 10 Foreign Sales Corporations for domestic tobacco manufacturers accounted for about $100 million in lost tax revenue in 1996. There is no justification for compelling American taxpayers to support a $100 million tax subsidy annually for the benefit of U.S. tobacco companies.

Since 1990, while Philip Morris's sales have grown minimally in the U.S., they have grown by 80 percent abroad. Smoking currently causes more than 3.5 million deaths each year throughout the world. Within 20 years, that number is expected to rise to 10 million, with 70 percent of all deaths from smoking occurring in developing countries. Tobacco will soon be the leading cause of disease and premature death worldwide—surpassing communicable diseases such as AIDS, malaria, and tuberculosis.

American taxpayers should not be partners in this export of disease and death where the result is more children around the globe smoking and more people getting sick and dying.

While it is true that tobacco companies are not receiving any special treatment that other corporations don't get under the old FSC law or its recent replacement, we must remember that tobacco companies are not like any other company. Internal tobacco industry documents have established that, starting as early as the 1950s, cigarette companies intentionally withheld information about smoking, including scientific research about its risks; made false and misleading statements about the harm of tobacco products; attacked research findings despite knowing that the research was valid; failed to take steps to make their products safer; and marketed their products to children and youth.

As a matter of fact, Philip Morris recently posted a statement on its website agreeing that smoking is harmful to your health and that there is no such thing as a safe or safer cigarette. The statement says, ''We agree with the overwhelming medical and scientific consensus that cigarette smoking causes lung cancer, heart disease, emphysema and other serious diseases in smokers. Smokers are far more likely to develop serious diseases, like lung cancer, than non-smokers. There is no 'safe' cigarette. These are and have been the messages of public health authorities worldwide. Smokers and potential smokers should rely on these messages in making all smoking-related decisions.''

It is about time that the tobacco companies faced up to the fact that their products are harmful and highly addictive. In the U.S. alone, smoking causes more than 400,000 deaths and costs more than $72 billion in health care costs every year.

We should not be subsidizing such an inherently dangerous product that is being promoted and marketed so irresponsibly here and around the world. With its devastating health effects, tobacco should not enjoy the same taxpayer-subsidized federal assistance as other products.

It's time to take another step toward bringing our nation's tax and trade priorities in line with our clear understanding of the health dangers of tobacco. My legislation simply adds one additional category to the list of products excluded from the special tax treatment in the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, which was recently signed into law by the President. It shifts tobacco from being promoted by this tax benefit to being excluded from this tax benefit.

In my legislation, tobacco is defined as it is defined in Section 5702(c) of the Internal Revenue Code, so it includes cigars, cigarettes, smokeless tobacco, and pipe tobacco. It does not apply to raw tobacco, so this legislation will not affect tobacco farmers' ability to sell their product abroad.

Is it fair to exclude a legal product from this tax benefit? Absolutely! Tobacco companies spend over $5 billion each year—that's nearly $14 million every day—in the U.S. alone to promote their products in order to replace the thousands of customers who either die or quit using tobacco products each day. In other countries, U.S. tobacco companies advertise their products near schools and in video-game arcades. They also use children in other countries to peddle their products. Street lights with the Camel logo have been installed in Bucharest, Romania. Toy cars with the Camel insignia are sold to children in Buenos Aires. Children's tatoos sporting the Salem logo are distributed in Hong Kong. Arcade games in the Philippines are plastered with the Marlboro label.

I urge my colleagues to send a message to U.S. tobacco companies as well as the next Administration to take the logical next step and make changes in the way tobacco products are sold and regulated to reflect the magnitude of the danger.

The tobacco prevention agenda has been stalled in this Congress for far too

long. Let's work together, in a bipartisan fashion, to stop marketing tobacco products to children, to regulate tobacco products in a sensible way, and to adopt larger and clearer warning labels commensurate with the risks of tobacco products. Let's take a close look at all the forms of tobacco, including the new fad of bidis and the resurgent use of cigars. They all have addictive levels of nicotine and deadly levels of carcinogens. It's time to put people's health ahead of tobacco company profits.

Mr. President, I urge my colleagues to join me in cosponsoring this important legislation, to end the contradiction of using the tax code to continue to enrich U.S. tobacco companies, which export products that addict children abroad to nicotine and push them down a path to disease and death.

I ask unanimous consent that a copy of the legislation be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3285

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

SECTION 1. EXCLUSION OF TOBACCO PRODUCTS FROM QUALIFYING FOREIGN TRADE PROPERTY.

(a) IN GENERAL.—Section 943(a)(3) of the Internal Revenue Code of 1986 (relating to excluded property) is amended by striking ''or'' at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting '', and'', and by inserting after subparagraph (E) the following new subparagraph:

''(F) any tobacco products (as defined in section 5702(c)).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendment made by section 3(b) of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.

Mr. BINGAMAN (for himself, Mr. DASCHLE, and Mr. BAUCUS):

S. 3286. A bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; to the Committee on Energy and Natural Resources.

PILT AND REFUGE REVENUE SHARING PERMANENT FUNDING ACT

Mr. BINGAMAN. Mr. President, the bill I am introducing today, the PILT and Refuge Revenue Sharing Permanent Funding Act, deals with an issue that I believe must be addressed in the next Congress. The bill is a measure to make permanent funding for two important programs managed by the Department of the Interior: the Payment in Lieu of Taxes Program (or PILT) in the Bureau of Land Management and the Refuge Revenue Sharing Program in the Fish and Wildlife Service. These programs provide support to local governments in areas in which these two agencies hold land. Under the authorizations for these programs, the funds are to be provided as an offset to the local property tax base lost by virtue of the Federal ownership of these lands.

Federal ownership of lands in the American West, in states like New Mexico, does not come without its share of burdens for local governments. If there is a fire or other emergency, they must help respond. If there is increased traffic to and from the site, they must maintain the public roads that provide the necessary access to the public. In enacting the original authorizing legislation, Congress decided that, as a matter of policy, it was appropriate for the Federal Government to bear a fair share in paying for these costs, in lieu of the taxes that would be levied on any private landowner in these localities.

But in setting up these programs, Congress decided to make them subject to annual appropriations, either partially (in the case of Refuge Revenue Sharing) or completely (in the case of PILT). In retrospect, this was a mistake. The annual appropriations process has never come even close to providing the funds agreed upon by the underlying authorizing law. Moreover, the amount made available has changed significantly from one year to the next, frustrating the ability of localities to plan effectively for the use of these funds. Many of the burdens they face as a result of Federal land ownership require expenditures and commitments that are long-term. If you want to have a reasonable system of country roads, you need to have a consistent multi-year plan. If you want adequate fire protection, you can't be hiring a dozen new firefighters in one year and firing them the next, as appropriation levels gyrate up and down.

The Federal Government needs to be a better neighbor and a more reliable partner to local governments in the rural West. Since the system of meeting our obligations to these localities through the annual appropriations process has not worked, I am proposing that we start treating our payments in lieu of taxes in the same way that we account for incoming tax revenues to the Federal Government—on the mandatory side of the Federal ledger. By making the funding for these crucial programs full and permanent, we will be keeping the commitments to rural communities throughout the West made in the original PILT and Refuge Revenue Sharing authorizing legislation. It's a matter of simple justice to rural communities. I hope that enacting legislation along the lines of what I am proposing today will receive high priority in the next Congress.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD following this statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 3286

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''PILT and Refuge Revenue Sharing Permanent Funding Act''.

SEC. 2. PERMANENT FUNDING FOR PILT AND REFUGE REVENUE SHARING.

(a) PAYMENTS IN LIEU OF TAXES.—Section 6906 of title 31, United States Code, is amended to read as follows:

''There is authorized to be appropriated such sums as may be necessary to the Secretary of the Interior to carry out this chapter. Beginning in fiscal year 2002 and each year thereafter, amounts authorized under this chapter shall be made available to the Secretary of the Interior, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this chapter.''.

(b) REFUGE REVENUE SHARING.—Section 401(d) of the Act of June 15, 1935, as amended (16 U.S.C. 715s(d)) (relating to refuge revenue sharing), is amended by adding at the end thereof:

''Beginning in fiscal year 2002 and each year thereafter, such amount shall be made available to the Secretary, out of any other funds in the Treasury not otherwise appropriated and without further appropriation, for obligation or expenditure in accordance with this section.''.

ADDITIONAL COSPONSORS

S. 741

At the request of Mr. GRAHAM, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 741, a bill to provide for pension reform, and for other purposes.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of 1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 3250

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3250, a bill to provide for a United States response in the event of a unilateral declaration of a Palestinian state.

SENATE CONCURRENT RESOLUTION 162—TO DIRECT THE CLERK OF THE HOUSE OF REPRESENTATIVES TO MAKE A CORRECTION IN THE ENROLLMENT OF H.R. 4577

Mr. STEVENS (for himelf and Mr. BYRD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 162

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. 4577), making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 2001, and for other purposes, shall make the following correction:

In section 1(a)(4), before the period at the end, insert the following: '', except that the

text of H.R. 5666, as so enacted, shall not include section 123 (relating to the enactment of H.R. 4904)''.

SENATE RESOLUTION 388—TENDERING THE THANKS OF THE SENATE TO THE PRESIDENT PRO TEMPORE FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 388

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Strom Thurmond, President pro tempore of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 389—TENDERING THE THANKS OF THE SENATE TO THE VICE PRESIDENT FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH HE HAS PRESIDED OVER THE DELIBERATIONS OF THE SENATE

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 389

Resolved, That the thanks of the Senate are hereby tendered to the Honorable Al Gore, Vice President of the United States and President of the Senate, for the courteous, dignified, and impartial manner in which he has presided over its deliberations during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 390—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE DEMOCRATIC LEADER.

Mr. LOTT (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 390

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Democratic Leader, the Senator from South Dakota, the Honorable Thomas A. Daschle, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 391—TO COMMEND THE EXEMPLARY LEADERSHIP OF THE MAJORITY LEADER.

Mr. DASCHLE (for himself, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 391

Resolved, That the thanks of the Senate are hereby tendered to the distinguished Majority Leader, the Senator from Mississippi, the Honorable Trent Lott, for his exemplary leadership and the cooperative and dedicated manner in which he has performed his leadership responsibilities in the conduct of Senate business during the second session of the 106th Congress.

SENATE RESOLUTION 392—TENDERING THE THANKS OF THE SENATE TO THE SENATE STAFF FOR THE COURTEOUS, DIGNIFIED, AND IMPARTIAL MANNER IN WHICH THEY HAVE ASSISTED THE DELIBERATIONS OF THE SENATE.

Mr. LOTT (for himself, Mr. DASCHLE, Mr. NICKLES, and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 392

Resolved, That the thanks of the Senate are hereby tendered to the Secretary of the Senate, the Sergeant at Arms of the Senate, the Secretary for the Majority, the Secretary for the Minority, and the floor staff of the two parties for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate during the second session of the One Hundred Sixth Congress.

SENATE RESOLUTION 393—COMMEMORATING THE LIFE OF GWENDOLYN BROOKS OF CHICAGO, ILLINOIS.

Mr. DURBIN (for himself and Mr. FITZGERALD) submitted the following resolution; which was considered and agreed to:

S. RES. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

AMENDMENTS SUBMITTED

DILLONWOOD GIANT SEQUOIA GROVE PARK EXPANSION ACT

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4365

Mr. DOMENICI (for Mr. MURKOWSKI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (H.R. 4020) to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. ADDITION TO SEQUOIA NATIONAL PARK.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall acquire by donation, purchase with donated or appropriated funds, or exchange, all interest in and to the land described in subsection (b) for addition to Sequoia National Park, California.

(b) LAND ACQUIRED.—The land referred to in subsection (a) is the land depicted on the map entitled ''Dillonwood'', numbered 102/80,044, and dated September 1999.

(c) ADDITION TO PARK.—Upon acquisition of the land under subsection (a)—

(1) the Secretary of the Interior shall—

(A) modify the boundaries of Sequoia National Park to include the land within the park; and.

(B) administer the land as part of Sequoia National Park in accordance with all applicable laws; and.

(2) The Secretary of Agriculture shall modify the boundaries of the Sequoia National Forest to exclude the land from the forest boundaries.

PUBLIC SAFETY OFFICER MEDAL OF VALOR ACT OF 1999

HATCH AMENDMENT NO. 4366

Mr. STEVENS (for Mr. HATCH) proposed an amendment to the bill (H.R. 46) to provide for a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty; as follows:

Strike all after the enacting clause and insert the following:

TITLE I—PUBLIC SAFETY MEDAL OF VALOR

SECTION 101. SHORT TITLE.

This title may be cited as the ''Public Safety Officer Medal of Valor Act of 2000''.

SEC. 102. AUTHORIZATION OF MEDAL.

After September 1, 2001, the President may award, and present in the name of Congress, a Medal of Valor of appropriate design, with ribbons and appurtenances, to a public safety officer who is cited by the Attorney General, upon the recommendation of the Medal of Valor Review Board, for extraordinary valor above and beyond the call of duty. The Public Safety Medal of Valor shall be the highest national award for valor by a public safety officer.

SEC. 103. MEDAL OF VALOR BOARD.

(a) ESTABLISHMENT OF BOARD.—There is established a Medal of Valor Review Board

(hereinafter in this title referred to as the ''Board''), which shall be composed of 11 members appointed in accordance with subsection (b) and shall conduct its business in accordance with this title.

(b) MEMBERSHIP.—

(1) MEMBERS.—The members of the Board shall be individuals with knowledge or expertise, whether by experience or training, in the field of public safety, of which—

(A) two shall be appointed by the majority leader of the Senate;

(B) two shall be appointed by the minority leader of the Senate;

(C) two shall be appointed by the Speaker of the House of Representatives;

(D) two shall be appointed by the minority leader of the House of Representatives; and

(E) three shall be appointed by the President, including one with experience in firefighting, one with experience in law enforcement, and one with experience in emergency services.

(2) TERM.—The term of a Board member shall be 4 years.

(3) VACANCIES.—Any vacancy in the membership of the Board shall not affect the powers of the Board and shall be filled in the same manner as the original appointment.

(4) OPERATION OF THE BOARD.—

(A) CHAIRMAN.—The Chairman of the Board shall be elected by the members of the Board from among the members of the Board.

(B) MEETINGS.—The initial meeting of the Board shall be conducted within 90 days of the appointment of the last member of the Board. Thereafter, the Board shall meet at the call of the Chairman of the Board. The Board shall meet not less often than twice each year.

(C) VOTING AND RULES.—A majority of the members shall constitute a quorum to conduct business, but the Board may establish a lesser quorum for conducting hearings scheduled by the Board. The Board may establish by majority vote any other rules for the conduct of the Board's business, if such rules are not inconsistent with this title or other applicable law.

(c) DUTIES.—The Board shall select candidates as recipients of the Medal of Valor from among those applications received by the National Medal Office. Not more often than once each year, the Board shall present to the Attorney General the name or names of those it recommends as Medal of Valor recipients. In a given year, the Board shall not be required to select any recipients but may not select more than 5 recipients. The Attorney General may in extraordinary cases increase the number of recipients in a given year. The Board shall set an annual timetable for fulfilling its duties under this title.

(d) HEARINGS.—

(1) IN GENERAL.—The Board may hold such hearings, sit and act at such times and places, administer such oaths, take such testimony, and receive such evidence as the Board considers advisable to carry out its duties.

(2) WITNESS EXPENSES.—Witnesses requested to appear before the Board may be paid the same fees as are paid to witnesses under section 1821 of title 28, United States Code. The per diem and mileage allowances for witnesses shall be paid from funds appropriated to the Board.

(e) INFORMATION FROM FEDERAL AGENCIES.—The Board may secure directly from any Federal department or agency such information as the Board considers necessary to carry out its duties. Upon the request of the Board, the head of such department or agency may furnish such information to the Board.

(f) INFORMATION TO BE KEPT CONFIDENTIAL.—The Board shall not disclose any information which may compromise an ongoing law enforcement investigation or is otherwise required by law to be kept confidential.

SEC. 104. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—(1) Except as provided in paragraph (2), each member of the Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Board.

(2) All members of the Board who serve as officers or employees of the United States, a State, or a local government, shall serve without compensation in addition to that received for those services.

(b) TRAVEL EXPENSES.—The members of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Board.

SEC. 105. DEFINITIONS.

In this title:

(1) PUBLIC SAFETY OFFICER.—The term ''public safety officer'' means a person serving a public agency, with or without compensation, as a firefighter, law enforcement officer, or emergency services officer, as determined by the Attorney General. For the purposes of this paragraph, the term ''law enforcement officer'' includes a person who is a corrections or court officer or a civil defense officer.

(2) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out this title.

SEC. 107. NATIONAL MEDAL OF VALOR OFFICE.

There is established within the Department of Justice a national medal of valor office. The office shall provide staff support to the Board to establish criteria and procedures for the submission of recommendations of nominees for the Medal of Valor and for the final design of the Medal of Valor.

SEC. 108. CONFORMING REPEAL.

Section 15 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2214) is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

''(a) ESTABLISHMENT.—There is hereby established an honorary award for the recognition of outstanding and distinguished service by public safety officers to be known as the Secretary's Award For Distinguished Public Safety Service ('Secretary's Award').'';

(2) in subsection (b)—

(A) by striking paragraph (1); and

(B) by striking ''(2)'';

(3) by striking subsections (c) and (d) and redesignating subsections (e), (f), and (g) as subsections (c), (d), and (e), respectively; and

(4) in subsection (c), as so redesignated—

(A) by striking paragraph (1); and

(B) by striking ''(2)''.

SEC. 109. CONSULTATION REQUIREMENT.

The Board shall consult with the Institute of Heraldry within the Department of Defense regarding the design and artistry of the Medal of Valor. The Board may also consider suggestions received by the Department of Justice regarding the design of the medal, including those made by persons not employed by the Department.

TITLE II—COMPUTER CRIME ENFORCEMENT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Computer Crime Enforcement Act''.

SEC. 202. STATE GRANT PROGRAM FOR TRAINING AND PROSECUTION OF COMPUTER CRIMES.

(a) IN GENERAL.—Subject to the availability of amounts provided in advance in appropriations Acts, the Office of Justice Programs shall make a grant to each State, which shall be used by the State, in conjunction with units of local government, State and local courts, other States, or combinations thereof, to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) assist in educating and training State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(b) USE OF GRANT AMOUNTS.—Grants under this section may be used to establish and develop programs to—

(1) assist State and local law enforcement in enforcing State and local criminal laws relating to computer crime;

(2) assist State and local law enforcement in educating the public to prevent and identify computer crime;

(3) educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions of computer crime;

(4) assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analysis of evidence of computer crimes; and

(5) facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer crimes with State and local law enforcement officers and prosecutors, including the use of multijurisdictional task forces.

(c) ASSURANCES.—To be eligible to receive a grant under this section, a State shall provide assurances to the Attorney General that the State—

(1) has in effect laws that penalize computer crime, such as penal laws prohibiting—

(A) fraudulent schemes executed by means of a computer system or network;

(B) the unlawful damaging, destroying, altering, deleting, removing of computer software, or data contained in a computer, computer system, computer program, or computer network; or

(C) the unlawful interference with the operation of or denial of access to a computer, computer program, computer system, or computer network;

(2) an assessment of the State and local resource needs, including criminal justice resources being devoted to the investigation and enforcement of computer crime laws; and

(3) a plan for coordinating the programs funded under this section with other federally funded technical assistant and training programs, including directly funded local programs such as the Local Law Enforcement Block Grant program (described under the heading ''Violent Crime Reduction Programs, State and Local Law Enforcement Assistance'' of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998 (Public Law 105–119)).

(d) MATCHING FUNDS.—The Federal share of a grant received under this section may not exceed 90 percent of the costs of a program or proposal funded under this section unless the Attorney General waives, wholly or in part, the requirements of this subsection.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2001 through 2004.

(2) LIMITATIONS.—Of the amount made available to carry out this section in any fiscal year not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

(3) MINIMUM AMOUNT.—Unless all eligible applications submitted by any State or unit of local government within such State for a grant under this section have been funded, such State, together with grantees within the State (other than Indian tribes), shall be allocated in each fiscal year under this section not less than 0.75 percent of the total amount appropriated in the fiscal year for grants pursuant to this section, except that the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands each shall be allocated 0.25 percent.

(f) GRANTS TO INDIAN TRIBES.—Notwithstanding any other provision of this section, the Attorney General may use amounts made available under this section to make grants to Indian tribes for use in accordance with this section.

TITLE III—INTERNET SECURITY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Internet Security Act of 2000''.

SEC. 302. DEPUTY ASSISTANT ATTORNEY GENERAL FOR COMPUTER CRIME AND INTELLECTUAL PROPERTY.

(a) ESTABLISHMENT OF POSITION.—(1) Chapter 31 of title 28, United States Code, is amended by inserting after section 507 the following new section:

''§ 507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property

''(a) The Attorney General shall appoint a Deputy Assistant Attorney General for Computer Crime and Intellectual Property.

''(b) The Deputy Assistant Attorney General shall be the head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice.

''(c) The duties of the Deputy Assistant Attorney General shall include the following:

''(1) To advise Federal prosecutors and law enforcement personnel regarding computer crime and intellectual property crime.

''(2) To coordinate national and international law enforcement activities relating to combatting computer crime.

''(3) To provide guidance and assistance to Federal, State, and local law enforcement agencies and personnel, and appropriate foreign entities, regarding responses to threats of computer crime and cyber-terrorism.

''(4) To serve as the liaison of the Attorney General to the National Infrastructure Protection Center (NIPC), the Department of Defense, the National Security Agency, and the Central Intelligence Agency on matters relating to computer crime.

''(5) To coordinate training for Federal, State, and local prosecutors and law enforcement personnel on laws pertaining to computer crime.

''(6) To propose and comment upon legislation concerning computer crime, intellectual property crime, encryption, electronic privacy, and electronic commerce, and concerning the search and seizure of computers.

''(7) Such other duties as the Attorney General may require, including duties carried out by the head of the Computer Crime and Intellectual Property Section of the Department of Justice as of the date of the enactment of the Internet Security Act of 2000.''.

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 507 the following new item:

''507a. Deputy Assistant Attorney General for Computer Crime and Intellectual Property.''.

(b) FIRST APPOINTMENT TO POSITION OF DEPUTY ASSISTANT ATTORNEY GENERAL.—(1) The individual who holds the position of head of the Computer Crime and Intellectual Property Section (CCIPS) of the Department of Justice as of the date of the enactment of this title shall act as the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code, until the Attorney General appoints an individual to hold the position of Deputy Assistant Attorney General for Computer Crime and Intellectual Property under that section.

(2) The individual first appointed as Deputy Assistant Attorney General for Computer Crime and Intellectual Property after the date of the enactment of this title may be the individual who holds the position of head of the Computer Crime and Intellectual Property Section of the Department of Justice as of that date.

(c) AUTHORIZATION OF APPROPRIATIONS FOR CCIPS.—There is hereby authorized to be appropriated for the Department of Justice for fiscal year 2001, $5,000,000 for the Computer Crime and Intellectual Property Section of the Department for purposes of the discharge of the duties of the Deputy Assistant Attorney General for Computer Crime and Intellectual Property under section 507a of title 28, United States Code (as so added), during that fiscal year.

SEC. 303. DETERRENCE AND PREVENTION OF FRAUD, ABUSE, AND CRIMINAL ACTS IN CONNECTION WITH COMPUTERS.

(a) CLARIFICATION OF PROTECTION OF PROTECTED COMPUTERS.—Subsection (a)(5) of section 1030 of title 18, United States Code, is amended—

(1) by inserting ''(i)'' after ''(A)'';

(2) by redesignated subparagraphs (B) and (C) as clauses (ii) and (iii), respectively, of subparagraph (A);

(3) by adding ''and'' at the end of clause (iii), as so redesignated; and

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

''(B) whose conduct described in clause (i), (ii), or (iii) of subparagraph (A) caused (or, in the case of an attempted offense, would, if completed, have caused)—

''(i) loss to 1 or more persons during any 1-year period (including loss resulting from a related course of conduct affecting 1 or more other protected computers) aggregating at least $5,000 in value;

''(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of 1 or more individuals;

''(iii) physical injury to any person;

''(iv) a threat to public health or safety; or

''(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security;''.

(b) PROTECTION FROM EXTORTION.—Subsection (a)(7) of that section is amended by striking '', firm, association, educational institution, financial institution, governmental entity, or other legal entity,''.

(c) PENALTIES.—Subsection (c) of that section is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting ''except as provided in subparagraph (B),'' before ''a fine'';

(ii) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(iii) by striking ''and'' at the end;

(B) in subparagraph (B), by inserting ''or an attempt to commit an offense punishable under this subparagraph,'' after ''subsection (a)(2),'' in the matter preceding clause (i); and

(C) in subparagraph (C), by striking ''and'' at the end;

(2) in paragraph (3)—

(A) by striking '', (a)(5)(A), (a)(5)(B),'' both places it appears; and

(B) by striking ''(a)(5)(C)'' and inserting ''(a)(5)(A)(iii)''; and

(3) by adding at the end the following new paragraph:

''(4)(A) a fine under this title, imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A)(i), or an attempt to commit an offense punishable under this subparagraph;

''(B) a fine under this title, imprisonment for not more than 5 years, or both, in the case of an offense under subsection (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph; and

''(C) a fine under this title, imprisonment for not more than 20 years, or both, in the case of an offense under subsection (a)(5)(A)(i) or (a)(5)(A)(ii), or an attempt to commit an offense punishable under this subparagraph, that occurs after a conviction for another offense under this section.''.

(d) DEFINITIONS.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting '', including a computer located outside the United States that is used in a manner that affects interstate or foreign commerce or communication of the United States'' before the semicolon;

(2) in paragraph (7), by striking ''and'' at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

''(8) the term 'damage' means any impairment to the integrity or availability of data, a program, a system, or information;''

(4) in paragraph (9), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following new paragraphs:

''(10) the term 'conviction' shall include a conviction under the law of any State for a crime punishable by imprisonment for more than 1 year, an element of which is unauthorized access, or exceeding authorized access, to a computer;

''(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service; and

''(12) the term 'person' means any individual, firm, corporation, educational institution, financial institution, governmental entity, or legal or other entity.''.

(e) DAMAGES IN CIVIL ACTIONS.—Subsection (g) of that section is amended—

(1) by striking the second sentence and inserting the following new sentences: ''A suit for a violation of this section may be brought only if the conduct involves one of the factors enumerated in clauses (i) through (v) of subsection (a)(5)(B). Damages for a violation involving only conduct described in subsection (a)(5)(B)(i) are limited to economic damages.''; and

(2) by adding at the end the following new sentence: ''No action may be brought under this subsection for the negligent design or manufacture of computer hardware, computer software, or firmware.''.

SEC. 304. CRIMINAL FORFEITURE FOR COMPUTER FRAUD AND ABUSE.

Section 1030 of title 18, United States Code, as amended by section 303 of this Act, is further amended—

(1) by redesignating subsection (h) as subsection (i); and

(2) by inserting after subsection (g) the following new subsection (h):

''(h)(1) The court, in imposing sentence on any person convicted of a violation of this section, shall order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

''(A) the interest of such person in any personal property that was used or intended to be used to commit or to facilitate the commission of such violation; and

''(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

''(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), except subsection (d) of that section.''.

SEC. 305. ENHANCED COORDINATION OF FEDERAL AGENCIES.

Subsection (d) of section 1030 of title 18, United States Code, is amended to read as follows:

''(d)(1) The United States Secret Service shall, in addition to any other agency having such authority, have the authority to investigate offenses under this section relating to its jurisdiction under section 3056 of this title and other statutory authorities. Such authority of the United States Secret Service shall be exercised in accordance with an agreement which shall be entered into by the Secretary of the Treasury and the Attorney General.

''(2) The Federal Bureau of Investigation shall have primary authority to investigate offenses under subsection (a)(1) for any cases involving espionage, foreign counterintelligence, information protected against unauthorized disclosure for reasons of national defense or foreign relations, or Restricted Data (as that term is defined in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)), except for offenses affecting the duties of the United States Secret Service pursuant to section 3056(a) of this title.''.

SEC. 306. ADDITIONAL DEFENSE TO CIVIL ACTIONS RELATING TO PRESERVING RECORDS IN RESPONSE TO GOVERNMENT REQUESTS.

Section 2707(e)(1) of title 18, United States Code, is amended by inserting after ''or statutory authorization'' the following: ''(including a request of a governmental entity under section 2703(f) of this title)''.

SEC. 307. FORFEITURE OF DEVICES USED IN COMPUTER SOFTWARE COUNTERFEITING AND INTELLECTUAL PROPERTY THEFT.

(a) IN GENERAL.—Section 2318(d) of title 18, United States Code, is amended—

(1) by inserting ''(1)'' before ''When'';

(2) in paragraph (1), as so designated, by inserting '', and of any replicator or other device or thing used to copy or produce the computer program or other item to which the counterfeit labels have been affixed or which were intended to have had such labels affixed'' before the period; and

(3) by adding at the end the following:

''(2) The forfeiture of property under this section, including any seizure and disposition of the property, and any related judicial or administrative proceeding, shall be governed by the provisions of section 413 (other than subsection (d) of that section) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853).''.

(b) CONFORMING AMENDMENT.—Section 492 of such title is amended in the first undesignated paragraph by striking ''or 1720,'' and inserting '', 1720, or 2318''.

SEC. 308. SENTENCING DIRECTIVES FOR COMPUTER CRIMES.

(a) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER CRIMES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to address—

(1) the potential and actual loss resulting from an offense under section 1030 of title 18, United States Code (as amended by this title);

(2) the level of sophistication and planning involved in such an offense;

(3) the growing incidence of offenses under such subsections and the need to provide an effective deterrent against such offenses;

(4) whether or not such an offense was committed for purposes of commercial advantage or private financial benefit;

(5) whether or not the defendant involved a juvenile in the commission of such an offense;

(6) whether or not the defendant acted with malicious intent to cause harm in committing such an offense;

(7) the extent to which such an offense violated the privacy rights of individuals harmed by the offense; and

(8) any other factor the Commission considers appropriate in connection with any amendments made by this title with regard to such subsections.

(b) AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN COMPUTER FRAUD AND ABUSE.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines to ensure that any individual convicted of a violation of section 1030(a)(5)(A)(ii) or 1030(a)(5)(A)(iii) of title 18, United States Code (as amended by section 303 of this Act), can be subjected to appropriate penalties, without regard to any mandatory minimum term of imprisonment.

(c) AMENDMENT OF SENTENCING GUIDELINES RELATING TO USE OF ENCRYPTION.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal sentencing guidelines and, if appropriate, shall promulgate guidelines or policy statements or amend existing policy statements to ensure that the guidelines provide sufficiently stringent penalties to deter and punish persons who intentionally use encryption in connection with the commission or concealment of criminal acts sentenced under the guidelines.

(d) EMERGENCY AUTHORITY.—The Commission may promulgate the guidelines or amendments provided for under this section in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

SEC. 309. ASSISTANCE TO FEDERAL, STATE, AND LOCAL COMPUTER CRIME ENFORCEMENT AND ESTABLISHMENT OF NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.

(a) NATIONAL CYBER CRIME TECHNICAL SUPPORT CENTER.—

(1) CONSTRUCTION REQUIRED.—The Director of the Federal Bureau of Investigation shall provide for the construction and equipping of the technical support center of the Federal Bureau of Investigation referred to in section 811(a)(1)(A) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 110 Stat. 1312; 28 U.S.C. 531 note).

(2) NAMING.—The technical support center constructed and equipped under paragraph (1) shall be known as the ''National Cyber Crime Technical Support Center''.

(3) FUNCTIONS.—In addition to any other authorized functions, the functions of the National Cyber Crime Technical Support Center shall be—

(A) to serve as a centralized technical resource for Federal, State, and local law enforcement and to provide technical assistance in the investigation of computer-related criminal activities;

(B) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(C) to provide training and education for Federal, State, and local law enforcement personnel regarding investigative technologies and forensic analyses pertaining to computer-related crime;

(D) to conduct research and to develop technologies for assistance in investigations and forensic analyses of evidence related to computer-related crimes;

(E) to facilitate and promote efficiencies in the sharing of Federal law enforcement expertise, investigative technologies, and forensic analysis pertaining to computer-related crime with State and local law enforcement personnel, prosecutors, regional computer forensic laboratories, and multijurisdictional computer crime task forces; and

(F) to carry out such other activities as the Director considers appropriate.

(b) DEVELOPMENT AND SUPPORT OF COMPUTER FORENSIC ACTIVITIES.—The Director shall, in consultation with the heads of other Federal law enforcement agencies, take appropriate actions to develop at least 10 regional computer forensic laboratories, and to provide support, education, and assistance for existing computer forensic laboratories, in order that such computer forensic laboratories have the capability—

(1) to provide forensic examinations with respect to seized or intercepted computer evidence relating to criminal activity;

(2) to provide training and education for Federal, State, and local law enforcement personnel and prosecutors regarding investigations, forensic analyses, and prosecutions of computer-related crime;

(3) to assist Federal, State, and local law enforcement in enforcing Federal, State, and local criminal laws relating to computer-related crime;

(4) to facilitate and promote the sharing of Federal law enforcement expertise and information about the investigation, analysis, and prosecution of computer-related crime with State and local law enforcement personnel and prosecutors, including the use of multijurisdictional task forces; and

(5) to carry out such other activities as the Attorney General considers appropriate.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There is hereby authorized to be appropriated for fiscal year

2001, $100,000,000 for purposes of carrying out this section, of which $20,000,000 shall be available solely for activities under subsection (b).

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

Amend the title to read as follows: ''To provide a national medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and for other purposes.''.

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

MURKOWSKI (AND BINGAMAN) AMENDMENT NO. 4367

Mr. STEVENS (for Mr. MURKOWSKI and Mr. BINGAMAN) proposed an amendment to the bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks; as follows:

On page 2, strike lines 1 and 2 and insert the following:

''TITLE I—CORRECTION IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

''SEC. 101. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.''.

On page 4, line 17, strike ''SEC. 3'' and insert ''SEC. 102''.

At the end of the bill add the following new titles:

''TITLE II—PEOPLING OF AMERICA THEME STUDY''

SEC. 201. SHORT TITLE.

This title may be cited as the ''Peopling of America Theme Study Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) an important facet of the history of the United States is the story of how the United States was populated;

(2) the migration, immigration, and settlement of the population of the United States—

(A) is broadly termed the ''peopling of America''; and

(B) is characterized by—

(i) the movement of groups of people across external and internal boundaries of the United Sates and territories of the United States; and

(ii) the interactions of those groups with each other and with other populations;

(3) each of those groups has made unique, important contributions to American history, culture, art, and life;

(4) the spiritual, intellectual, cultural, political, and economic vitality of the United States is a result of the pluralism and diversity of the American population;

(5) the success of the United States in embracing and accommodating diversity has strengthened the national fabric and unified the United States in its values, institutions, experiences, goals, and accomplishments;

(6)(A) the National Park Service's official thematic framework, revised in 1996, responds to the requirement of section 1209 of the Civil War Sites Study Act of 1990 (16 U.S.C. 1a–5 note; Public Law 101–628), that ''the Secretary shall ensure that the full diversity of American history and prehistory are represented'' in the identification and interpretation of historic properties by the National Park Service; and

(B) the thematic framework recognizes that ''people are the primary agents of change'' and establishes the theme of human population movement and change—or ''peopling places''—as a primary thematic category for interpretation and preservation; and

(7) although there are approximately 70,000 listings on the National Register of Historic Places, sites associated with the exploration and settlement of the United States by a broad range of cultures are not well represented.

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

(1) to foster a much-needed understanding of the diversity and contribution of the breadth of groups who have peopled the United States; and

(2) to strengthen the ability of the National Park Service to include groups and events otherwise not recognized in the peopling of the United States.

SEC. 203. DEFINITIONS.

In this title:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) THEME STUDY.—The term ''theme study'' means the national historic landmark theme study required under section 4.

(3) PEOPLING OF AMERICA.—The term ''peopling of America'' means the migration to and within, and the settlement of, the United States.

SEC. 204. THEME STUDY.

(a) IN GENERAL.—The Secretary shall prepare and submit to Congress a national historic landmark theme study on the peopling of America.

(b) PURPOSE.—The purpose of the theme study shall be to identify regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures that—

(1) best illustrate and commemorate key events or decisions affecting the peopling of America; and

(2) can provide a basis for the preservation and interpretation of the peopling of America that has shaped the culture and society of the United States.

(c) IDENFIFICATION AND DESIGNATION OF POTENTIAL NEW NATIONAL HISTORIC LANDMARKS.—

(1) IN GENERAL.—The theme study shall identify and recommend for designation new national historic landmarks.

(2) LIST OF APPROPRIATE SITES.—The theme study shall—

(A) include a list in order of importance or merit of the most appropriate sites for national historic landmark designation; and

(B) encourage the nomination of other properties to the National Register of Historic Places.

(3) DESIGNATION.—On the basis of the theme study, the Secretary shall designate new national historic landmarks.

(d) NATIONAL PARK SYSTEM.—

(1) IDENTIFICATION OF SITES WITHIN CURRENT UNITS.—The theme study shall identify appropriate sites within units of the National Park System at which the peopling of America may be interpreted.

(2) IDENTIFICATION OF NEW SITES.—On the basis of the theme study, the Secretary shall recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(e) CONTINUING AUTHORITY.—After the date of submission to Congress of the theme study, the Secretary shall, on a continuing basis, as appropriate to interpret the peopling of America—

(1) evaluate, identify, and designate new national historic landmarks; and

(2) evaluate, identify, and recommend to Congress sites for which studies for potential inclusion in the National Park System should be authorized.

(f) PUBLIC EDUCATION AND RESEARCH.—

(1) LINKAGES.—

(A) ESTABLISHMENT.—On the basis of the theme study, the Secretary may identify appropriate means for establishing linkages—

(i) between—

(I) regions, areas, trails, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsections (b) and (d); and

(II) groups of people; and

(ii) between—

(I) regions, areas, districts, communities, sites, buildings, structures, objects, organizations, societies, and cultures identified under subsection (b); and

(II) units of the National Park System identified under subsection (d).

(B) PURPOSE.—The purpose of the linkages shall be to maximize opportunities for public education and scholarly research on the peopling of America.

(2) COOPERATIVE ARRANGEMENTS.—On the basis of the theme study, the Secretary shall, subject to the availability of funds, enter into cooperative arrangements with State and local governments, educational institutions, local historical organizations, communities, and other appropriate entities to preserve and interpret key sites in the peopling of America.

(3) EDUCATIONAL INITIATIVES.—

(A) IN GENERAL.—The documentation in the theme study shall be used for broad educational initiatives such as—

(i) popular publications;

(ii) curriculum material such as the Teaching with Historic Places program;

(iii) heritage tourism products such as the National Register of Historic Places Travel Itineraries program; and

(iv) oral history and ethnographic programs.

(B) COOPERATIVE PROGRAMS.—On the basis of the theme study, the Secretary shall implement cooperative programs to encourage the preservation and interpretation of the peopling of America.

SEC. 205. COOPERATIVE AGREEMENTS.

The Secretary may enter into cooperative agreements with educational institutions, professional associations, or other entities knowledgeable about the peopling of America—

(1) to prepare the theme study;

(2) to ensure that the theme study is prepared in accordance with generally accepted scholarly standards; and

(3) to promote cooperative arrangements and programs relating to the peopling of America.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this title.

TITLE III—LITTLE SANDY RIVER WATERSHED PROTECTION, OREGON.

SEC. 301. INCLUSION OF ADDITIONAL PORTION OF THE LITTLE SANDY RIVER WATERSHED IN THE BULL RUN WATERSHED MANAGEMENT UNIT, OREGON.

(a) IN GENERAL.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking section 1 and inserting the following:

''SECTION 1. ESTABLISHMENT OF SPECIAL RESOURCES MANAGEMENT UNIT; DEFINITION OF SECRETARY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established, subject to valid existing rights, a special resources management unit in the State of Oregon comprising approximately 98,272 acres, as depicted on a map dated May 2000, and entitled ''Bull Run Watershed Management Unit''.

''(2) MAP.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Regional Forester-Pacific Northwest Region, Forest Service, Department of Agriculture, and in the

offices of the State Director, Bureau of Land Management, Department of the Interior.

''(3) BOUNDARY ADJUSTMENTS.—Minor adjustments in the boundaries of the unit may be made from time to time by the Secretary after consultation with the city and appropriate public notice and hearings.

''(b) DEFINITION OF SECRETARY.—In this Act, the term ''Secretary'' means—

''(1) with respect to land administered by the Secretary of Agriculture, the Secretary of Agriculture; and

''(2) with respect to land administered by the Secretary of the Interior, the Secretary of the Interior.''.

(b) CONFORMING AND TECHNICAL AMENDMENTS.—

(1) SECRETARY.—Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''Secretary of Agriculture'' each place it appears (except subsection (b) of section 1, as added by subsection (a), and except in the amendments made by paragraph (2)) and inserting ''Secretary''.

(2) APPLICABLE LAW.—

(A) IN GENERAL.—Section 2(a) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking ''applicable to National Forest System lands'' and inserting ''applicable to National Forest System land (in the case of land administered by the Secretary of Agriculture) or applicable to land under the administrative jurisdiction of the Bureau of Land Management (in the case of land administered by the Secretary of the Interior)''.

(B) MANAGEMENT PLANS.—The first sentence of section 2(c) of Public Law 95–200 (16 U.S.C. 482b note) is amended—

(i) by striking 'subsection (a) and (b)' and inserting 'subsections (a) and (b)'; and

(ii) by striking '', through the maintenance'' and inserting ''(in the case of land administered by the Secretary of Agriculture) or section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) (in the case of land administered by the Secretary of the Interior), through the maintenance''.

SEC. 302. MANAGEMENT.

(a) TIMBER HARVESTING RESTRICTIONS.—Section 2(b) of Public Law 95–200 (16 U.S.C. 482b note) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall prohibit the cutting of trees on Federal land in the entire unit, as designated in section 1 and depicted on the map referred to in that section.''.

(b) REPEAL OF MANAGEMENT EXCEPTION.—The Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208) is amended by striking section 606 (110 Stat. 3009–543).

(c) REPEAL OF DUPLICATIVE ENACTMENT.—Section 1026 of division I of the Omnibus Parks and Public Land Management Act of 1996 (Public Law 104–333; 110 Stat. 4228) and the amendments made by that section are repealed.

(d) WATER RIGHTS.—Nothing in this section strengthens, diminishes, or has any other effect on water rights held by any person or entity.

SEC. 303. LAND RECLASSIFICATION.

(a) Within 6 months of the date of enactment of this title, the Secretaries of Agriculture and Interior shall identify any Oregon and California Railroad lands (O&C lands) subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181f) within the boundary of the special resources management area described in section 1 of this title.

(b) Within 18 months of the date of enactment of this title, the Secretary of the Interior shall identify public domain lands within the Medford, Roseburg, Eugene, Salem and Coos Bay Districts and the Klamath Resource Area of the Lakeview District of the Bureau of Land Management approximately equal in size and condition as those lands identified in subsection (a) but not subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. sec. 1181a–f). For purposes of this subsection, ''public domain lands'' shall have the meaning given the term ''public lands'' in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702), but excluding therefrom any lands managed pursuant to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

(c) Within 2 years after the date of enactment of this title, the Secretary of the Interior shall submit to Congress and publish in the Federal Register a map or maps identifying those public domain lands pursuant to subsections (a) and (b) of this section. After an opportunity for public comment, the Secretary of the Interior shall complete an administrative land reclassification such that those lands identified pursuant to subsection (a) become public domain lands not subject to the distribution provision of the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. Sec. 1181f) and those lands identified pursuant to subsection (b) become Oregon and California Railroad lands (O&C lands) subject to the Act of August 28, 1937 (chapter 876, title II, 50 Stat. 875; 43 U.S.C. 1181a–f).

SEC. 304. ENVIRONMENTAL RESTORATION.

In order to further the purposes of this title, there is hereby authorized to be appropriated $10,000,000 under the provisions of section 323 of the FY 1999 Interior Appropriations Act (P.L. 105–277) for Clackamas County, Oregon, for watershed restoration, except timber extraction, that protects or enhances water quality or relates to the recovery of species listed pursuant to the Endangered Species Act (P.L. 93–205) near the Bull Run Management Unit.

EXPRESSING THE SUPPORT OF CONGRESS FOR ACTIVITIES TO INCREASE PUBLIC AWARENESS OF MULTIPLE SCLEROSIS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 271, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 271) expressing the support of Congress for activities to increase public awareness of multiple sclerosis.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, and that any statements relating to this resolution be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 271) was agreed to.

The preamble was agreed to.

HAWAIIAN NATIONAL PARK LANGUAGE CORRECTION ACT OF 1999

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 175, S. 939.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 939) to correct spelling errors in the statutory designations of Hawaiian National Parks.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with amendments; as follows:

(Omit the parts in boldface brackets and insert the parts printed in italic.)

S. 939

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Hawaiian National Park Language Correction Act of 1999''.

SEC. 2. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI`I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai`i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai`i Volcanoes National Park''.

(b) HALEAKALA NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakala National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakala National Park''.

(c) KALOKO-HONOKOHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKOHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokohau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokohau National Historical Park''.

(d) PU`UHONUA O HONAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The **[**first section of the**]** Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical **[**Park**]**'' *Park'' each place it appears* and inserting ''Pu`uhonua o Honaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Pu`uhonua o Honaunau National Historical Park''.

(e) PU`UKOHOLA HEIAU NATIONAL [HISTORICAL SITE] *HISTORIC SITE*.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National [Historical Site] *Historic Site*'' each place it appears and inserting ''Pu`ukohola Heiau National [Historical Site] *Historic Site*''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Pu`ukohola Heiau National [Historical Site] *Historic Site*''.

SEC. 3. CONFORMING AMENDMENTS.

[Section] *(a) Section* 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai`i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakala''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the committee amendments be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

AMENDMENT NO. 4367

(Purpose: To add provisions authorizing the Secretary of the Interior to conduct a theme study on the Peopling of America, and to provide further protections for the watershed of the Little Sandy River in Oregon)

Mr. STEVENS. Mr. President, Senator MURKOWSKI has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. MURKOWSKI, for himself and Mr. BINGAMAN, proposes an amendment numbered 4367.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. STEVENS. Mr. President, I ask unanimous consent that the amendment be agreed to.

The amendment (No. 4367) was agreed to.

Mr. STEVENS. Mr. President, I ask unanimous consent the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 939), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

CALIFORNIA TRAIL INTERPRETIVE ACT

Mr. STEVENS. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House to accompany S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 2749) entitled ''An Act to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States'', do pass with the following amendments:

Strike out all after the enacting clause and insert:

TITLE I—CALIFORNIA TRAIL INTERPRETIVE CENTER

SEC. 101. SHORT TITLE.

This title may be cited as the ''California Trail Interpretive Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the nineteenth-century westward movement in the United States over the California National Historic Trail, which occurred from 1840 until the completion of the transcontinental railroad in 1869, was an important cultural and historical event in—

(A) the development of the western land of the United States; and

(B) the prevention of colonization of the west coast by Russia and the British Empire;

(2) the movement over the California Trail was completed by over 300,000 settlers, many of whom left records or stories of their journeys; and

(3) additional recognition and interpretation of the movement over the California Trail is appropriate in light of—

(A) the national scope of nineteenth-century westward movement in the United States; and

(B) the strong interest expressed by people of the United States in understanding their history and heritage.

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

(1) to recognize the California Trail, including the Hastings Cutoff and the trail of the ill-fated Donner-Reed Party, for its national, historical, and cultural significance; and

(2) to provide the public with an interpretive facility devoted to the vital role of trails in the West in the development of the United States.

SEC. 103. DEFINITIONS.

In this title:

(1) CALIFORNIA TRAIL.—The term ''California Trail'' means the California National Historic Trail, established under section 5(a)(18) of the National Trails System Act (16 U.S.C. 1244(a)(18)).

(2) CENTER.—The term ''Center'' means the California Trail Interpretive Center established under section 104(a).

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

(4) STATE.—The term ''State'' means the State of Nevada.

SEC. 104. CALIFORNIA TRAIL INTERPRETIVE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—In furtherance of the purposes of section 7(c) of the National Trails System Act (16 U.S.C. 1246(c)), the Secretary may establish an interpretation center to be known as the ''California Trail Interpretive Center'', near the city of Elko, Nevada.

(2) PURPOSE.—The Center shall be established for the purpose of interpreting the history of development and use of the California Trail in the settling of the West.

(b) MASTER PLAN STUDY.—To carry out subsection (a), the Secretary shall—

(1) consider the findings of the master plan study for the California Trail Interpretive Center in Elko, Nevada, as authorized by page 15 of Senate Report 106–99; and

(2) initiate a plan for the development of the Center that includes—

(A) a detailed description of the design of the Center;

(B) a description of the site on which the Center is to be located;

(C) a description of the method and estimated cost of acquisition of the site on which the Center is to be located;

(D) the estimated cost of construction of the Center;

(E) the cost of operation and maintenance of the Center; and

(F) a description of the manner and extent to which non-Federal entities shall participate in the acquisition and construction of the Center.

(c) IMPLEMENTATION.—To carry out subsection (a), the Secretary may—

(1) acquire land and interests in land for the construction of the Center by—

(A) donation;

(B) purchase with donated or appropriated funds; or

(C) exchange;

(2) provide for local review of and input concerning the development and operation of the Center by the Advisory Board for the National Historic California Emigrant Trails Interpretive Center of the city of Elko, Nevada;

(3) periodically prepare a budget and funding request that allows a Federal agency to carry out the maintenance and operation of the Center;

(4) enter into a cooperative agreement with—

(A) the State, to provide assistance in—

(i) removal of snow from roads;

(ii) rescue, firefighting, and law enforcement services; and

(iii) coordination of activities of nearby law enforcement and firefighting departments or agencies; and

(B) a Federal, State, or local agency to develop or operate facilities and services to carry out this title; and

(5) notwithstanding any other provision of law, accept donations of funds, property, or services from an individual, foundation, corporation, or public entity to provide a service or facility that is consistent with this title, as determined by the Secretary, including 1-time contributions for the Center (to be payable during construction funding periods for the Center after the date of enactment of this Act) from—

(A) the State, in the amount of $3,000,000;

(B) Elko County, Nevada, in the amount of $1,000,000; and

(C) the city of Elko, Nevada, in the amount of $2,000,000.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $12,000,000.

TITLE II—CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES

SEC. 201. SHORT TITLE.

This title may be cited as the ''Education Land Grant Act''.

SEC. 202. CONVEYANCE OF NATIONAL FOREST SYSTEM LANDS FOR EDUCATIONAL PURPOSES.

(a) AUTHORITY TO CONVEY.—Upon written application, the Secretary of Agriculture may convey National Forest System lands to a public school district for use for educational purposes if the Secretary determines that—

(1) the public school district seeking the conveyance will use the conveyed land for a public or publicly funded elementary or secondary school, to provide grounds or facilities related to such a school, or for both purposes;

(2) the conveyance will serve the public interest;

(3) the land to be conveyed is not otherwise needed for the purposes of the National Forest System;

(4) the total acreage to be conveyed does not exceed the amount reasonably necessary for the proposed use;

(5) the land is to be used for an established or proposed project that is described in detail in the application to the Secretary, and the conveyance would serve public objectives (either locally or at large) that outweigh the objectives and values which would be served by maintaining such land in Federal ownership;

(6) the applicant is financially and otherwise capable of implementing the proposed project;

(7) the land to be conveyed has been identified for disposal in an applicable land and resource management plan under the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1600 et seq.); and

(8) an opportunity for public participation in a disposal under this section has been provided, including at least one public hearing or meeting, to provide for public comments.

(b) ACREAGE LIMITATION.—A conveyance under this section may not exceed 80 acres. However, this limitation shall not be construed to preclude an entity from submitting a subsequent application under this section for an additional land conveyance if the entity can demonstrate to the Secretary a need for additional land.

(c) COSTS AND MINERAL RIGHTS.—(1) A conveyance under this section shall be for a nominal cost. The conveyance may not include the transfer of mineral or water rights.

(2) If necessary, the exact acreage and legal description of the real property conveyed under this title shall be determined by a survey satisfactory to the Secretary and the applicant. The cost of the survey shall be borne by the applicant.

(d) REVIEW OF APPLICATIONS.—When the Secretary receives an application under this section, the Secretary shall—

(1) before the end of the 14-day period beginning on the date of the receipt of the application, provide notice of that receipt to the applicant; and

(2) before the end of the 120-day period beginning on that date—

(A) make a final determination whether or not to convey land pursuant to the application, and notify the applicant of that determination; or

(B) submit written notice to the applicant containing the reasons why a final determination has not been made.

(e) REVERSIONARY INTEREST.—If, at any time after lands are conveyed pursuant to this section, the entity to whom the lands were conveyed attempts to transfer title to or control over the lands to another or the lands are devoted to a use other than the use for which the lands were conveyed, title to the lands shall revert to the United States.

TITLE III—GOLDEN SPIKE/CROSSROADS OF THE WEST NATIONAL HERITAGE AREA STUDY AREA AND THE CROSSROADS OF THE WEST HISTORIC DISTRICT

SEC. 301. AUTHORIZATION OF STUDY.

(a) DEFINITIONS.—For the purposes of this section:

(1) GOLDEN SPIKE RAIL STUDY.—The term ''Golden Spike Rail Study'' means the Golden Spike Rail Feasibility Study, Reconnaissance Survey, Ogden, Utah to Golden Spike National Historic Site'', National Park Service, 1993.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) STUDY AREA.—The term ''Study Area'' means the Golden Spike/Crossroads of the West National Heritage Area Study Area, the boundaries of which are described in subsection (d).

(b) IN GENERAL.—The Secretary shall conduct a study of the Study Area which includes analysis and documentation necessary to determine whether the Study Area—

(1) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities;

(2) reflects traditions, customs, beliefs, and folk-life that are a valuable part of the national story;

(3) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(4) provides outstanding recreational and educational opportunities;

(5) contains resources important to the identified theme or themes of the Study Area that retain a degree of integrity capable of supporting interpretation;

(6) includes residents, business interests, nonprofit organizations, and local and State governments who have demonstrated support for the concept of a National Heritage Area; and

(7) has a potential management entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a National Heritage Area consistent with continued local and State economic activity.

(c) CONSULTATION.—In conducting the study, the Secretary shall—

(1) consult with the State Historic Preservation Officer, State Historical Society, and other appropriate organizations; and

(2) use previously completed materials, including the Golden Spike Rail Study.

(d) BOUNDARIES OF STUDY AREA.—The Study Area shall be comprised of sites relating to completion of the first transcontinental railroad in the State of Utah, concentrating on those areas identified on the map included in the Golden Spike Rail Study.

(e) REPORT.—Not later than 3 fiscal years after funds are first made available to carry out this section, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings and conclusions of the study and recommendations based upon those findings and conclusions.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out the provisions of this section.

SEC. 302. CROSSROADS OF THE WEST HISTORIC DISTRICT.

(a) PURPOSES.—The purposes of this section are—

(1) to preserve and interpret, for the educational and inspirational benefit of the public, the contribution to our national heritage of certain historic and cultural lands and edifices of the Crossroads of the West Historic District; and

(2) to enhance cultural and compatible economic redevelopment within the District.

(b) DEFINITIONS.—For the purposes of this section:

(1) DISTRICT.—The term ''District'' means the Crossroads of the West Historic District established by subsection (c).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(3) HISTORIC INFRASTRUCTURE.—The term ''historic infrastructure'' means the District's historic buildings and any other structure that the Secretary determines to be eligible for listing on the National Register of Historic Places.

(c) CROSSROADS OF THE WEST HISTORIC DISTRICT.—

(1) ESTABLISHMENT.—There is established the Crossroads of the West Historic District in the city of Ogden, Utah.

(2) BOUNDARIES.—The boundaries of the District shall be the boundaries depicted on the map entitled ''Crossroads of the West Historic District'', numbered OGGO-20,000, and dated March 22, 2000. The map shall be on file and available for public inspection in the appropriate offices of the Department of the Interior.

(d) DEVELOPMENT PLAN.—The Secretary may make grants and enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities under which the Secretary agrees to pay not more than 50 percent of the costs of—

(1) preparation of a plan for the development of historic, architectural, natural, cultural, and interpretive resources within the District;

(2) implementation of projects approved by the Secretary under the development plan described in paragraph (1); and

(3) an analysis assessing measures that could be taken to encourage economic development and revitalization within the District in a manner consistent with the District's historic character.

(e) RESTORATION, PRESERVATION, AND INTERPRETATION OF PROPERTIES.—

(1) COOPERATIVE AGREEMENTS.—The Secretary may enter into cooperative agreements with the State of Utah, local governments, and nonprofit entities owning property within the District under which the Secretary may—

(A) pay not more than 50 percent of the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District;

(B) provide technical assistance with respect to the preservation and interpretation of properties within the District; and

(C) mark and provide interpretation of properties within the District.

(2) NON-FEDERAL CONTRIBUTIONS.—When determining the cost of restoring, repairing, rehabilitating, and improving historic infrastructure within the District for the purposes of paragraph (1)(A), the Secretary may consider any donation of property, services, or goods from a non-Federal source as a contribution of funds from a non-Federal source.

(3) PROVISIONS.—A cooperative agreement under paragraph (1) shall provide that—

(A) the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes;

(B) no change or alteration may be made in the property except with the agreement of the property owner, the Secretary, and any Federal agency that may have regulatory jurisdiction over the property; and

(C) any construction grant made under this section shall be subject to an agreement that provides—

(I) that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section shall result in a right of the United States to compensation from the beneficiary of the grant; and

(II) for a schedule for such compensation based on the level of Federal investment and the anticipated useful life of the project.

(4) APPLICATIONS.—

(A) IN GENERAL.—A property owner that desires to enter into a cooperative agreement under paragraph (1) shall submit to the Secretary an application describing how the project proposed to be funded will further the purposes of the management plan developed for the District.

(B) CONSIDERATION.—In making such funds available under this subsection, the Secretary shall give consideration to projects that provide a greater leverage of Federal funds.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section not more than $1,000,000 for any fiscal year and not more than $5,000,000 total.

Amend the title so as to read ''An Act to establish the California Trail Interpretive

Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the settling of the western portion of the United States, and for other purposes.''.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendments of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING THE FOREST SERVICE TO CONVEY CERTAIN LANDS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4656, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4656) to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and, finally, any statements relating to either of these measures be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4656) was read the third time and passed.

JAMESTOWN 400TH COMMEMORATION COMMISSION ACT OF 2000

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4907, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4907) to establish the Jamestown 400th Commemoration Commission, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4907) was read the third time and passed.

LOWER RIO GRANDE VALLEY RESOURCES CONSERVATION AND IMPROVEMENT ACT OF 2000

Mr. STEVENS. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 1761).

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1761) entitled ''An Act to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000''.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSIONER.—The term ''Commissioner'' means the Commissioner of the Bureau of Reclamation.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner.

(3) STATE.—The term ''State'' means the Texas Water Development Board and any other authorized entity of the State of Texas.

(4) PROGRAM AREA.—The term ''program area'' means—

(A) the counties in the State of Texas in the Rio Grande Regional Water Planning Area known as Region ''M'' as designated by the Texas Water Development Board; and

(B) the counties of Hudspeth and El Paso, Texas.

SEC. 3. LOWER RIO GRANDE WATER CONSERVATION AND IMPROVEMENT PROGRAM.

(a) IN GENERAL.—The Secretary, acting pursuant to the Reclamation Act of 1902 (Act of June 17, 1902, 32 Stat. 388) and Acts amendatory thereof and supplementary thereto, shall undertake a program in cooperation with the State, water users in the program area, and other non-Federal entities, to investigate and identify opportunities to improve the supply of water for the program area as provided in this Act. The program shall include the review of studies or planning reports (or both) prepared by any competent engineering entity for projects designed to conserve and transport raw water in the program area. As part of the program, the Secretary shall evaluate alternatives in the program area that could be used to improve water supplies, including the following:

(1) Lining irrigation canals.

(2) Increasing the use of pipelines, flow control structures, meters, and associated appurtenances of water supply facilities.

(b) PROGRAM DEVELOPMENT.—Within 6 months after the date of the enactment of this Act, the Secretary, in consultation with the State, shall develop and publish criteria to determine which projects would qualify and have the highest priority for financing under this Act. Such criteria shall address, at a minimum—

(1) how the project relates to the near- and long-term water demands and supplies in the study area, including how the project would affect the need for development of new or expanded water supplies;

(2) the relative amount of water (acre feet) to be conserved pursuant to the project;

(3) whether the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project; and

(4) if the project proponents have met the requirements specified in subsection (c).

(c) PROJECT REQUIREMENTS.—A project sponsor seeking Federal funding under this program shall—

(1) provide a report, prepared by the Bureau of Reclamation or prepared by any competent engineering entity and reviewed by the Bureau of Reclamation, that includes, among other matters—

(A) the total estimated project cost;

(B) an analysis showing how the project would reduce, postpone, or eliminate development of new or expanded water supplies;

(C) a description of conservation measures to be taken pursuant to the project plans;

(D) the near- and long-term water demands and supplies in the study area; and

(E) engineering plans and designs that demonstrate that the project would provide operational efficiency improvements or achieve water, energy, or economic savings (or any combination of the foregoing) at a rate of acre feet of water or kilowatt energy saved per dollar expended on the construction of the project;

(2) provide a project plan, including a general map showing the location of the proposed physical features, conceptual engineering drawings of structures, and general standards for design; and

(3) sign a cost-sharing agreement with the Secretary that commits the non-Federal project sponsor to funding its proportionate share of the project's construction costs on an annual basis.

(d) FINANCIAL CAPABILITY.—Before providing funding for a project to the non-Federal project sponsor, the Secretary shall determine that the non-Federal project sponsor is financially capable of funding the project's non-Federal share of the project's costs.

(e) REVIEW PERIOD.—Within 1 year after the date a project is submitted to the Secretary for approval, the Secretary, subject to the availability of appropriations, shall determine whether the project meets the criteria established pursuant to this section.

(f) REPORT PREPARATION; REIMBURSEMENT.—Project sponsors may choose to contract with the Secretary to prepare the reports required under this section. All costs associated with the preparation of the reports by the Secretary shall be 50 percent reimbursable by the non-Federal sponsor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $2,000,000.

SEC. 4. LOWER RIO GRANDE CONSTRUCTION AUTHORIZATION.

(a) PROJECT IMPLEMENTATION.—If the Secretary determines that any of the following projects meet the review criteria and project requirements, as set forth in section 3, the Secretary may conduct or participate in funding engineering work, infrastructure construction, and improvements for the purpose of conserving and transporting raw water through that project:

(1) In the Hidalgo County, Texas Irrigation District #1, a pipeline project identified in the Melden & Hunt, Inc. engineering study dated July 6, 2000 as the Curry Main Pipeline Project.

(2) In the Cameron County, Texas La Feria Irrigation District #3, a distribution system improvement project identified by the 1993 engineering study by Sigler, Winston, Greenwood and Associates, Inc.

(3) In the Cameron County, Texas Irrigation District #2 canal rehabilitation and pumping plant replacement as identified as Job Number 48-05540-002 in a report by Turner Collie & Braden, Inc. dated August 12, 1998.

(4) In the Harlingen Irrigation District Cameron #1 Irrigation District a project of meter installation and canal lining as identified in a proposal submitted to the Texas Water Development Board dated April 28, 2000.

(b) CONSTRUCTION COST SHARE.—The non-Federal share of the costs of any construction carried out under, or with assistance provided under, this section shall be 50 percent. Not more than 40 percent of the costs of such an activity may be paid by the State. The remainder of the non-Federal share may include in-kind contributions of goods and services, and funds previously spent on feasibility and engineering studies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $10,000,000.

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate agree to the amendment of the House.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME ZONE FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3756 which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3756) to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, and for other purposes.

There being objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R 3756) was read the third time and passed.

AMENDMENT TO TITLE 5, UNITED STATES CODE

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate turn to the consideration of H.R. 207, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 207) to amend title 5, United States Code, to provide that physicians comparability allowances pay for retirement purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 207) was read the third time and passed.

COMMEMORATING THE LIFE OF GWENDOLYN BROOKS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 393 introduced earlier today by Senator DURBIN and Senator FITZGERALD.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 393) commemorating the life of Gwendolyn Brooks of Chicago, Illinois, poet laureate of Illinois since 1968.

There being no objection, the Senate proceeded to consider the resolution.

Mr. STEVENS. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table with no intervening action, and that any statements relating thereto be printed in the RECORD

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 393) was agreed to.

The preamble was agreed to.

The resolution with its preamble reads as follows:

S. RES. 393

Whereas Gwendolyn Brooks was born in Topeka, Kansas, on June 7, 1917, and moved one month thereafter to the South Side of Chicago;

Whereas Gwendolyn Brooks was educated in the Chicago public school system, graduating from Englewood High School in 1934;

Whereas Gwendolyn Brooks was the author of over twenty works of poetry spanning 46 years;

Whereas Gwendolyn Brooks in 1950 became the first African-American woman to win the Pulitzer Prize for poetry with her publication, Annie Allen;

Whereas Gwendolyn Brooks was showered with numerous other accolades as a poet and artist, including a lifetime achievement award from the National Endowment for the Arts;

Whereas Gwendolyn Brooks has been poet laureate of Illinois since 1968, succeeding the late Carl Sandburg;

Whereas Gwendolyn Brooks leveraged her prestige as Illinois poet laureate to inspire young writers, establishing the Illinois Poet Laureate Awards in 1969 to encourage elementary and high school students to write;

Whereas Gwendolyn Brooks taught future poets and writers at the University of Wisconsin-Madison, the City College of New York, Columbia College of Chicago, Northeastern Illinois University, Elmhurst College, and Chicago State University; Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the life of Gwendolyn Brooks and celebrates the accomplishments she made not just to the State of Illinois, but to the entire United States of America as a poet and artist; and

(2) extends its deepest sympathies to her daughter Nora and son Henry.

UNANIMOUS CONSENT AGREEMENT—H.R. 3549

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives from the House H.R. 3549 regarding the repeal of the modification of the installment method, the bill be read the third time and passed, and the motion to reconsider be laid upon the table. I further ask consent that the above occur with no intervening action or debate, and I further ask consent this agreement be vitiated if the text is different than that which is now at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT

Mr. STEVENS. Mr. President, I ask unanimous consent that the appointment that is at the desk appear separately in the RECORD as if made by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–291, announces the appointment of the following individuals to the Advisory Committee on Forest Counties Payments: Tim Creal, of South Dakota; Doug Robertson, of Oregon.

AUTHORIZATION TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. STEVENS. Mr. President, I ask unanimous consent that the majority leader or Senator ABRAHAM be authorized to sign all duly enrolled bills and resolutions following the sine die adjournment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION TO MAKE APPOINTMENTS

Mr. STEVENS. I ask unanimous consent that notwithstanding the sine die adjournment of the Senate, the President of the Senate, the President of the Senate pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

Mr. REID. Reserving the right to object, I have waited around this afternoon, this evening, to have an opportunity to direct a few comments to the Senator from Alaska. I say to my friend from Alaska, I remember about a year ago at this time the Senator from Alaska gave me as a token of recognition a Tasmanian devil tie.

Now, coming from Senator STEVENS, who has such a record in the Senate, that meant a lot to me. In celebration of our ending the session today, I wore this tie. I say this because in all sincerity it meant a lot to me when Senator STEVENS gave me this tie. You have been a role model for me since I came to Washington almost 20 years ago. You have a record that is unsurpassed for doing good things for your State as well as being an effective leader. I have served with the Senator from Alaska my entire time in the Senate on the Appropriations Committee, and I have admired the work done. I respected the tenacity shown, often for the people of the State of Alaska and other causes for which he believes.

I wish to publicly state how appreciative I am of this token, this honor the Senator gave me.

Mr. STEVENS. I am overwhelmed by that statement and my good friend. I noticed the Tasmanian devil tie. I enjoy those ties, and I hope the Senator enjoys his. I certainly enjoy our association.

I served as whip for 8 years. I know the distinguished Senator from Nevada

has the same job I had. I was the minority whip for a while and the majority whip for a while; he has, too, served in the capacity. We have a great deal in common, and I am delighted to have him as a friend.

The PRESIDING OFFICER. Is there objection to the previous request made by the Senator from Alaska?

Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 3283

Mr. STEVENS. I understand that S. 3283 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3283) to reauthorize and amend the Commodity Exchange Act to promote legal certainty, enhance competition, and reduce systemic risk in markets for futures and over-the-counter derivatives, and for other purposes.

Mr. STEVENS. Mr. President, on behalf of the leader, I now ask for its second reading, and I object to that.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

THANKING MARSHALL DOVE

Mr. STEVENS. I think we are getting down to the end. Today is not only the last day of the 106th Congress, but it is also the last day of Marshall Dove, who served in the Senate on the Republican Cloakroom staff.

She has been here, now, for close to 3 years and will now change careers. I have asked for this opportunity to wish her the best in all the new challenges she may face. We thank her for her dedication and service in the Senate.

UNANIMOUS CONSENT AGREEMENT—S. 2924

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate receives the message from the House on S. 2924 the Senate proceed to its immediate consideration and agree to the amendment of the House providing that language is identical to the language I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate concurred in the amendment of the House, as follows:

Resolved, That the bill from the Senate (S. 2924) entitled ''An Act to strengthen the enforcement of Federal statutes relating to false identification, and for other purposes'', do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Internet False Identification Prevention Act of 2000''.

SEC. 2. COORDINATING COMMITTEE ON FALSE IDENTIFICATION.

(a) IN GENERAL.—The Attorney General and the Secretary of the Treasury shall establish a coordinating committee to ensure, through existing interagency task forces or other means, that the creation and distribution of false identification documents (as defined in section 1028(d)(3) of title 18, United States Code, as added by section 3(2) of this Act) is vigorously investigated and prosecuted.

(b) MEMBERSHIP.—The coordinating committee shall consist of the Director of the United States Secret Service, the Director of the Federal Bureau of Investigation, the Attorney General, the Commissioner of Social Security, and the Commissioner of Immigration and Naturalization, or their respective designees.

(c) TERM.—The coordinating committee shall terminate 2 years after the effective date of this Act.

(d) REPORT.—

(1) IN GENERAL.—The Attorney General and the Secretary of the Treasury, at the end of each year of the existence of the committee, shall report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on the activities of the committee.

(2) CONTENTS.—The report referred in paragraph (1) shall include—

(A) the total number of indictments and informations, guilty pleas, convictions, and acquittals resulting from the investigation and prosecution of the creation and distribution of false identification documents during the preceding year;

(B) identification of the Federal judicial districts in which the indictments and informations were filed, and in which the subsequent guilty pleas, convictions, and acquittals occurred;

(C) specification of the Federal statutes utilized for prosecution;

(D) a brief factual description of significant investigations and prosecutions;

(E) specification of the sentence imposed as a result of each guilty plea and conviction; and

(F) recommendations, if any, for legislative changes that could facilitate more effective investigation and prosecution of the creation and distribution of false identification documents.

SEC. 3. FALSE IDENTIFICATION.

Section 1028 of title 18, United States Code, is amended—

(1) in subsection (c)(3)(A), by inserting '', including the transfer of a document by electronic means'' after ''commerce''; and

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''template, computer file, computer disc,'' after ''impression,'';

(B) in paragraph (5), by striking ''and'' after the semicolon;

(C) by redesignating paragraph (6) as paragraph (8);

(D) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(E) by inserting after paragraph (2) the following:

''(3) the term 'false identification document' means a document of a type intended or commonly accepted for the purposes of identification of individuals that—

''(A) is not issued by or under the authority of a governmental entity; and

''(B) appears to be issued by or under the authority of the United States Government, a State, a political subdivision of a State, a foreign government, a political subdivision of a foreign government, or an international governmental or quasi-governmental organization;''; and

(F) by inserting after paragraph (6), as redesignated, the following:

''(7) the term 'transfer' includes selecting an identification document, false identification document, or document-making implement and placing or directing the placement of such identification document, false identification document, or document-making implement on an online location where it is available to others; and''.

SEC. 4. REPEAL.

Section 1738 of title 18, United States Code, and the item relating to that section in the table of contents for chapter 83 of that title, are repealed.

SEC. 5. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

Ms. COLLINS. Mr. President, I am pleased that the Senate will today give final approval to legislation I introduced to curb the availability of false identification via the Internet.

Let me thank my many colleagues in both the House and Senate for their hard work in moving this measure quickly through the legislative process. In particular, I appreciate the support and assistance of Chairman HENRY HYDE of the House Judiciary Committee, as well as the work of Congressman HOWARD COBLE, Congressman HOWARD BERMAN, Congressman JOHN CONYERS, and Congressman BILL MCCOLLUM. In addition to their efforts, I want to praise the strong support of Congressman MARK GREEN, who introduced a similar bill in the House. Enactment of this bill would not have been possible without the consistent support of the chairman of the Judiciary Committee, Senator HATCH, as well as the assistance of Senators KYL, LEAHY, FEINSTEIN, and DURBIN.

The bill before the Senate today will make important improvements in our laws against the distribution and use of false identification. As I found during a lengthy investigation of the availability of false identification on the Internet, our current laws have done little to stop a growing Internet market in every imaginable type of false identification. Whether via e-mail or from a Web site with a name such as thefakeidshop.com, everything from birth certificates, to Social Security cards, to driver's licenses, are being sold or traded through the ease of cyberspace.

Testimony before the Subcommittee on Investigations demonstrated that the availability of false identification documents from the Internet is a growing problem. Special Agent David Myers, Identification Fraud Coordinator of the State of Florida's Division of Alcoholic Beverages and Tobacco, testified that two years ago only one percent of false identification documents came from the Internet. Last year, he testified, a little less than five percent came from the Internet. Now he estimates that about 30 percent of the false identification documents he seizes comes from the Internet. He predicts that by next year his unit will find at least 60 to 70 percent of the false identification documents they seize will come from the Internet.

S. 2924 will put a stop to this widespread distribution of false identification, which can be used to commit identity theft, to facilitate serious financial crimes, and to facilitate the underage purchase of alcohol and tobacco. The new law will make clear that it is a crime to transfer false identification documents by electronic

means, and that those documents can be in the form of computer files, discs, or templates.

I expect strong action by law enforcement agencies to enforce both the existing provisions of title 18, section 1028, and the expanded authority provided by this legislation. The intent of S. 2924 is simple and clear—to stop those who use the Internet to sell, distribute, or make available false identification.

I am pleased that the new law will make it a crime to place false identification, regardless of its format, on an on-line location. Thus, the posting of such tools as scanned false identification documents or templates of state driver's licenses on Web sites will, without doubt, be illegal.

Mr. President, I am pleased that the House retained the provisions that will establish a coordinating committee to concentrate resources of federal agencies on investigating and prosecuting the creation of false identification. This multi-agency effort should draw on the resources of several agencies to investigate and prosecute those who engage in the production and transfer of false identification of any type. I urge the Attorney General and the Secretary of the Treasury to involve all agencies that can assist in curbing the use of false identification.

The House also approved another important portion of the Senate bill—the elimination of a section of law that unfortunately allowed criminals to manufacture, distribute, or sell counterfeit identification documents by using easily removable disclaimers as part of an attempt to shield the illegal conduct from prosecution through a bogus claim of ''novelty.'' No longer will it be acceptable to provide computer templates of government-issued identification containing an easily removable layer saying that it is not a government document.

I thank my colleagues for their support of this important legislation.

COMPUTER CRIME ENFORCEMENT ACT

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 2816.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2816) to establish a grant program to permit State and local law enforcement in deterring, investigating, and prosecuting computer crimes.

There being no objection, the Senate proceeded to consider the bill.

H.R. 2816, THE COMPUTER CRIME ENFORCEMENT ACT

Mr. LEAHY. Mr. President, I am pleased that the Senate is passing the Computer Crime Enforcement Act, which is now headed to President Clinton for his signature into law. I introduced the Senate version of this bill, S. 1314, on July 1, 1999, with Senator DEWINE and is now also co-sponsored by Senators ROBB, HATCH and ABRAHAM. This legislation also passed the Senate as part of H.R. 46, the Public Safety Officer Medal of Valor Act. I thank my colleagues for their hard work on the Computer Crime Enforcement Act, especially Representative MATT SALMON, the House sponsor.

The information age is filled with unlimited potential for good, but it also creates a variety of new challenges for law enforcement. A recent survey by the FBI and the Computer Security Institute found that 62 percent of information security professionals reported computer security breaches in the past year. These breaches in computer security resulted in financial losses of more than $120 million from fraud, theft of information, sabotage, computer viruses, and stolen laptops. Computer crime has become a multi-billion dollar problem.

The Computer Crime Enforcement Act is intended to help states and local agencies in fighting computer crime. All 50 states have now enacted tough computer crime control laws. They establish a firm groundwork for electronic commerce, an increasingly important sector of the nation's economy.

Unfortunately, too many state and local law enforcement agencies are struggling to afford the high cost of enforcing their state computer crime statutes.

Earlier this year, I released a survey on computer crime in Vermont. My office surveyed 54 law enforcement agencies in Vermont—43 police departments and 11 State's attorney offices—on their experience investigating and prosecuting computer crimes. The survey found that more than half of these Vermont law enforcement agencies encounter computer crime, with many police departments and state's attorney offices handling 2 to 5 computer crimes per month.

Despite this documented need, far too many law enforcement agencies in Vermont cannot afford the cost of policing against computer crimes. Indeed, my survey found that 98 percent of the responding Vermont law enforcement agencies do not have funds dedicated for use in computer crime enforcement. My survey also found that few law enforcement officers in Vermont are properly trained in investigating computer crimes and analyzing cyber-evidence.

According to my survey, 83 percent of responding law enforcement agencies in Vermont do not employ officers properly trained in computer crime investigative techniques. Moreover, my survey found that 52 percent of the law enforcement agencies that handle one or more computer crimes per month cited their lack of training as a problem encountered during investigations. Without the necessary education, training and technical support, our law enforcement officers are and will continue to be hamstrung in their efforts to crack down on computer crimes.

I crafted the Computer Crime Enforcement Act, S. 1314, to address this problem. The bill would authorize a $25 million Department of Justice grant program to help states prevent and prosecute computer crime. Grants under our bipartisan bill may be used to provide education, training, and enforcement programs for local law enforcement officers and prosecutors in the rapidly growing field of computer criminal justice. Our legislation has been endorsed by the Information Technology Association of America and the Fraternal Order of Police. This is an important bipartisan effort to provide our state and local partners in crime-fighting with the resources they need to address computer crime.

Mr. STEVENS. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid on the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2816) was read the third time and passed.

THANKING OUR CREATOR

Mr. STEVENS. Mr. President, I want to publicly state I think we ought to thank our Creator for giving us the opportunity to serve in this body, and to have a period of time like we have just come through, where I have been able to speak for people of different nationalities, different tongues, who have come to our country and sought freedom and an opportunity to work for themselves, so that they will now be able to continue that work. It really is, to me, a very significant day. To be able to accomplish this is very much a humbling experience.

ADJOURNMENT SINE DIE

Mr. STEVENS. I now ask unanimous consent the Senate stand in adjournment sine die under the provisions of H. Con. Res. 446.

There being no objection, at 8:03 p.m., the Senate adjourned sine die.

NOMINATIONS

Executive nominations received by the Senate December 15, 2000:

DEPARTMENT OF AGRICULTURE

ISLAM A. SIDDIQUI, OF CALIFORNIA, TO BE UNDER SECRETARY OF AGRICULTURE FOR MARKETING AND REGULATORY PROGRAMS, VICE MICHAEL V. DUNN.

ENVIRONMENTAL PROTECTION AGENCY

EDWIN A. LEVINE, OF FLORIDA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE DAVID GARDINER, RESIGNED.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SARAH MCCRACKEN FOX, OF NEW YORK, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, VICE STUART E. WEISBERG, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JULIE E. SAMUELS, OF VIRGINIA, TO BE DIRECTOR OF THE NATIONAL INSTITUTE OF JUSTICE, VICE JEREMY TRAVIS, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate December 15, 2000:

MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

ERIC D. EBERHARD, OF WASHINGTON, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP & EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2002.

UNITED STATES INSTITUTE OF PEACE

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MARC E. LELAND, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HARRIET M. ZIMMERMAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

DONALD J. SUTHERLAND, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2002.

DEPARTMENT OF COMMERCE

ARTHUR C. CAMPBELL, OF TENNESSEE, TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT.

APPALACHIAN REGIONAL COMMISSION

ELLA WONG-RUSINKO, OF VIRGINIA, TO BE ALTERNATE FEDERAL COCHAIRMAN OF THE APPALACHIAN REGIONAL COMMISSION.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AN ASSISTANT SECRETARY OF STATE (PUBLIC AFFAIRS).

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY. RUTH MARTHA THOMAS, OF THE DISTRICT OF COLUMBIA, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

JONATHAN TALISMAN, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

AGENCY FOR INTERNATIONAL DEVELOPMENT

EVERETT L. MOSLEY, OF VIRGINIA, TO BE INSPECTOR GENERAL, AGENCY FOR INTERNATIONAL DEVELOPMENT.

DEPARTMENT OF LABOR

GORDON S. HEDDELL, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF LABOR.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

MARK D. GEARAN, OF MASSACHUSETTS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR NATIONAL AND COMMUNITY SERVICE FOR A TERM OF TWO YEARS.

NATIONAL SCIENCE FOUNDATION

MARK S. WRIGHTON, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006.

DEPARTMENT OF LABOR

LESLIE BETH KRAMERICH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

UNITED STATES INSTITUTE OF PEACE

SEYMOUR MARTIN LIPSET, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF STATE

LUIS J. LAUREDO, OF FLORIDA, TO BE PERMANENT REPRESENTATIVE OF THE UNITED STATES TO THE ORGANIZATION OF AMERICAN STATES, WITH THE RANK OF AMBASSADOR.

RUST MACPHERSON DEMING, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TUNISIA.

RONALD D. GODARD, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE CO-OPERATIVE REPUBLIC OF GUYANA.

MICHAEL J. SENKO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE MARSHALL ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KIRIBATI.

HOWARD FRANKLIN JETER, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL REPUBLIC OF NIGERIA.

LAWRENCE GEORGE ROSSIN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CROATIA.

BRIAN DEAN CURRAN, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

AGENCY FOR INTERNATIONAL DEVELOPMENT

BARRY EDWARD CARTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF THE TREASURY

LISA GAYLE ROSS, OF THE DISTRICT OF COLUMBIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF THE TREASURY.

AFRICAN DEVELOPMENT FOUNDATION

CLAUDE A. ALLEN, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

WILLIE GRACE CAMPBELL, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2005.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION

MICHAEL PRESCOTT GOLDWATER, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING OCTOBER 13, 2005.

DEPARTMENT OF COMMERCE

ROBERT S. LARUSSA, OF MARYLAND, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE. MARJORY E. SEARING, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE AND DIRECTOR GENERAL OF THE UNITED STATES AND FOREIGN COMMERCIAL SERVICE.

FEDERAL DEPOSIT INSURANCE CORPORATION

JOHN M. REICH, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF SIX YEARS.

HARRY S TRUMAN SCHOLARSHIP FOUNDATION

FREDERICK G. SLABACH, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE HARRY S TRUMAN SCHOLARSHIP FOUNDATION FOR A TERM EXPIRING DECEMBER 10, 2005.

UNITED STATES INSTITUTE OF PEACE

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

BETTY F. BUMPERS, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

BARBARA W. SNELLING, OF VERMONT, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

HOLLY J. BURKHALTER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2001.

MORA L. MCLEAN, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2005.

MARIA OTERO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE UNITED STATES INSTITUTE OF PEACE FOR A TERM EXPIRING JANUARY 19, 2003.

DEPARTMENT OF JUSTICE

RANDOLPH D. MOSS, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

DAVID W. OGDEN, OF VIRGINIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

DANIEL MARCUS, OF MARYLAND, TO BE ASSOCIATE ATTORNEY GENERAL.

GLENN A. FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE.

LORETTA E. LYNCH, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING AVIS T. BOHLEN, AND ENDING MARK YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 6, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JOHN F. ALOIA, AND ENDING PAUL G. CHURCHILL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 26, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING GUY EDGAR OLSON, AND ENDING DEBORAH ANNE BOLTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

FOREIGN SERVICE NOMINATIONS BEGINNING JAMES A. HRADSKY, AND ENDING MICHAEL J. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 7, 2000.

WITHDRAWALS

Executive messages transmitted by the President to the Senate on December 15, 2000, withdrawing from further Senate consideration the following nominations:

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON FEBRUARY 3, 2000.

STUART E. WEISBERG, OF MARYLAND, TO BE A MEMBER OF THE OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING APRIL 27, 2005, WHICH WAS SENT TO THE SENATE ON MAY 11, 2000.

EXTENSIONS OF REMARKS

CLEVELAND SCHOOL VOUCHER PROGRAM DECLARED UNCONSTITUTIONAL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I am pleased to offer for the record my congratulations to Judge Eric L. Clay of the United States Court of Appeals for the Sixth Circuit, an outstanding judge, and a man who possesses a high degree of common sense and pragmatism. Judge Eric L. Clay ruled that the Cleveland school voucher program was unconstitutional, because it did not present parents with a real set of options, and few nonreligious private schools and no suburban public schools had opened their doors. He wrote, and I quote, ''This scheme involves the grant of state aid directly and predominately to the coffers of private, religious, schools, and it is unquestioned that these institutions incorporate religious concepts, motives, and themes into all facets of their educational planning.'' Judge Clay is a 1997 Clinton appointee.

Given the current national debate around school vouchers, his ruling is of critical importance to a full understanding of the issue. 82% of the citizens of Detroit recently held a referendum, and voted down the use of school vouchers. It is my firm belief all children should have the opportunity to attend first class public schools that have the highest academic standards, and the best learning environment possible. This can be best achieved by reducing class size, hiring more teachers, teaching phonics, implementing mentoring and after school academic enrichment programs, universal Head Start, increasing teacher's salaries, and creating a world class public school infrastructure. School vouchers is a panacea that will only benefit a small percentage of our kids, and therefore, should be discarded as a viable policy alternative once and for all.

A RULING VOIDS USE OF VOUCHERS IN OHIO SCHOOLS

[From the New York Times, Dec. 12, 2000]

By Jodi Wilgoren

A Federal Appeals court declared a Cleveland school voucher program unconstitutional yesterday, upholding a lower court ruling that the use of public money to send thousands of children to parochial schools breaches the First Amendment's separation of church and state.

The 2-to-1 decision, which included a vitriolic exchange among the judges, sets the stage for a United States Supreme Court showdown on one of the most contentious issues in education politics today. It comes a month after voters in Michigan and California roundly rejected school voucher programs in ballot initiatives and is the most significant legal decision yet on the question.

''We certainly hope everyone will get the message,'' said Robert H. Chanin, general counsel for the National Education Association, the nation's largest teacher's union, who argued the case for a group of parents and teachers challenging the vouchers. ''The message is, let's focus on improving the public schools and stop playing around with vouchers as a panacea.''

In the ruling, Judge Eric L. Clay of the United States Court of Appeals for the Sixth Circuit said the Cleveland program did not present parents with a real set of options, because few nonreligious private schools and no suburban public schools had opened their doors. In 1999–2000, 96 percent of the 3,761 voucher students attended sectarian schools, receiving up to $2,500 each to offset tuition.

''This scheme involves the grant of state aid directly and predominantly to the coffers of private, religious schools, and it is unquestioned that these institutions incorporate religious concepts, motives and themes into all facets of their educational planning,'' wrote Judge Clay, a 1997 Clinton appointee who was joined in the opinion by a 1991 Bush appointee, Judge Eugene E. Siler.

''There is no neutral aid when that aid principally flows to religious institutions,'' the decision said, ''nor is there truly 'private choice' when the available choices resulting from the program are predominantly religious.''

Voucher supporters promised to appeal the ruling and expressed confidence about their chances at the high court, which has hinted at its openness to vouchers in recent years with several 5-to-4 decisions allowing public money to be used in parochial schools for textbooks, transportation and teachers' aides.

''The day of reckoning is drawing closer,'' said Clint Bolick, a lawyer for the Washington-based Institute for Justice, which helped defend the voucher program. ''This decision is a disaster for every schoolchild in America, but it will be short-lived.''

Students in the Cleveland program will probably be allowed to finish the year at their current schools, lawyers for both sides said. The Supreme Court has already intervened once in the case, to allow voucher recipients to remain in parochial schools pending the appeal, and an extension of that order is expected.

''Whatever I have to do to keep her there, I'm going to do that,'' said Roberta Kitchen, guardian for Toshika Bacon, who uses a voucher to attend a Christian school.

''If it means borrowing, second job, go further into debt, having to juggle my bills around,'' Ms. Kitchen said, ''whatever I need to come up with that tuition.''

Cleveland's voucher program, which gives precedence to low-income families, has been in litigation since it began in 1995 and has long been seen by both sides as the likely test case bound for the Supreme Court. The justices have already declined to review the nation's oldest and largest voucher program, which began in Milwaukee in 1990 and was upheld by the State Supreme Court in 1998. In Florida, the legal battle over a statewide voucher program has focused so far on the mandate to provide public education, not the church-state question; a state appellate judge's ruling that the program is acceptable is being appealed to the Florida Supreme Court.

Apart from the constitutional disputes, the battle over vouchers concerns the very definition of the public-school system. A coalition of corporate philanthropists and impoverished parents back vouchers as a free-market solution to what they see as the failure of inner-city schools; the teachers' unions have spent millions of dollars fighting vouchers, which they and many educators believe would drain resources from the schools that most need them.

Vouchers were a main point of fissure in the education debate of this fall's presidential campaign. Vice President Al Gore vehemently opposes the use of any public money for private schools, while Gov. George W. Bush of Texas wants to give children in consistently failing schools $1,500 in federal money to use however they like, including for tuition.

Yesterday's ruling in the Cleveland case, Simmons-Harris v. Zelman, comes a year after a lower-court federal judge struck down the program, saying it had ''the effect of advancing religion through government-sponsored religious indoctrination.''

Judges Clay and Siler acknowledged in their opinion that vouchers had been ''the subject of intense political and public commentary, discussion and attention in recent years'' but said they could not take part in the ''academic discourse on practical solutions to the problem of failing schools.''

Instead, they based their opinion largely on a 1973 Supreme Court ruling in a New York case, Committee for Public Education v. Nyquist, which rejected a tuition-reimbursement program for parents of private school students. Yesterday's ruling also pays close attention to the concurring opinion of Justice Sandra Day O'Connor—widely seen as the swing vote on vouchers—in a case from last term, Mitchell v. Helms, which upheld the purchase of computers for parochial schools.

''The voucher program at issue constitutes the type of 'direct monetary subsidies to religious institutions' that Justice O'Connor found impermissible,'' the Sixth Circuit judges said. ''To approve this program would approve the actual diversion of government aid to religious institutions in endorsement of religious education, something 'in tension' with the precedents of the Supreme Court.''

Judge James L. Ryan, appointed to the bench by President Ronald Reagan in 1985, submitted a sharp dissent accusing his fellow judges of ''nativist bigotry'' and denouncing the quality of Cleveland's public schools. He argued that the Supreme Court's rulings since the Nyquist case suggested a shift in thinking on subsidies to private and parochial schools and called the majority opinion ''absurd'' and ''meritless.''

''In striking down this statute today, the majority perpetuates the long history of lower federal court hostility to educational choice,'' Judge Ryan wrote, going on to call the ruling ''an exercise in raw judicial power having no basis in the First Amendment or in the Supreme Court's Establishment Clause jurisprudence.''

Judge Ryan's harsh words prompted the same from his colleagues. The majority complained of ''hyperbole'' and ''gratuitous insults,'' saying ''it is the dissent and its rhetoric which should not be taken seriously.''

Gov. Bob Taft of Ohio, a Republican, declined to comment on the case, other than to express disappointment, as did the state's top education official, Susan Tave Zelman, who is named as a defendant. Neither Cleveland's mayor, Michael R. White, nor Barbara

Byrd-Bennett, the chief executive officer of the Cleveland Municipal School District, could be reached for comment.

Betty D. Montgomery, Ohio's attorney general, released a statement saying, ''The voucher pilot program empowers low-income Cleveland-area families whose children are trapped in a failing public school system.''

As thousands of Cleveland families wondered how the decision might affect them, the combatants in the nation's voucher wars unleashed a sheaf of faxes celebrating or criticizing the latest legal salvo.

''This is a great early Christmas present for America's public schools and our constitutional principles,'' Barry W. Lynn, executive director of Americans United for Separation of Church and State, said in a press release.

The Center for Education Reform, a conservative group in Washington, described the Cleveland program as a ''lifeline for thousands of disadvantaged young people.''

''We've always believed and continue to believe that parents are a child's first teacher,'' said the group's president, Jeanne Allen. ''And as such they and only they should decide where and how their children are educated.''

On the other side was Ralph G. Neas, president of People for the American Way Foundation, who hailed the ruling as ''a victory for the First Amendment and a victory for public education.''

But it was a defeat for Mr. Bolick of the Institute for Justice. ''The same Constitution that guarantees educational opportunities has been turned on its head to subvert them,'' he said.

CONGO: THE HEART OF DARKNESS?

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WOLF. Mr. Speaker, I want to share with you this informative article from The Economist magazine that describes the critical problems facing the Congo and the Great Lakes region of Africa. The humanitarian crisis in the Congo is startling as between 1.7–2 million people have died in the past several months. Thirty percent of those who died were under the age of 5. Clearly, the situation in the Congo deserves the attention of the West and I hope every Member will have an opportunity to read this article.

[From the Economist, Dec. 9, 2000]

IN THE HEART OF DARKNESS

The hefty cargo plane grinds on across Africa, the deafening monotony of its engines never changing. The hold is stuffed with drums of fuel and crates of ammunition, spare parts for weapons and medical supplies. Perched among them are a dozen soldiers, one of whom is carrying a suitcase full of dollars. Three young women, one of them with a child, crouch among the drums with wrapped-up bundles, a couple of live chickens and several bunches of bananas.

The old Russian-made plane is flown by Ukrainians. They and the plane have been rented in Kiev by a Greek entrepreneur who also deals in coffee, timber and arms. This time he has hired it out to the Ugandan army, but it could have been made available to any one of the seven national armies at war in Congo. His business prospects look good. Peace is impossible just now.

Below, the forest stretches to the horizon in all directions, a vast head of dark trees broken only by state-coloured rivers. Look down two hours later, and nothing has changed. It is as if the plane hasn't moved. Congo is big. Lay a map of Europe across Congo, with London at its western end, and the eastern border falls 200 miles beyond Moscow.

War in Congo does not involve huge armies and terrible battles, but a few guns can send hundreds of thousands fleeing their homes. It threatens Congo's nine neighbours with destabilisation, and with thousands of refugees pouring into their border areas. In the first week of December alone, by UN estimates, more than 60,000 refugees fled into Zambia from fighting that has just delivered the town of Pweto to Congo's anti-government rebels. War in Congo means a generation growing up without inoculation or education and the rapid spread of AIDS, the camp-follower of war in Africa. A recent United Nations report described Congo's war as one of the world's worst humanitarian crises, affecting some 16m people.

THE LEGACY OF GREED

Congo was only briefly a nation state. For most of history it was a blank on the map, luring in the greedy and unwary. It was first pillaged by the slave kingdoms and foreign slavers; then by predators looking for ivory, rubber, timber, copper, gold and diamonds.

Leopold, king of the Belgians, grabbed it in 1885 to make himself a private kingdom. That sparked the imperial takeover of Africa by Europeans at the end of the 19th century.

Leopold's agents cut off hands and heads to force the inhabitants to deliver its riches to him. Then came Belgian state rulers. They built some roads and brought in health and education programmes, but blocked any political development. When Congo was pitched into independence in 1960, there was chaos.

Congo nearly broke up; then out of the chaos came Mobutu Sese Seko, one of the more grotesque rulers of independent Africa. America and Europe supported him because he was anti-communist; but he was Leopold's true successor, regarding the country as his personal possession. He renamed it Zaire, used the treasury as his bank account and ruled by allowing supporters and rivals to feed off the state. If they became too greedy or powerful, he would have them thrown into prison for a while before being given another post to plunder. On two occasions he encouraged his unpaid, disgruntled soldiers to satisfy themselves by looting the cities. He built himself palaces and allowed the roads the Belgians had built to disintegrate. This helped break up Congo into fiefs. When Mobutu's rule ended in 1997, the nation state was dead. The only national organisation was the Catholic church.

One of his fiefs was Hutu-ruled Rwanda. Mobutu called its president, Juvenal Habyarimana, his baby brother. In 1994 Habyarimana was killed in a plane crash, and the rump of his regime carried out genocide against Rwanda's Tutsi minority. But, with Ugandan help, the Tutsis triumphed. The old Rwandan army and the gangs of killers fled into Congo, where Mobutu gave them shelter and weapons. In 1996 the new Tutsi-dominated Rwandan army crossed the border and attacked the Hutu camps, intending to set up a buffer zone to protect its western border. The attack worked better than anticipated and the Rwandans, Ugandans and their Congolese allies kept walking westwards until they took the capital, Kinshasa. Mortally ill, Mobutu fled and the Rwandans installed Laurent Kabila as president.

A year later, Mr. Kabila tried to wriggle out of the control of the Rwandans and Ugandans. He allied himself with their enemies, the Hutu militias in eastern Congo. In response they launched another rebellion to try to dislodge him. But this time Angola, Zimbabwe, Namibia, Sudan and Chad sent troops to defend him. They said they were acting on principle, to protect a neighbouring state from invasion. The war reached a stalemate with the country divided. In the western half,

Mr. Kabila was backed by Zimbabwe, Angola and Namibia (Sudan and Chad withdrew). The east was controlled by three rebel movements and their creators and controllers, Uganda and Rwanda. Burundi also has troops in Congo allied to the Rwandans, but these stay close to the Burundi border.

In June and July last year, a peace agreement was signed in Lusaka by the government of Congo, the three rebel groups and five intervening nations. It provided a timetable for a ceasefire, the deployment of African military observers supported by UN monitors, the disarming of ''negative forces'' (the militia gangs that roam eastern Congo), and the eventual withdrawal of all foreign forces. It also prescribed a national dialogue between Mr. Kabila and the armed and unarmed opposition.

NEIGHBOURS ON THE TAKE

Unsurprisingly, it has not worked. The ceasefire has been persistently broken by all sides, most recently with the fighting around Pweto. Although the defense chiefs of six of the intervening countries, led by Zimbabwe, and several rebel groups signed a deal in Harare on December 6th to pull back their forces from front-line positions, it is still unlikely to happen. The exploitation of the country by the intervening armies reinforces the imperialist nature of the invasion, as do their disparaging comments about the Congo * * * ''A hopeless people,'' remarked one Rwandan. ''All they want to do is drink and dance.''

Each of the interveners in Congo has complex and different reasons for being there. At one level, they have been sucked into the vacuum; social and population pressure east of Congo has drawn the neighbours towards a country with few people for its size and no state structures. But each also had internal political reasons for going to Congo.

The Rwandans want to track down the perpetrators of genocide and either drive them back to Rwanda or kill them. The success of the 1996 invasion and American support has made them over-confident. President Yoweri Museveni of Uganda also has ambitions bigger than his own country. He wants the economy of eastern Congo to link up with East Africa, and wants to replicate his own political system in Congo. The rebel Movement for the Liberation of Congo (MLC) was created by Uganda, and mimics Mr. Museveni's political analysis and ideology.

On the other side, Mr. Kabila's allies also have domestic reasons for being in Congo. Sudan, engaged in a proxy war with Uganda, wanted another way to attack it. Angola wanted to get into Congo to stop its own rebel movement, UNITA, from using Congolese territory as a supply route and rear base. Namibia got involved because it is indebted to Angola. President Robert Mugabe of Zimbabwe, jealous of South Africa's new power in southern Africa, wanted to make himself the region's military leader. Others loiter in the background: North Korea has sent some 400 soldiers to help train Mr. Kabila's fledgling army and tons of weapons, reportedly in exchange for future sales of copper, cobalt and uranium.

Many western diplomats and analysts, as well as most Congolese, suspect that America is secretly funding Rwanda and Uganda. State Department officials deny this, but it is hard to see how these poor countries can fight without outside resources. Their meagre defence budgets (Uganda's is allegedly

$100m this year) cannot possibly sustain their operations in Congo.

Once in Congo, the interveners found commercial reasons to stay. The war has created huge business opportunities which have obscured its primary, political, cause. Hundreds of dodgy businessmen, mercenaries, arms dealers and security companies have come to the region. Diamonds are a big prize and the main source of foreign exchange for Mr. Kabila. It is hardly surprising that the war ground to a halt around Mbuji-Mayi, the main diamond-producing area. Congo pays for Zimbabwe's presence with a diamond-mine concession. It has also formed a joint oil company with Angola.

Senior military officers from all the armies, as well as their political cronies back home, make money trading diamonds, gold, coffee and timber, and from contracts to feed and supply their troops. They have little interest in peace. Local and foreign businessmen often pay them to provide troops to guard a valuable mine or a farm. The Kilo Moto gold mine in Kivu has been taken over by freelance diggers, but the entrance is guarded by Ugandan soldiers who tax them. Kigali and Kampala are crawling with diamond dealers and others looking for Congo's rare minerals, such as tantalite and niobium. The loot is not confined to minerals. One Ugandan unit, returning from Congo, caused fury in both countries by having their newly acquired Congolese wives and girlfriends flown home with them at government expense. War booty, said chauvinistic Ugandan politicians. Rape and theft, said Congolese men.

THE KABILA DISASTER

When Laurent Kabila was catapulted to power by Uganda and Rwanda, everyone thought Congo would change. He could hardly do worse than Mobutu, they argued. Perhaps he would turn into one of the much-vaunted ''new leaders'' of Africa. He had few enemies. Everyone wanted to help him rebuild Congo. Sadly, he turned out to be little more than an outsize village chief, adept at staying in power, but with no vision and a deep distrust of competence. He has surrounded himself with relatives, friends and oddballs he scooped up on his march to Kinshasa. Mentally he is stuck in the cold war of the early 1960s, imagining global plots against Congo.

The formal economy is dead. Nor far from the central bank in central Kinshasa, carefully tended cabbages have sprung from a small patch of waste ground by the roadside. Nearby, families having moved into the ruins of a half-built office block, hanging their washing over the abandoned concrete pillars and cooking on open fires on the floors of rooms designed for board meetings. Only about 20% of the city's 4m-5m people have jobs. Most of these pay, if at all, about $8 or $9 a month. The city has little fuel, so people get up before dawn to walk to work. Most eat nothing all day, then return on foot to the one daily meal of cassave porridge or bread. Less than 30% of the capital's children are in school and few can afford medicine if they are ill.

Mr. Kabila blames all this on the war. It has more to do with his old-fashioned statist policies and his arbitrary way of handing out contracts and concessions and then canceling them. That has frightened off foreign companies. So has his policy of locking up foreigners and demanding ransom. Heineken, a Dutch brewing company, recently paid $1m in cash to the finance minister to secure the release of its two senior executives in Kinshasa. Maurice Templesman, an American diamond dealer, also lost millions of dollars when his staff were seized and thrown out of the country. One foreign security company in Kinshasa says its best new business is negotiating the release of foreign nationals arrested by the government.

Mobuto played the country and its political elite like a chess master. Mr. Kabila tries the same techniques; putting people in power or in prison and playing the ethnic card. But he is no expert. Long in exile, he barely understands Congo. There have been splits and mutinies in his fledgling army and his ministers are at each other's throats. Only in the south-east, his home territory, does he still have some support. The impoverished people of Kinshasa despise him, but will not demonstrate against him for fear of being accused of supporting the rebel movements—which they do not.

Mr. Kabilia is currently trying to get the Lusaka accord rewritten. He has blocked the development of UN military observers and humiliated and rejected Ketumile Masire, the former Botswanan president, who was appointed to organize a national dialogue. He even failed to turn up at meetings with his backers, Angola and Zimbabwe. President Eduardo dos Santos of Angola warned him in August that he had ''had enough of his arrogance'', and that the allies would withdraw from Congo if he continued to obstruct the peacemakers. But Mr. dos Santos knows there is, as yet, no alternative to Mr. Kabila and that there would be chaos if the allies withdrew now.

That is the crux of the problem. Mr. Kabila has failed, but there is no one else who enjoys national support or looks remotely capable of pulling the country together. Mobutu ensured that every politician in Congo was smeared with his corruption. Nor do the rebel movements present an alternative. The Congolese Rally for Democracy (RCD) split apart, with one faction supported by Uganda and the other by Rwanda. Uganda then launched the MLC and, in June, the former allies fought a full-scale battle in Kisangani for six days, destroying much of the town's centre and killing 619 civilians. This engagement also destroyed the credibility of the two leaders, Mr. Museveni and Rwanda's president, Paul Kagame, in Congo. America and western countries were furious with them and blocked Uganda's promised debt relief as punishment.

Both factions of the RCD are now deeply unpopular in their own areas. The clumsy intervention of Rwanda and Uganda in South and North Kivu has stirred up bitter ethnic rivalry. Much of this region suffers from the same Hutu-Tutsi divisions that exist in Rwanda and Burundi. The intervention has upset the fragile balance, and the region flares with massacre and counter-massacre.

Local communities have tried to defend themselves against all outsiders by forming self-defense militias, but many of these have degenerated into wandering gangs of mercenaries and bandits, the ''negative forces'' of the Lusaka accord. Some are linked to Rwandan Hutus, some fight against them. Mr. Kabila is fanning the flames by sending them weapons across Lake Tanganyika. The Kivus are now a horrendous mess of wars and sub-wars that will burn on long after the national war is over.

In northern Congo, the picture is slightly better. Jean-Pierre Bemba, the young MLC leader and a businessman, is popular there because his Ugandan-run army is fairly disciplined and, in Mobutu's home area, he is seen as his successor. It is a label he vigorously rejects, since he knows it will kill support for him in other places.

WHAT HAPPENS NEXT

The present situation is deadlocked and unstable. The UN will not deploy its forces until it is convinced that all parties are serious about peace, but the ''negative forces'', Hutu militias, gangs and others have signed no ceasefire and have little interest in peace. That means the foreign forces cannot fulfill the Lusaka accord and leave. But their governments, even the oil-rich Angolans, are worried about the cost. They are all engaging in bilateral talks with each other; but that increases mistrust and suspicion.

The Rwandans, realising how unpopular they are in Congo, have given up hope of overthrowing Mr. Kabila and instead have offered to withdraw their troops to the Kivus. Zimbabwe, hard-pressed by domestic problems, wants it 12,000 troops out as soon as there is a face-saving formula. Their departure could destablise Mr. Kabila. Maybe the Angolans, left holding the fort, will remove him. At present they seem to be trying to bring in Mr. Bemba and a representative of the unarmed opposition to create a trumvirate with Mr. Kabila. To achieve this, the Angolans have to trust Mr. Bemba's backer, Uganda. They don't, because Uganda has been a conduit for arms to UNITA rebels in Angola. Besides, the Ugandan army and the MLC are still pushing westwards towards the strategic city of Mbandaka, garrisoned by Angolans.

And what of the Congolese people in all this? Impoverished, disregarded and oppressed, they still give one clear message almost unanimously in every conversation: they do not want Congo to break up. But the long decomposition of this vast country seems inevitable, whoever rules in Kinshasa.

This war could rumble on for years, if not decades. The Lusaka accord, concedes a senior UN representative, is not going to work; but no one has a better plan. The best he can suggest is that outsiders remain engaged, help the victims, try to understand what is happening—and make it worse. Congo's experience of outsiders is, to put it mildly, discouraging.

REPORT ON THE DEPARTMENT OF JUSTICE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WAXMAN. Mr. Speaker, this fall, the House Government Reform Committee majority released a report on the Department of Justice that contains numerous inaccuracies and that unfairly smears several individuals. The minority filed views that discuss the unsubstantiated allegations in the majority's report.

The majority's report prompted letters from one of the individuals named in the report, and from an attorney for another of the individuals named. Both letters take issue with the majority's assertions. In the interest of a complete record on this matter, I submit into the RECORD a December 11, 2000, letter from C. Boyden Gray, and an October 31, 2000, letter from Barry B. Langberg.

WILMER, CUTLER & PICKERING,
Washington, DC, December 11, 2000.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We were dismayed to see your Committee Report, ''Janet Reno's Stewardship of the Justice Department,'' made final without providing us with the right to review and comment as promised in response to my letter of September 21, 2000. Accordingly, there is no point in detailing

here the errors in that Report that we would otherwise have identified.

We would nevertheless make the following observations which we would hope you could make part of the record: (1) as the Minority Report makes clear, Rebekah Poston never asked her investigators to do anything illegal (''[I]n fact, contrary to the Majority's allegations, no evidence received in the Committee demonstrates that Ms. Poston instructed private investigators to break the law''); (2) throughout the hearing, the two investigators at issue, Philip Manuel and Richard Lucas, each testified under oath that Ms. Poston had never asked them to do anything which they thought was illegal; (3) the Department of Justice ultimately granted her request for information by informing her that here was no information to provide in any event; and (4) it was entirely improper to hold and structure a hearing for the evident and sole purpose of provoking a claim of Fifth Amendment rights in order to create the impression that Ms. Poston had done something improper.

Accordingly, we respectfully request that you include this letter as part of the Congressional RECORD relating to the above-described report.

Sincerely,

C. BOYDEN GRAY.

STROOCK & STROOCK & LAVAN,
Los Angeles, CA, October 31, 2000.

Hon. DAN BURTON,
Committee on Government Reform, Rayburn House Office Building, Washington, DC.

Hon. HENRY A. WAXMAN,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN BURTON AND REPRESENTATIVE WAXMAN: I represent Soka Gakkai, a lay Buddhist association with more than 10 million members. Soka Gakkai and I are both mentioned in Chapter IV of the Committee's report on ''Janet Reno's Stewardship of the Justice Department.'' Without waiving any applicable privilege, I write to bring to the Committee's attention serious flaws in Chapter IV, which contains numerous demonstrable factual errors, and recklessly accuses private individuals of criminal wrongdoing without any pretense of due process or any substantive evidence. Chapter IV overstates its conclusions and ignores errors and omissions in the investigation.

The report acknowledges that the issues discussed in Chapter IV relate indirectly to litigation in Japan between Nikken Abe and Nichiren Shoshu, on the one hand and my client, Soka Gakkai, on the other. E.g., p. 161. It appears from various sources, including the report's Exhibit 56, that representatives of Nikken Abe and Nichiren Shoshu have had contact with the Committee staff, in an attempt to have the Committee issue a report that would be helpful to their position in the Japanese litigation. The three-judge panel of the Japanese trial court has already ruled unequivocally in favor of Soka Gakkai in that litigation, finding that the position of Nichiren Shoshu and the testimony of Nikken Abe were not credible. The matter is now on appeal and the efforts of Nichiren Shoshu's representatives to influence the Committee are simply an attempt by the losing side to use the Committee to influence the Japanese appellate process. The Committee should guard against such abuse of its processes.

More specific errors include:

1. The report recklessly accuses several private individuals of crimes, including several whom the staff never interviewed. The report accuses several individuals of committing serious crimes. It also accuses others of misleading the Committee. Such charges, cloaked with the authority of the Committee, are outrageous when made with so little concern for fairness or due process. It is significant that the report modifies many of its charges with qualifiers like ''apparently'' or ''possibly'' (e.g., p. 162), but that does not excuse such reckless charges. Simply put, there is no evidence that Soka Gakkai, Jack Palladino or I committed any crime or engaged in any improper activity whatsoever. As the report acknowledges, the staff failed even to interview Mr. Palladino or me about our role in this matter. Id. n. 801. These charges are particularly objectionable because they are not even relevant to the report's central thesis, that Ms. Poston and others working at her direction received favorable treatment at the hands of the Justice Department. E.g., pp. 159–60. Thus, these serious attacks are made almost casually, without any claim or relevance to any public purpose.

In fact, even a preliminary investigation would have revealed that the so-called ''reliable source,'' Richard Lucas, never met with Mr. Palladino or discussed with him any of the facts or issues concerning this matter. Further, an investigation would also have shown that I had no personal involvement with the activity criticized in the report.

2. The report repeatedly relies on a witness who lacks credibility. Many assertions in the report—including many of the most misleading, erroneous or otherwise objectionable assertions—are cited only to Mr. Lucas. E.g., notes 799, 806, 814, 822–24. Mr. Lucas is not a credible witness for several reasons: much of his story to the Committee is contradicted by his own sworn affidavit; he is apparently engaged in a legal dispute with one of the Committee's other witnesses and thus has an incentive to blame that witness for his own conduct; and he committed a conscious and intentional breach of his contractual and ethical obligations to the Steel Hector & Davis law firm. After having been retained by the law firm, he entered into a relationship with individuals hostile to the firm and the interests of its clients, and repeatedly breached his ethical and contractual obligations by secretly and systematically providing the opposing side in a litigation matter confidential information about the law firm's and client's activities.

A further sign that Mr. Lucas is simply not reliable is that he authored several memoranda under a pseudonym, ''Michael Wilson.'' The report never discloses that fact. The report also frequently relies on these memoranda, without any other corroborating evidence. E.g., notes 831, 832, 837. That Mr. Lucas felt compelled to write memoranda under a pseudonym, in a complete departure from ordinary business practice, seriously undermines his credibility and shows that Mr. Lucas understood there was something about his conduct that needed to be hidden. Moreover, the memoranda themselves demonstrate that Mr. Lucas was violating his contractual and ethical duties to the Steel Hector & Davis law firm, and thus are independently not worthy of belief.

Significantly, the report itself accuses Mr. Lucas of criminal misconduct. E.g., p. 168.

3. The report contains sensational charges that it fails to support. The report's headings repeatedly charge individuals or organizations with illegal acts. E.g., p. 162 (''Soka Gakkai Illegally Obtains Information on Nobuo Abe Through Jack Palladino''); p. 163 (''Poston Requests Her Private Investigators To Break The Law''). Those inflammatory headings are not supported by the text. For example, the passage about Mr. Palladino is modified by the word ''apparently,'' and it is sourced only to Mr. Lucas, the tainted witness; as the report concedes in the very next footnote, it did not even bother to discuss this allegation with Mr. Palladino. Mr. Palladino has publicly stated that he had nothing to do with illegally obtaining any information about Nobuo Abe and had no involvement with obtaining information from any federal source whatsoever. Similarly, Ms. Poston testified that she at no time asked her investigators to break the law.

4. The report lends unmerited credibility to mere speculation. The report seeks to suggest that an employee of the Bureau of Prisons ''planted'' a fabricated record in the NCIC involving an arrest in Seattle in 1963. The report recognizes this as ''speculation,'' and attributes it to some unnamed ''individuals involved in the case,'' p. 162. There is no evidence to support this speculative theory, and again the staff failed to perform any of the investigative work—such as interviewing knowledgeable law enforcement officials from the Seattle area—that would have helped clarify these facts. The report's careless presentation of the speculation may be injurious to the parties to the lawsuit in Japan—a lawsuit that, once again, the report specifically acknowledges, p. 161.

I ask that the report be corrected in light of this information, or, at a minimum, that this letter be made part of any final report issued by the Committee.

Yours very truly,

BARRY B. LANGBERG.

TRIBUTE TO CHAIRMAN JOHN HICKS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, I am honored to pay tribute to a remarkable constituent who has dedicated his life to serving others.

John S. Hicks, an attorney in my Congressional District whose offices are located in Chester, New York, has been Chairman of the Republican County Committee of Orange County, NY, since 1995. In that capacity, he has diligently worked to build a strong two party system in our country. John never lost sight of the fact that his only motivation for politics is good government.

John encouraged delivering the Republican message by providing a full time Republican Party Headquarters, and by publishing a supplement to our local daily newspaper which he entitled ''The Eagle'' and which has been an effective vehicle to publicize the principles of our party and the activities of our candidates.

John Hicks, who is a native of Fayetteville, North Carolina, has been a resident of Warwick, NY since he was five years old. A product of the public school system of Warwick, and a graduate of Colgate University and Albany Law School, he has been engaged in the practice of law since 1977.

In 1964, John registered to vote as a Republican at the age of 21, and maintained his dedication to Republican policies during and after his three year stint in the Army during the Vietnam era.

John is a Member of the American, New York and Orange County Bar Associations. He is active with the National Federation of Independent Businesses, the U.S. and the Orange County Chambers of Commerce. He is also active in Warwick's Rotary, the Warwick Community Bandwagon, and the Orange County Citizens Foundation. John also serves on the

Board of Directors of the Orange County United Way and the Arden Hill Hospital, and is a life member of the American Legion.

John and his lovely wife, Judy, are the proud parents of Michael (a West Point graduate), Deanna, Stephanie, Mark, Lisa and Jeffrey.

On Feb. 2, 2001, the Town of Newburgh Republican Committee at their annual Lincoln Day Dinner will honor John as their designee as the ''Republican of the Year''. Their recognition is long overdue, for John Hicks has long personified the ideal of political work as a public trust.

Mr. Speaker, I invite our colleagues to join with me in congratulating John S. Hicks, Esq., for this honor and for a job well done.

GEORGIA REGULATOR TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I wish to commend John W. Oxendine, Georgia Insurance Commissioner who will pursue to multistate investigation of Life Insurance Co. of Georgia, which if proven true, represents a very serious matter, and subsequently needs to be dealt with. African-Americans make up a large percentage of the company's policyholders. Evidence gathered by state examiners showed the Atlanta company, a unit of Dutch INC Group NV, continued at least until recently, to charge African-Americans higher rates than whites on identical policies sold as late as the 1980's. Historically, records have shown that through the first half of the century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for African-Americans. The discriminatory treatment however, was through to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil rights movement.

I submit the following article from the Wall Street Journal.

[From the Wall Street Journal Dec. 15, 2000]

GEORGIA REGULATORY TO LEAD INVESTIGATION INTO INSURER'S RATES FOR BLACK CUSTOMERS

(By Scot J. Paltrow)

Georgia's insurance department said it will lead a multistate investigation of Life Insurance Co. of Georgia, after initial inquiries showed the company systematically had charged higher, race-based premiums to African-American customers.

Georgia Insurance Commissioner John W. Oxendine said [evidence gathered by state examiners showed the Atlanta company, a unit of Duth ING Group NV, continued at least until recently to charge blacks higher rates than whites on identical policies sold as late as the 1980s.]

Life of Georgia was one of the companies cited in a Wall Street Journal page-one story in April, which reported that some life insurers had continued to charge higher premiums to African-Americans on small policies formally known as ''industrial insurance.'' A former Life of Georgia actuary was quoted as saying discrimination premiums continued to be charged by the company well after most other insurers had halted the practice in the 1960s. Florida regulators earlier this year initiated the inquiry into Life of Georgia as well as more than 25 other companies. A lawsuit on behalf of black policyholders is pending against Life of Georgia in federal court in Florida.

Life of Georgia has strongly denied the allegations. Officials at Life of Georgia, at ING's North American headquarters in Atlanta and at the parent company's headquarters in Amsterdam, didn't respond to telephone calls. In an interview in April, Life of Georgia Chief Counsel Jeffrey B. McClellan said, ''our position is that no discriminatory rates were every employed'' by the company.

Historical records show that through the first half of the 20th century, U.S. life insurers typically either didn't market to African-Americans or charged them higher rates based on mortality tables that showed a shorter life expectancy for blacks. The discriminatory treatment, however, was thought to have been scrapped in the early 1960's, because of U.S. Supreme Court rulings and the impact of the civil-rights movement.

In June, Houston's American General Corp. agreed to pay more than $215 million to settle investigations by Florida and other states and a civil lawsuit which alleged the company had continued until this year to charge higher race-based premiums on about 1.2 million policies held by blacks.

Mr. Oxendine said that based on examiners' initial findings, the Life of Georgia investigation will include all types of insurance sold by Life of Georgia. He said it was too early to estimate the number of policies or amount of money involved. [But he said African-Americans make up a large percentage of the company's policyholders.]

The investigation is being conducted on behalf of all 50 states. The company's business is licensed to sell in 30 states and has policyholders in all states, the Georgia department said.

HONORING THE SERVICE OF OCTAVIA LUCINDA OLIVER ROSS AS DISTINGUISHED EDUCATOR AND A COMMUNITY ACTIVIST

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CHRISTENSEN. Mr. Speaker, today I pay tribute to Octavia Lucinda Oliver Ross, who was a distinguished educator, devoted mother and community activist in my St. Croix district of the Territory of the Virgin Islands.

Octavia Ross was born into and became a part of an outstanding family educational legacy in the Virgin Islands. Her late father, Emanuel Benjamin Oliver was also a teacher, and a school on the island of St. Thomas bears his name. After teaching at the Federal Nursery School, Octavia Ross began her career as an instructor in public school system. She served as a teacher at almost all grade levels, elementary as well as secondary and worked at the junior high and intermediate grade levels. most of her teaching career was spent as a first grade teacher at the Frederiksted Public Grammar School and the Claude O. Markoe School. Mrs. Ross enrolled in various training sessions with the Polytechnic Institute of St. Croix and pursued additional training at Inter American University in Puerto Rico.

On January 25, 1964, Octavia Ross obtained her Bachelor of Science Degree from Hampton University, followed by a period in which she did post graduate work in Supervision and Administration. Upon returning to St. Croix she was instrumental in initiating and directing the Bilingual/Bicultural and the Academically-talented Programs. Mrs. Ross became an assistant principal at the Charles H. Emanuel and the Alexander Henderson Schools. She became the first principal of the Evelyn Williams Elementary School, remaining there until her retirement at the completion of forth two years of meritorious service in the field of education. Octavia Ross, having been a star athlete in her youth, also instructed handicraft and athletics. There are many who strongly feel the sentiment that she devoted her life to the children of St. Croix as a teacher, assistant principal and principal.

Octavia Ross also made varied and vast contributions to the social well being of the Virgin Islands' community. Athletic activities during her youth caused her to participate in numerous inter-island meets, which may have been the beginning of her activity in the community. She has been credited with carrying the banner in the Business and Professional Women's Club, serving as both the local and state president. She was a delegate at the International Business and Professional Women's convention in Houston, Texas. In 1974, she received the Woman of the year Award. Octavia Ross was also the recipient of the Frederiksted Business and Professional Women's Achievement Award. In 1978 she was named the Mother of the Year Award by the Frederiksted Club and later received their Woman of Achievement Award. Octavia Ross was listed in the 1977 International ''Who's Who in the West Indies, Bahamas and Bermuda,'' V. I. Section—Personalities of the Caribbean and was also listed in the 1979 edition of World ''Who's Who Dictionary of International Biographies'' and received the Paul Harris Fellow from the Rotary Club of St. Croix West.

The Governor of the Virgin Islands described her as having a graceful demeanor, a professional integrity and ladylike deportment that made her an exemplary and model teacher. Further, he stated that not only has Mrs. Ross made a significant contribution to the Virgin Islands as an educator in her own right, but also in the contributions of her offspring in the administrative, legislative, educational, legal, financial, civic, military and industrial areas of the community. Not surprisingly, Octavia Ross was a dedicated member of her church, the Saint Paul's Anglican Church, in addition to being a member of Episcopal Church Women's Organization and Member of the Vestry.

Octavia Ross was appreciated by the many whose lives she touched. Besides her husband Rupert W. Ross, Sr., she leaves to mourn her seven children: Rupert, Edgar, Raymond, James, Edward, Janice and Jewel; two step children, Randolph and Judy-Ann; fourteen grand children, fourteen great grand children; and a community recovering from her sudden passing. On behalf of the Congress of the United States of America, I salute Octavia Lucinda Oliver Ross for her dedicated service to her profession and the Territory of the U.S. Virgin Islands. I thank her husband Rupert, her seven children, two step children, fourteen grand children, fourteen great grand children

and a grateful community for sharing her with us.

TRIBUTE TO FATHER HILARY CONTI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person from my district, Father Hilary Conti of Clifton, New Jersey, who celebrated on Saturday, October 28, 2000 fifty years of service and leadership in Clifton and round the country. It is only fitting that he be honored, for he has a long history of caring, generosity and commitment to others.

Father Hilary Conti was recognized for his many years of leadership in Clifton, which I have been honored to represent in Congress since 1997, and so it is appropriate that these words are immortalized in the annals of this greatest of all freely elected bodies.

Paul Karieakatt chronicled the history of Father Conti's service. As he noted, this year marks the 50th anniversary of Father Hilary Conti's priestly ordination. For fifty years he has engaged himself in the vineyard of the Lord, as a monk and as a priest. This is a truly special achievement.

Father Hilary was born in Fabriano, Italy on May 12, 1925 to Natale and Carmela Conti as their sixth child. Although it was filled with hard work, Father Conti enjoyed a beautiful childhood. On one occasion during WWII, all he had to eat was a discarded carrot. he worked as farmer, and fondly recalls those early days. In his own words he said, ''My father went to look not for the lost sheep, but for the lost shepherd. It did not take him too long to find me.''

Father Conti joined the monastery as an aspirant on September 29, 1938, made his novitiate in 1943 and his simple profession on October 1, 1944. On October 28, 1950, he was ordained a priest at St. Scholastica in Detroit, Michigan. As a student he helped to found *Inter Fratres* magazine.

Father Hilary taught for a short time at Mercy High School in Detroit. He has always been an active and involved leader. The time spent working in Michigan instilled in Father Conti the attributes necessary for him to become a stellar force in the community. It was the small steps in the beginning of his career that taught him the fundamentals that would make him a role model to the people that he now serves.

Later he took upon an even greater challenge and pioneered the establishment of a small monastery in Clifton. It is known as the Holy Face Monastery. It nourishes spiritual needs of the soul, gladdens the heart and inspires all those who visit. Of the works of art at the Holy Face Monastery the Shrine of Our Lady of Tears is Father Hilary's favorite. His late close friend, Mr. Canepa, created this masterpiece.

To describe in his own words his accomplished life, Father Conti wrote, ''I planted many oak trees and saw them growing big and tall; now I am 70 years old, so I am preoccupied about the future of the monastery.'' This shows his enduring love and relentless commitment. Many people come to the monastery to search for the meaning of life, healing, peace and consolation.

Father Hilary has traveled around the country conducting seminars and talks explaining the Holy Shroud of Turin and its spirituality. He has also worked in Rome with many scientists, doctors and theologians on the shroud. He recently produced a video that explains the spirituality of the shroud.

Mr. Speaker, I ask that you join our colleagues, Father Hilary's fellow monks, supporters, the Holy Face Monastery, the City of Clifton and me in recognizing the outstanding and invaluable service to the community of Father Hilary Conti.

EUROPEAN UNION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BEREUTER. Mr. Speaker, Benjamin Franklin once wrote in Poor Richard's Almanac, ''Don't throw stones at your neighbors', if your own windows are glass.'' This sage advice written in 1736 is still current today and certainly applicable to those across the Atlantic who have focused on the problems in Florida and mocked the United States electoral system. While the closeness of the vote in Florida resulted in exercise of a constitutional process in the U.S. that has not had to have been used before, the challenges ahead for the European Union as it tries to integrate new members and address its own internal voting system are just beginning and may be far more difficult to resolve. In that regard, this Member recommends to his colleagues I submit the following editorial published by the Omaha World Herald on December 9, 2000, on this subject into the CONGRESSIONAL RECORD.

IF THE SHOE FITS, EU SHOULD WEAR IT

The Florida vote-could mess has triggered a month-long eruption of contemptuous tut-tutting from European leaders and commentators. Finger-wagging scolds from London, Paris and other centers of European enlightenment have taken particular aim at the Electoral College.

One columnist grumped in The Times of London: ''What moral authority would a man have to hold his finger over the nuclear trigger when he owed his office not to a majority but the byproduct of a bankrupt electoral college?''

A German writer made do by simply calling the Electoral College ''idiotic.''

Scratch those European criticisms hard enough, however, and you uncover what could be called, at best, inconsistency and at worst hypocrisy.

It turns out that one of Europe's most revered institutions, the European Union, has long governed itself by the very principles associated with the Electoral College. That is, the decision-making process for the EU, an association of 15 European countries linked by close economic and political ties, is structured so that small countries are given tremendous added weight and, thus, influence.

The best illustration is shown by comparing the EU's largest member, Germany, to its smallest, Luxembourg. Germany, with 82 million inhabitants, has a population some 205 times that of Luxembourg's of 400,000 (which, coincidentally, is about the size of Omaha's municipal population).

If the seats that Luxembourg and Germany have on the Council of Ministers, one of the EU's governing bodies, were assigned in proportion to the two countries' actual populations, Luxembourg would control two seats and Germany would control 410. Instead, Luxembourg has two seats and Germany has 10.

The advantage given to smaller states is even greater in another EU institution, the European Commission. There, the five largest countries each have two seats, while the rest have one. That arrangement resembles the situation in the U.S. Senate, where small states are each accorded precisely the same number of seats as big states.

The EU gives its smallest members one more advantage, allowing any country, regardless of its size, to exercise a veto on decisions involving taxation and foreign policy.

In short, if Europeans deride the Electoral College's rules as ''idiotic,'' they should say the same about those of the European Union.

In recent days the EU's governing rules have been under negotiation as part of the organization's plans to expand its membership to former members of the Soviet bloc and other candidate nations. Representatives from the EU's smallest members have put up quite a fight to defend the prerogatives they've traditionally enjoyed, and protesters have demonstrated on behalf of the same cause, although it appears some watering down of the small-state advantages will ultimately result.

If European commentators want to understand many of the arguments behind the Electoral College, they don't have to look to America. The debate over those principles is taking place in their own back yard.

TRIBUTE TO THE LATE GEORGE C. PAGE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WAXMAN. Mr. Speaker, the City of Los Angeles recently lost a generous philanthropist, Mr. George C. Page. Mr. Page was the founder of the George C. Page Museum of La Brea Discoveries and was a generous donor to Children's Hospital and Pepperdine University. I would like to take this opportunity to honor the contributions Mr. Page made to our community, and note in particular how influential his museum has been on the education of children of Los Angeles. I'd also like to submit for the record a copy of an article the Los Angeles Times ran on November 30, shortly after Mr. Page's death.

[From the Los Angeles Times, Nov. 30, 2000]

OBITUARY: GEORGE C. PAGE; PHILANTHROPIST FOUNDED LA BREA MUSEUM

(By Myrna Oliver)

George C. Page, who hitchhiked to Los Angeles as a teenager with $2.30 in his pocket, made a fortune with his Mission Pak holiday fruit gift boxes and land development and then donated millions to house treasures of the La Brea Tar Pits, which fascinated him, has died. He was 99. The founder of the George C. Page Museum of La Brea Discoveries in Hancock Park, he was also a major benefactor of Children's Hospital, Pepperdine University and other institutions that aid young people. He died Tuesday night in

Carpinteria, Pepperdine spokesman Jerry Derloshon said Wednesday. An eighth-grade dropout whose two children died as infants, Page, along with his late wife, Julliete, vowed to use what he earned to help children, first to survive and then to get an education.

He gave his money and name to the $9-million George C. Page Building at Childrens Hospital; the George C. Page Youth Center in Hawthorne; the George C. Page Stadium at Loyola Marymount University; numerous buildings at Pepperdine, including two residence halls and a conference room; and programs at the USC School of Fine Arts, as well as the $4-million La Brea museum.

But it was the museum, which opened April 15, 1977, that captured Page's passion and became his permanent monument. ''This is so living, so immediate,'' he told The Times in 1981, stretching his arms wide to indicate the distinctive burial-mound structure. ''It's like giving flowers that I can smell while I'm still here.'' The saga of George C. Page, how he wound up in Los Angeles and how he made the money to put his name on those donations, all started with an orange. The piece of fruit was given to him by his teacher when he was a 12-year-old schoolboy in his native Fremont, Neb. ''I was so awed by the beauty of that piece of fruit that I said, 'I hope someday I can live where that came from,''' he recalled.

So at 16, he headed west. He lived in a $3-a-month attic room in downtown Los Angeles, ate Hershey bars and 10-cent bowls of bean soup fortified with crackers and ketchup. He paid for all that—and saved $1,000 in his first year—working days as a busboy (which he first thought meant driving a bus) and nights as a soda jerk. Come Christmas, the youth decided to send some of California's beautiful fruit to his mother and brothers in Nebraska. Innately adept at packaging, he lined the box with red paper and decorated it with tinsel. Thirty-seven other roomers in his boardinghouse offered to pay him if he would fashion similar packages to send to their Midwestern relatives. He was in business. Page launched Mission Pak in 1917, pioneering the now-ubiquitous marketing of California fruit in holiday gift packages in an era when fresh fruit was rarely seen during the frozen winters back East.

Working alone, he bought the fruit, wrote the advertising copy and found new ways to ''appeal to the eye to open the purse.'' One marketing tool was the jingle that became a part of Southern California history: ''A gift so bright, so gay, so light. Give the Mission Pak magic way.''

On an occasional day off, Page played tourist—going to ostrich races in Pasadena or marveling over the oozing pools of asphalt known around the world as La Brea Tar Pits. Why, he mused, must a person travel seven miles to see the bones removed from those pits, poorly displayed as they were, at the Los Angeles County Museum of Natural History in Exposition Park? It was more than half a century before Page could realize his vision of properly showcasing the 40,000-year-old fossils. In that time, he learned a great deal about packaging, business and getting things done.

Visiting France when he was 21, Page encountered newly invented cellophane and began importing it to enhance his gift boxes. During World War II, he became an expert in dehydration, distributing dried fruit and other foods to the armed forces and then to the public. He started a company to make spiffy auto bodies, salvaging battered but functional cars.

After he sold Mission Pak in 1946, Page delved into developing, building industrial and commercial parks and leasing space to the defense and aerospace industries and the federal government. Packaging was even important in real estate, he decided, in the form of fine landscaping to enhance complexes. By the time he was ready to create his museum, Page was already retirement age—so old that some county officials feared he wouldn't finish what he started. But even in his later years, Page walked miles each day, saying a person should take care of his body as one does a fine watch. He bought a motor home and made it his Hancock Park field office, arriving at 7 a.m. daily for three years to supervise the construction of the museum. He studied architectural firms and hired two young men, Willis E. Fagan and Franklin W. Thornton, who proposed a ''burial mound,'' half underground, that would conserve energy and preserve the park's green space. He hired an expert from Brigham Young University and others who had worked on Disneyland attractions to develop steel-rod and wire methods of presenting the prized fossils so that they would not be just ''bones, bones, bones.'' And with a promise of free plane fare, rent and a television set, he lured a Pennsylvania couple to Los Angeles to paint murals of La Brea as it had appeared when the skeletons belonged to live animals roaming the area.

He examined the most comfortable materials—carpet to walk on, not marble—and limited the museum to something that could be easily covered in about an hour. When solving a problem required money, Page gave that as well as his expertise. When his $3-million building threatened to remain empty because of county officials' penury, he donated $1 million more for the exhibits. He even rescued one discarded skeleton of a dire wolf from the trash at the Museum of Natural History. And he paid for the expensive wrought-iron fence constructed a few years after the museum opened to prevent night-time motorbike riders from scaling the sodded sides of the building, preserving the slopes for children (not to mention adults) to roll down during the day.

Page remained a hands-on patron years after his museum dream was realized. He knew where a photographer could get the best angle for a shot of a giant sloth and could tell at a glance if a plant in the atrium was sickly. And avid benefit-goer himself, Page opened his museum to charities for fund-raisers and found that the well-heeled loved dancing around the imperial mammoth and the 9,000-year-old woman and among the dire wolves, saber-toothed cats and condors.

Although experts initially questioned the self-described museum buff's credentials for creating the facility, they eventually had to admit that Page knew—or at least was willing to learn—what he was doing. Along with the 5 million visitors to the museum in its first 10 years were scores of museum directors from around the world, eager to inspect what the amateur had wrought. ''The thing that made me feel awfully good,'' the dapper, slightly built Page told The Times in 1982, ''[was that] they said, 'George Page, we have never been in a museum with things displayed so well.''' The philanthropist is survived by a son, John Haan of Carpinteria, and two grandsons.

FLORIDA LEGISLATURE HAS GONE TO FAR

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I commend Bruce Ackerman, a professor at Yale Law School. Mr. Ackerman, in his December 12, 2000 New York Times editorial, points out that the Florida legislature, if allowed to name electors on its own authority would establish a ''devastating precedent.'' His argument is very straight forward and clear: ''it is absurd to believe that the United States Constitution would allow one state legislature to usurp a national election.'' Article II of the Constitution grants Congress power to set the day on which electors are selected. This is why in 1845 Congress established a level playing field among the states by requiring them to hold elections on the same day. Not since 1845, Mr. Ackerman points out, has a state legislature ''tried the trick that Florida's legislature is now attempting-intervening to swing the election to its favored candidate.'' I strongly agree with Mr. Ackerman's argument that the Florida State legislature's attempt to choose it's own electors is illegal under Article II of U.S. Constitution. I submit the following article into the Congressional Record.

[From the New York Times OP-ED Tuesday, December 12, 2000]

AS FLORIDA GOES

(By Bruce Ackerman)

While the Supreme Court may ultimately determine the fate of this election, Florida's Legislature is determining the destiny of future presidential contests.

The constitutional issues raised by the Legislature's impending action to name a slate of presidential electors for Gov. George W. Bush are far more important than whether Mr. Bush or Vice President Al Gore gets to the White House. If the Legislature is allowed to name electors on its own authority, it will establish a devastating precedent.

In the next close presidential election, what is to prevent party leaders in a swing state from deciding the election once the Florida strategy has been legitimized? The dominant party in such a state could simply string out a final tally until the end and then rush into special legislative session to vote in a partisan slate of electors at the finish line. If one state legislature succumbs to this temptation, another legislature—controlled by the opposing party—may well follow suit, creating a partisan battle far worse than what we have already witnessed in Florida.

The Florida Legislature may believe it has the power to name the state's electors. But it is absurd to believe that the United States Constitution would allow one state legislature to usurp a national election. An examination of two provisions in Article II of the Constitution shows why.

One provision grants state legislatures power over the manner in which electors are chosen. A second grants Congress power to set the day on which these electors are selected. The first provision appears to give the Florida Legislature the right to name its own slate. Many legislatures exercised this power during the early decades of the Republic. And as far as the Constitution is concerned, there would be no legal obstacle if Florida's Legislature decided that in future elections it would deprive its citizens of the direct right to vote on Presidential electors.

But the Florida Legislature is perfectly happy to have its citizens vote for President. It simply wants to preempt the Florida Supreme Court's effort to figure out who won the election last month. And in trying to act retroactively, the legislature violates the second constitutional provision, which grants Congress power to set a uniform national day for choosing electors.

Acting under this power in 1845, Congress established a level playing field among the

states by requiring them to hold elections on the same day—which is why we all go to the polls on the first Tuesday after the first Monday in November. Before 1845, states competed with one another for influence by setting their election dates as late as possible, thereby swinging close elections by voting last. But since then, nobody has tried the trick that Florida's Legislature is now attempting—intervening to swing the election to its favored candidate.

This effort is illegal under the statute established by Congress in 1845. Congress has allowed one narrow exception to its insistence on a uniform election day: It allows a state legislature to step in only when the state has failed to make a choice of its electors.

That is not the case in Florida. The state made a choice when Gov. Jeb Bush signed a formal notification that the state's 25 votes go to a slate of Republican electors. Since Florida has not failed to choose, its legislature cannot, under federal law, intervene further.

Even if the Florida courts ultimately find that Mr. Gore wins the state's electoral votes, Florida will not have ''failed to choose.'' They will simply have determined that the voters chose him rather than Mr. Bush.

Florida's legislative leaders may want to end the election chaos by fiat. But the vote that occurred on Nov. 7 was properly cast by Floridians on the same day their fellow Americans cast their ballots. If Florida's Legislature is allowed to overrule that vote, other states may ponder the same power play four years from now.

TRIBUTE TO REVEREND PATRICIA BRUGER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the deeds of a remarkable person from my district, the Reverend Patricia Bruger of Dumont, New Jersey, who was recognized on Wednesday, October 25, 2000 because of her many years of service and leadership. It is only fitting that she be honored, for she has a long history of caring, generosity and commitment to others.

Reverend Bruger was recognized for her many years of leadership in Paterson, which I have been honored to represent in Congress since 1997, and so it is appropriate that these words are immortalized in the annals of this greatest of all freely elected bodies.

Born and raised in Washington, DC, Reverend Bruger is a graduate of the University of Maryland, where she earned her BS in Education in 1969. She then received her Masters of Divinity at the Drew Theological Seminary in 1995. She and her husband of 28 years, Carl, have four special children, Pete, Cassandra, Lynn and Kit. In addition to contributing much to her friends and neighbors, she has been blessed with four wonderful children. I know that they have brought her much pleasure and happiness.

Reverend Bruger has always been an active and involved leader. The time spent at the Drew Theological Seminary and in her early career instilled in her the attributes necessary for her to become a stellar force in the community.

Known for a questioning mind and an ability to get things done, Reverend Bruger began her career in education. From 1969 until 1972 she served as a high school physical education teacher in Silver Spring, Maryland. She later moved to New Jersey and served as a substitute teacher in the Bergen County School System from 1985 to 1991.

Around this time, Reverend Bruger was emerging as an active leader within the United Methodist Church (UMC). From 1984 until 1992 she served as the youth director for the Calvary United Methodist Church in Dumont.

As a religious and spiritual leader, Reverend Bruger currently holds numerous positions. She is the New Jersey Executive Director of CUMAC/ECHO in Paterson. She is also the Pastor of two churches; Madison Park Epoworth UMC and Paterson Avenue UMC.

Reverend Bruger continually touches the lives of the people around her. She currently is a member of the NNJAC Shalom Holy Boldness Task Force. Also, she offers Pastoral Counseling at Shelter Our Sisters of Passaic County, New Jersey on domestic violence by referral. In addition, she is a member of the New Jersey area Bishop's Task Force on Urban Ministries.

Mr. Speaker, I can say that I can think of few people who work harder or care more about others than Reverend Bruger. She served as the President of the Emergency Food Coalition of Passaic County from 1993 to 1996, and is currently the Coordinator of Emergency Assistance System in Paterson. In addition, Reverend Bruger is a member of the Paterson Alliance, a group comprised of nonprofit organizations seeking to enhance the community.

Mr. Speaker, I ask that you join our colleagues, Reverend Bruger's family and friends, CUMAC–ECHO, Inc., United Methodist Urban Ministries, the City of Paterson and me in recognizing the outstanding and invaluable services to the community of Reverend Patricia Bruger.

HONORING THE LATE DR. ANDRÉ ANTHONY GALIBER, SR.

HON. DONNA MC CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. CHRISTENSEN. Mr. Speaker, today I pay tribute to Dr. Andre Anthony Galiber, Sr., who passed away in September of this year. Dr. Galiber was a great leader in the medical profession, particularly in the field of Radiology, an ideal family man, an outstanding citizen and a great humanitarian in my district, the community of St. Croix and the entire U.S. Virgin Islands.

Dr. Galiber earned his Medical Doctorate in 1957 and completed a diagnostic and therapeutic radiology residency in 1963. His distinctive medical career began with an internship at the Howard University's Freedmen's Hospital, here in Washington, D.C. He also served as a captain in the U.S. Medical Corps and was the Chief Radiologist at Fort Benjamin Harrison Army Hospital in Indianapolis, Indiana.

Dr. Galiber opened his private Radiology office in 1967 and became the first full-time, board certified Radiologist, in the Virgin Islands. He was and remained the only regional Fellow of the American College of Radiology. Dr. Galiber became the Director of the Radiology Department at the Charles Harwood Hospital during the 1960's and 1970's, and became the Director of the Radiology Department when the hospital relocated to the new Governor Juan F. Luis Hospital and Medical Center, serving in that capacity until his ''so-called'' retirement in 1984.

Dr. Galiber volunteered as a consultant at the new St. Croix Hospital and provided most of the technical training and professional services during the initial ten year growth period of clinical ultrasound. He performed and interpreted the first echocardiograms on St. Croix and was the first Radiologist licensed in Computer Tomography. He was a FDA accredited mammoradiologist and had been performing mammography since he opened his practice in 1964. His untiring dedication to St. Croix was also directed at strengthening and advocating on behalf of the medical community. He was an active member of the Virgin Islands Medical Society for almost forty years, serving as President, Executive Secretary, Treasurer, Delegate to the American Medical Association, as well as Delegate to the National Medical Association.

Dr. Galiber also served as President of the St. Croix Hospital Medical staff, was an elected officer of the Virgin Islands Medical Institute and presented, coordinated and monitored medical education seminars for his peers. He was also the principal supporter of advanced diagnostic imaging capabilities at the Governor Juan Luis Hospital. Recently, he proposed and drafted legislation for the Virgin Islands Medical Institute, to encourage Virgin Islands physicians training in the continental United States, to become licensed in the Territory. Most notably, he was a mentor and ardent supporter of students pursuing health science careers, of which I was one.

Hurricane Hugo introduced several generations of Virgin Islanders to the devastation a hurricane could inflict. While most of the populace remained stunned in the aftermath, Dr. Galiber salvaged his radiological equipment, established electrical power and a safe habitat for essential medical operations and nine days after the hurricane had passed, he started providing full services to his patients. Dr. Galiber was a charter member of the St. Croix Power Squadron. He became a trustee for most of the schools on the island of St. Croix including St. Mary's Catholic School, Country Day School, Good Hope School and St. Dunstan's Episcopal School. Dr. Galiber was chairperson of the St. Croix Hospital Continuing Medical Education Committee which locally certified all eligible post-graduate training programs for physicians, and a member of the Eta lota lota Chapter of Omega Psi Phi fraternity.

As an entrepreneur, Dr. Galiber in 1974 became the Project Development Coordinator/Secretary/Treasurer, of the first Medical Office Condominium in the Virgin Islands. He was one of seven owners of Medical offices in Island Medical Center Associates, and supervised the management of the entire complex along with managing his radiology office and practicing Diagnostic Radiology.

Dr. Galiber was an avid reader of non-fiction and a World War II history buff, greatly admiring the deeds of Winston Churchill. For recreation he enjoyed golf, tennis, traveling, dancing, and classical music. He and his wife, Edith, were Members of Friends of Denmark,

an organization that strives to maintain the links established by more than two centuries of former Danish rule. He and his wife also joined the Landmark Society, which preserves and promotes the various influences of our unique architecture that has developed over the centuries, and our local cultural traditions. He was also a member of the Virgin Islands Lung Association and the St. George's Botanical Garden.

Dr. and Mrs. Galiber collected many local artists' paintings. Some works they commissioned were the product of intense collaborations between Dr. Galiber, Sr., and the artists. He insisted that the images synthesized on canvas authentically portray our past. Leo Carty's ''Good Day Ladies'' acrylic, with the significant conceptual influences of Dr. Galiber, was selected by the United States Census Bureau as the poster representing minority art for the U.S. Virgin Islands. This was a work-in-progress when the Galibers became enamored with its historical vista and gave it the unofficial title, ''Mr. Collins''. Dr. Galiber's suggestions influenced Mr. Carty to change and/or include a few features so the painting would more accurately reflect the people and events of the time. Dr. Galiber was the recipient of many honors. He was the Virgin Islands Medical Society's Distinguished Physician in 1986 and an American Cancer Society's Honoree in 1999.

On June 9th of this year, the Governor Juan F. Luis Hospital and Medical Center conducted a dedication ceremony of the Andre A. Galiber, Sr., FACR, Radiology and Cardiovascular Laboratory Suite. The unit was dedicated in honor of his significant contributions to diagnostic imaging. Some of his peers recognized that he single-handedly established the Radiology Departments at the Charles Harwood and Juan Luis Hospitals and that due to him, the hospitals will soon have MRI capabilities. His legendary diagnostic skills were praised and appreciation was shown for the tireless work he performed in other hospital areas.

Dr. Galiber, Sr., encouraged his children to follow in his footsteps of educational and professional excellence. His oldest child, Lorraine Gundel, served for years as a Virgin Islands educator. His sons have taken up the mantle of his commitment to providing the best in medical services to the Virgin Islands community. He and his namesake and fellow radiologist, Andre Jr., excelled at golf and were the winners of several tournaments. Son, Angelo, like Andre Jr., is a board-certified radiologist. Angelo is president of Imaging Center, PC, a position that Andre Sr., previously held. Angelo is the 1983 Franklin Chambers McLean Scholar (given each year to the highest ranking U.S. minority medical student). Dante is a board certified fellow of the American College of Cardiology. The youngest son, Marcel is a Registered Diagnostic Medical Sonographer/Vascular Technologist and the business manager of the Imaging Center. His daughter Lisa has modeled internationally and has worked in broadcasting. Youngest daughter, Cecile, was a bank senior vice-president. She now heads the Financial Trust Company in St. Thomas and is a licensed realtor.

His wife of forty-four years, Edith Lewis Galiber, is a retired Director of Public Health Nursing in St. Croix. She has been his loving and devoted partner in all that he has achieved and in building the legacy which he leaves.

Dr. Andre Galiber's death on September 24, 2000, ended an illustrious life and work, but the contributions to his community, its culture and the field of Radiology live on.

Mr. Speaker, I salute Dr. Andre A. Galiber for his dedicated service to his country, his profession and the Territory of the U.S. Virgin Islands. I thank his wife Edith, their six children and sixteen grandchildren, for sharing him with us.

CONGRATULATING REV. DR. CLAY EVANS ON THE OCCASION OF HIS RETIREMENT

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to pay a special tribute to one of the nation's most dynamic, colorful, well-known, influential and eminent religious leaders in America. One who is of humble origin and yet has been able to influence public decision making, develop programs and activities of enormous impact and to provide motivation, inspiration, spiritual consultation and consolation to millions.

For more than fifty years, Rev. Clay Evans has been the founder, pastor and guiding light for development of the Fellowship Missionary Baptist Church. The ship as it is affectionately known has been a haven for Civil Rights, a home for aspiring clergymen-women, and a place to be for those who wanted to feel the spirit.

Fellowship has been a platform for notables of every color, stripe or hue. It has been a church home for Rev. Jesse L. Jackson and a training ground for renowned clergy and musicians. Of all the decisions made by Rev. Evans over the past fifty years has been the decision to guide the parishioners in the selection of a new pastor so there is an orderly, peaceful and efficient leadership transition.

I commend you, Rev. Evans for your ability to motivate and inspire and for the wisdom of understanding continuity. As you retire from active pastorship, may the Good Lord continue to bless and keep you and may he grant you peace as you enjoy the Golden Years of your life.

WILLIAM DAVERN LEAVES A MARCHING BAND LEGACY TO BE CONTINUED

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WALSH. Mr. Speaker, on January 27, 2001 a Gala Surprise Party will be held to honor the accomplishments of the West Genesee ''Wildcat'' Marching Band Director William Davern. Bill Davern will retire from this extracurricular activity following 16 years of dedication, hard work and many successes. He will continue to work as a teacher at West Genesee High School in Camillus, New York.

Bill Davern's involvement with the ''Wildcat'' Marching Band began in 1975 when he participated as a band member from 1975–78. The West Genesee Marching Band has long since established itself as one of the premiere High School Marching Bands in the country. For the past 27 years the band has sustained a level of excellence few marching bands ever achieve in a single season.

As band director for the past 11 years, Bill Davern continued the ''Wildcat'' tradition of greatness, elevating it to new heights. Prior to becoming Band Director in 1989, he worked as a band instructor since 1984. He leaves the ''Wildcats'' with 12 straight New York State Band Championships, four National Field Band Championships, a National Parade Championship and a plethora of other victories.

I would like to take this opportunity to commend Bill Davern and the West Genesee Marching Band for their many accomplishments. The ''Wildcat'' Band has had an outstanding record for the past 27 years. Under the direction of Bill Davern, the band has set precedents in the history of the New York State Field Band Conference. His talent will be sorely missed by current and past band members, parents and school in this capacity.

TRIBUTE TO THE SLOVAK CATHOLIC SOKOL

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. PASCRELL. Mr. Speaker, Mr. Speaker, I would like to call to your attention the deeds of an important organization from my district that celebrated its 95th year of fraternal service on Sunday, November 12, 2000 because of its many years of service and leadership. It is only fitting that this group is honored, for it has a long history of caring, generosity and commitment to others.

This year marks the 95th anniversary of the establishment of the Slovak Catholic Sokol, a fraternal benefit organization with headquarters in Passaic, New Jersey. It was founded on July 4, 1905 by a group of 48 Slovak immigrants. The organization has grown over the past nine and a half decades and now includes nearly 35,000 members with assets of $52 million.

As a well-known gymnastic and athletic organization of American Catholics of Slovak ancestry, the Sokol places great emphasis on the growth and development of its youth. Various athletic contests on the local, district and national levels are held. The Sokol hosts international tournaments in basketball, volleyball, bowling, softball and golf. In addition, a biennial international track and field competition known as ''Slet'' is held at various locations across the United States and Canada. Next year, the Sokol will host its 40th Slet at Kutztown University in Kutztown, Pennsylvania.

Concern for higher education among its youth is another priority. To date, nearly $800,000 in scholarship grants have assisted members in the quest for higher education. This year, a total of 86 deserving members received grants on the grade school, high school, and university levels.

In keeping with its emphasis on fraternal benevolence, the Sokol generously supports various religious institutions, churches and centers promoting a greater appreciation for the

Slovak heritage as it enriches our American way of life. In keeping with its interest in promoting greater awareness of Slovak culture, it provides regular opportunity for its youth to participate in cultural festivals in Slovakia.

Since 1905, the Sokol has maintained its national headquarters in downtown Passaic. Since 1911 it has published a weekly publication, the Slovak Catholic Falcon. This tabloid, 16-page, bi-lingual publication is mailed to more than 11,000 households throughout the United States, Canada and other nations. This means of communication among the membership provides an excellent opportunity for the members to keep abreast of activities sponsored by the Sokol and to gain a better knowledge of the rich cultural heritage the membership shares.

At the present time, the Sokol has 155 local lodges in 14 states and the province of Ontario in Canada. The Sokol actively promotes various volunteer efforts. It gives strong support to the work of Habitat for Humanity and encourages its members to participate actively in various local community projects including blood drives, tutorial programs for youth, supporting food bands and service to home bound and institution-bound individuals.

Current national officers include the Rev. Msgr. Francis J. Beeda, Supreme Chaplain, Sue Ann M. Seich, Supreme President, Steven M. Pogorelec, Supreme Secretary and Chief Executive Officer, John D. Pogorelec, General Council, Daniel F. Tanzone, Editor, George We. Hizny, Supreme Treasurer, Michael J. Pjontek, Jr., Supreme First Vice President, Albert J. Suess, Supreme Second Vice President, Larry M. Glugosh, Supreme Director of Sports and Athletics, and Carol Ann Wallace, Chairperson on Supreme Officers.

Mr. Speaker, I ask that you join our colleagues and me in recognizing the outstanding and invaluable service to the community of the Slovak Catholic Sokol. In addition, congratulations are due to the entire membership of the Slovak Catholic Sokol as it observes its nine and a half decades of service in the best traditions of the fraternal benefit system. This special organization will be celebrating its centennial and beyond. In the words of the Sokol, Zdar Boh!

CLOSING THE CHERNOBYL NUCLEAR REACTOR

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LANTOS. Mr. Speaker, today Ukraine took a historic step—closing the Chernobyl nuclear reactor for all time. I welcome this critical step, writing a final chapter to one of mankind's most ominous events. The explosion of the flawed, Soviet-designed nuclear power station in 1986 was a dramatic warning to all of us of the frightening potential for disaster in this nuclear age. It served to underline the cold reality that precise design, continuous careful maintenance and a dedication to safety are essential if we are to avoid nuclear catastrophe.

Ukraine's President, Leonid Kuchma, incurred a substantial political risk with his own people when he negotiated with the European Union and the United States to close the station in exchange for financial pledges to assist in completing two modern nuclear power plants designed to Western standards to replace the lost power production. Even in its damaged condition, Chernobyl is believed to provide approximately 5% of Ukraine's total power production. One of Chernobyl's four graphite reactors was undamaged and has continued to produce power for Ukraine's consumers.

Mr. Speaker, not only is the Chernobyl power source lost—it will be at least a year before either of the two new reactors now under construction comes on line. In the meantime, 16,000 jobs at the Chernobyl station will be lost, although a few hundred workers will remain in order to deal with the high-risk construction of a permanent housing for the damaged, highly radioactive unit. The new city of Slavutich, built with considerable U.S. assistance to provide safe housing for Chernobyl's work force, will be heavily impacted by the shutdown.

In Ukraine there has been criticism of President Kuchma for ''knuckling under to the West'' and for the hardships the Ukraine people will have to shoulder as the energy supply is reduced and jobs are lost. The obvious benefit to Ukraine and all of mankind by placing their very dangerous reactor in ''deep-freeze'' seems abstract and distant to the Ukrainian people.

Mr. Speaker, today's decision to close Chernobyl is but the latest courageous action by the government of Ukraine in facing up to the nuclear dangers to civilization. Rarely acknowledged publicly, the newly independent Ukraine joined with the United States and Russia in a dramatic partnership to reduce the danger and threat of nuclear warheads to all of us. Ukraine, in cooperation with the United States, has completely rid its soil of the nuclear warhead inventory from Soviet days—decommissioning weapons on its soil and shipping them to Russia to joint U.S.-Russian controlled facilities for destruction under strict controls.

Mr. Speaker, the world today is safer from nuclear accidents because of Ukraine's leadership, cooperation and sacrifices. I invite my colleagues to join me in saluting President Kuchma for this latest important step.

A TRIBUTE TO JUNE L. HARRIS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CLAY. Mr. Speaker, I rise today to recognize the service that June L. Harris has provided the House for the past 21 years. June, like myself, is retiring at the end of this Congress, and I want to thank her for her many years of service to me and our institution.

June came to work for me in 1979. She has spent nearly her entire career here in Congress working on educational issues, specifically ensuring that educational opportunity exists for the most vulnerable in our society. June has worked in both my personal office and on my Education and the Workforce Committee staff, where she presently serves as Education Coordinator. Prior to her Capitol Hill career, June was a teacher in the Baltimore public schools and the head of a department in a junior high school. June has also earned a Ph.D from the University of Maryland, showing evidence of her own personal pursuit of excellence.

June has always fought to make sure all Americans have the opportunity to succeed. She has represented me well by helping open the doors of educational and economic opportunity for our most disadvantaged citizens. June has always stood for what was right and never compromised her principles. She has provided me with 21 years of invaluable service that has improved the education of the children of St. Louis and the nation. Today, I want to say thank you for all that she has done and wish her well in her retirement.

EXPRESSING CONCERN ABOUT THE COMMUNIST REGIME IN LAOS AND COMMENDING SENATOR BOB SMITH AND THE U.S. CONGRESSIONAL FORUM ON LAOS

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GREEN of Wisconsin. Mr. Speaker, as this Congress comes to a close, I want to state for the record that I continue to be very troubled about the dreadful situation in Laos and the U.S. Department of State's behavior toward this one-party, Communist regime.

Wisconsin is home to the third largest Hmong and Laotian community in the United States. I am very proud to represent so many of these Americans. Their families and relatives, however, continue to suffer terribly under the current Stalinist regime in Laos.

On October 19, I was pleased to speak once again before the U.S. Congressional Forum on Laos, an excellent forum series organized by the Center for Public Policy Analysis. At this forum, I again stressed my concerns about the disappearance of Messrs. Houa Ly and Michael Vang—two Americans who disappeared in Laos last year—and the ineffective handling of the case by our State Department.

Mr. Speaker, I also would like to thank Senator BOB SMITH for placing a hold on the Administration's nominee for a new ambassador to Laos. I strongly supported Senator SMITH's hold as an important tool in the effort to force significant changes in U.S. policy toward Laos—changes I hope will occur under the next Administration.

I would like to submit this recent Washington Times article about our mutual efforts to enhance understanding about the situation in Laos and work for a positive change in U.S. policy.

[From the Washington Times, Oct. 6, 2000]

NEW LAOS POLICY URGED

Philip Smith has been trying to press the Clinton administration into adopting a tougher policy against Laos and is hopeful that a senator blocking the appointment of a new U.S. ambassador to the isolated communist nation will help the cause.

Mr. Smith, executive director of the Center for Public Policy Analysis, said he has no personal objections to the nominee, Douglas Alan Hartwick, a career Foreign Service officer.

''But we support the holding up of the nomination in the hope this will produce the

necessary leverage for a comprehensive review of U.S. policy toward Laos,'' he said.

Mr. Smith said the administration has failed to support the political opposition in Laos and has made no effort to invite opposition leaders to the United States to meet with groups like the National Democratic Institute or International Republican Institute, which promote democracy in other countries.

Sen. Robert C. Smith, New Hampshire Republican, is blocking Mr. Hartwick's nomination along with several other diplomatic appointments because of his concerns about lax security in the State Department and some U.S. embassies.

Mr. Smith, who is not related to Sen. Smith, is also organizing a congressional forum on Laos that will feature leading Laotian dissidents.

He has invited Laos' highest-ranking defector, Khamxay Souphanouvong, former finance minister and son of the founder of the current Pathet Lao movement that controls the country.

Bounthone Chanthavixay, another leading political exile, has also been invited to address the invited guests at the Oct. 19 forum.

''Laos has become increasingly and precariously unstable with an ongoing string of bombings and political violence seemingly spinning out of control,'' Mr. Smith said.

TRIBUTE TO MICHAEL HAYES DETTMER

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to Michael Hayes Dettmer, U.S. Attorney for the Western District of Michigan, who will be return to private practice in January. After six years of service, Mike will leave the job of chief federal law enforcement officers and prosecutor for 49 counties in western Michigan and the Upper Peninsula of Michigan, and return to practice law in Traverse City, a community in my northern Michigan congressional district.

Mike Dettmer's appointment by President Clinton to this position followed a distinguished career in Michigan. A trial lawyer since 1972, he served as the 59th president of the State Bar of Michigan in 1993 and 1994, having been elected to that position by the lawyers throughout Michigan.

Mike served as chairman of the state bar's Professionalism Task Force and he served as co-chairman of the Standing Committee on Professionalism, as well as chairing numerous other bars committees. At the Department of Justice he chairs the Attorney General's policy committee relating to Office of Justice programs, and he is a member of the Committee on Native American Issues and Civil Justice Issues.

My Michigan colleague, FRED UPTON, recently paid public homage to Mike's work, praising in an Associated Press story Mike's efforts in fighting crime in Benton Harbor, a community in Congressman UPTON's district and an area where drugs are a particular problem.

A Michigander through and through, Mike graduated from Michigan State University and received his law degree from the Wayne State University School of Law in 1971.

Mike brought new energy to the position of U.S. Attorney, and I know he is leaving the job in the belief that it demands new blood, fresh ideas and constant renewal.

Mike has always been an avid golfer, but I know that his golf score will greatly benefit from the some additional time on the fairways, time that he may now have, with the demands of his federal job behind him.

Mr. Speaker, I ask you and our colleagues to join me in offering our thanks to this public servant for a job well done. I welcome his return to northern Michigan.

REINTRODUCING H.R. 5669

HON. JOHN R. KASICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KASICH. Mr. Speaker, today I reintroduced a bill, H.R. 5669, that was previously introduced this Congress as H.R. 82 in order to clarify the appropriate referral of comparable legislation in subsequent Congresses. The error in the referral of the original bill resulted from confusion arising from House rule changes during the 104th and 105th Congresses that granted the Budget Committee jurisdiction over budget process legislation.

My staff worked closely with the Office of the Parliamentarian to resolve the jurisdictional issues related to this bill. My introduction of the bill should not be construed as indicating my support for the measure. In fact, I oppose the concept of taking the Civil Service Trust Fund off budget, which this bill would require. I also introduced a new bill, H.R. 5670, to establish the appropriate referral of this type a measure.

TRIBUTE TO THE MEN WHO FLEW EC–121

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BOYD. Mr. Speaker, today I pay tribute to the brave men who flew the EC–121 Lockheed Super Constellation from Otis Air Force Base (AFB), Massachusetts, in the 1950's and 1960's. The 19 member crews of these aircraft flew countless radar surveillance missions to provide early warning radar coverage for the United States during the height of the Cold War and were a first line of defense against a surprise attack. In particular, I want to pay tribute to the fifty officers and airmen who died when three EC–121's crashed in the North Atlantic.

Otis AFB, located on Cape Cod, was the only Air Defense Command base with units performing three of the Air Defense Command's prime missions: radar picket plane surveillance, fighter-interception, and ground-to-air missile operations. With the completion of the Distant Early Warning (DEW) Line in 1958, the northern areas of the United States and Canada were still vulnerable. Consequently, the radar warning networks were extended seaward at Otis AFB on the east by using the 551st Airborne Early Warning and Control (AEW&C) Wing. This wing supplemented the radar protection along the East Coast of the United States.

The 551st Wing at Otis was the only Air Force organization flying the EC–121H ''Warning Star'' Super Constellation known as Airborne Long Range Input (ALRI) aircraft. Those aircraft carried more than six tons of complex radar and computer communications equipment on each flight and provided instantaneous automated relay of air defense surveillance and early warning information by datalink direct to ground based communications facilities. This information was then passed to high speed Semi-Automatic Ground Environment (SAGE) Air Defense Command and Control computers in the East Coast SAGE Direction Centers and to the North American Air Defense Command (NORAD) Combat Operations Center in Colorado Springs, Colorado, for air defense evaluation and action. It is interesting to note, especially for the younger generation, that the 551st Wing flew their continuous missions over the Atlantic Ocean 24 hours a day.

On March 2, 1965, the 551st AEW&C Wing celebrated its 10th anniversary. It was noted that the 551st Wing had progressed through many changes—some involving electronic equipment and other gear. Still the mission continued to be an effective—although more sophisticated—form of radar surveillance against the enemy. During that decade, the aircraft of the 551st Wing had accumulated more than 350,000 hours of early warning radar surveillance missions over the North Atlantic without an accident involving personal injury or a fatality. However, the fatality-free decade celebration didn't last long.

The ten-year celebration hardly had ended when on July 11, 1965, one of the Super Constellations, the Air Force model EC–121H radar aircraft, developed a fire in the number three engine. The decision was made to try ditching the plane approximately 100 miles from Nantucket, Massachusetts, in the North Atlantic. Unfortunately, touchdown in the nighttime ditching in zero-zero weather, while on fire, was very difficult. The aircraft crashed and broke apart. Of the 19 people on board, three crew members survived and 16 died. Seven of the crew members' bodies were never recovered.

On Veterans Day 1966 (November 11th) another EC–121H crashed in approximately the same general area as the first one, by unexplained circumstances. This accident was about 125 miles east of Nantucket. All 19 crew members were killed and their bodies were never recovered.

On April 25, 1967, another EC–121H ditched in the North Atlantic approximately one mile off of Nantucket just after having taken off from Otis AFB. There was one survivor, and 15 crew members were lost. Only two bodies were reported by the Air Force as having been recovered. Colonel James P. Lyle, the Commander of the 551st AEW&C Wing to which all the aircraft and crew members were assigned, was piloting this plane when it crashed.

Colonel Lyle had been assigned to take over that command nine months earlier. It is sobering to note that it was he who presented each of the next of kin of the November 11, 1966, crash victims with the United States Flag during that memorial service. Then five months later Colonel Lyle met the same fate.

The EC–121H aircraft was phased out and the 551st Wing was deactivated on December

31, 1969. Later, Otis AFB was renamed Otis Air National Guard Base. Today at that base, Otis Memorial Park is dedicated to the 50 members of the crews of the three aircraft who lost their lives. With the exception of the remaining immediate family members of the flyers and some of the friends of the flyers, few remember these tragic events ever happened.

I admit that I never knew about these events until a constituent of mine from the Second Congressional District of Florida, Senior Master Sergeant A.J. Northup, USAF (Ret.), brought this to my attention. I would be remiss if I didn't recognize MSgt. Northup and his 30 years of service to our nation. He actually spent four years as an Airborne Radio Operator/Electronic Countermeasures Operator aboard the RC–121 at Otis AFB. I thank him for his service to our nation and for working to bring these events to light.

More than half a century ago, President Franklin Roosevelt reminded the American people that, ''Those who have long enjoyed such privileges as we enjoy forget in time that men have died to win them.'' I hope that we as a nation, and each of us as individuals, will take to heart President Roosevelt's reminder that it is the sacred duty and great privilege of the living to honor and remember those who have died to protect the American ideals of freedom, democracy and liberty. The men and women who have died in service to America, and especially the 50 heroes aboard these fateful EC–121H flights, deserve no less.

THE DEATH OF MICHAEL P. MORTARA

HON. JAMES A. LEACH

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LEACH. Mr. Speaker, I wish to note the passing of an individual of considerable stature in the history of this nation's financial system, Michael P. Mortara. Mr. Mortara, who was the victim of an aneurysm last month, was instrumental in the creation of mortgage-backed securities, a market now valued at over $2 trillion. By devising a means for banks to package and sell mortgage loans to the broader capital markets, he helped enlarge the pool of credit available to millions of middle and low income American families, making it possible for them to purchase their first homes at affordable mortgage rates. Asset securitization, as the technique that Mr. Mortara helped pioneer is called, is the primary tool Ginnie Mae, Fannie Mae and Freddie Mac have used the carry out their missions—the establishment and maintenance of a stable and fluid nationwide secondary mortgage market essential to widespread, affordable housing finance. This technique was also adapted with success by the Resolution Trust Company, saving American taxpayers millions of dollars, and it has served as a model for housing finance markets around the world.

In addition to his contribution to our country's economic well-being, Mr. Mortara was dedicated to the community in which he lived, the community in which he worked, as well as to his family—his wife Virginia and his two sons, Michael and Matthew. At his death, Mr. Mortara was a senior member of the Wall Street firm Goldman Sachs. There and wherever he came into contact with them, he mentored and guided hundreds of young men and women throughout their careers. He served on many educational boards, including those of Georgetown University, The Taft School, Rumsey Hall School, and the Connecticut Junior Republic. Mr. Mortara was the embodiment of a free-enterprise minded American citizen—a proponent of free markets, education, and family values.

Mr. Speaker, what Mr. Mortara's life symbolizes is the mark an individual can make in the private sector that has positive ramifications for society as a whole. It is innovations in finance that have helped curb inflation and in the case of the secondary housing securities market made access to home ownership available to millions who would otherwise be precluded from participation in the American dream.

Mr. Mortara will be much missed by this family and colleagues and so many who never knew him but benefited from the innovations in finance that he pioneered.

TRIBUTE TO BISHOP JAMES T. McHUGH

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today, a great man of God, a brilliant writer of homilies and incisive commentary, an extraordinary humanitarian, a courageous defender of human life, Bishop James T. McHugh—will be buried. After a long battle with cancer, Bishop McHugh passed away on December 10th. Consistent with how he lived his life, Bishop McHugh faced death like he faced life—with courage, dignity and an unwavering faith that inspires us all. Prior to his assignment at Rockville Center, Bishop McHugh served with dedication and effectiveness as Bishop of the Diocese of Camden, New Jersey, and area which borders my district.

Mr. Speaker, I have had the privilege of knowing this holy man of God and calling him ''friend'' for over 25 years. By his words and extraordinary example, Bishop McHugh lived the Gospel of Jesus with unpretentious passion and humility. Bishop McHugh radiated Christ. He recognized evil and deceit in the world for what it was—yet he never ceased to proclaim reconciliation and renewal through Christ, the Sacraments and the Church. Clearly among the best, brightest and most wise, Bishop McHugh nevertheless was humble and soft spoken. His courage to press on against any and all odds was without peer. He was a spiritual giant, and we will miss him dearly.

A graduate of Seton Hall University and the Immaculate Conception Seminary in Darlington, New Jersey, Bishop McHugh began his service to the church early in life. Ordained in 1957, Bishop McHugh's impact has been felt in countless ways. His constant and unyielding defense of the unborn will serve as a pillar of strength to all of us who carry on the fight for life. At the time of his death, Bishop McHugh was a member of the US Bishop's Committee on Pro-Life Activities as well as a consultor to the Pontifical Council on the Family. His dedication to the pro-life movement knew no bounds, and his representation of the Vatican at international meetings and at the United Nations on population control and pro-life matters served as not only an inspiration for myself, but upheld the convictions and beliefs of the Church and believers worldwide.

Bishop McHugh's courage and convictions could not have been more evident than just recently, when he ordered that no public officials or candidates who supported abortion be permitted to appear at Catholic parishes. Although Bishop McHugh was criticized by the media, he was upheld in high esteem among those of us who hold that all human life is precious. Bishop McHugh held strong to clear Christian teaching on the sanctity of human life and the duty of all men and women of goodwill, especially politicians, to protect the vulnerable from the violence of abortion.

Early in his career, Bishop McHugh worked on staff of the National Conference of Catholic Bishops and was named director of the Division for Family Life in 1967 and director of the bishops' Secretariat for Pro-Life activities in 1972. Bishop McHugh did advanced theological studies at the Angelicum in Rome and earned his doctorate in sacred theology in 1981.

Bishop McHugh must be commended for this outstanding work as Vatican delegate to numerous international conferences, including the 1974 International Conference on Population in Bucharest, Romania, the 1980 UN World Conference on Women in Copenhagen, Denmark; the 1984 UN World Population Conference in Mexico City; the 1990 World Summit for Children in New York; the 1992 International Earth Summit in Rio de Janiero, Brazil, and the 1994 International Conference on Population and Development in Cairo, Egypt.

HONORING OKLAHOMA STATE UNIVERSITY

HON. WES WATKINS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WATKINS. Mr. Speaker, these are momentous days for academic excellence at Oklahoma State University. Last week, Oklahoma State University (OSU) received national recognition for is outstanding record in producing world-class scholars and leaders.

OSU celebrated being named a Truman Scholarship Honor Institution—an award bestowed on only five universities in the nation this year. OSU is one of only 37 universities in the nation to have ever received this distinction. No other Oklahoma university has ever received the honor. This year's other award recipients are the University of Texas, the University of Kansas, the University of Minnesota, and Willamette University.

The Truman Scholarship Honor Institution award recognizes colleges and universities that have developed a long history of producing outstanding student scholars and leaders. The award specifically recognized OSU for: Exemplary participation in the Truman Scholarship program—six Truman Scholars in the last seven years. Active encouragement of outstanding young people to pursue careers in public service. Special attention to helping the

most promising students at OSU achieve their goals through participation in national fellowship competitions such as the Rhodes, Marshall, Truman, Goldwater and Udall scholarship programs.

The Harry S. Truman Scholarship Foundation awards 75 to 80 merit-based scholarships each year to college juniors who wish to attend graduate school in preparation for careers in public service. The merit-based Truman Scholarships are recognized as the most prestigious undergraduate scholarships in America. Each Truman Scholar receives up to $30,000 in scholarship support, plus other academic and career benefits.

Oklahoma State University is rightfully proud of its academic success. OSU has produced 10 Truman Scholars, one Rhodes scholar, six Goldwater scholars, one Marshall scholar and one Udall scholar. Many of these awards were won during the past seven years. OSU student scholar award winners include:

Truman Scholars—Bryan Begley, Shannon Ferrell, Kent Gardner, Wren Hawthorne, Jr., Jeannette Jones-Webb, Kent Major, Angela Robinson, Kim Sasser, Chris Stephens, Carla-Kaye Switzer.

Rhodes Scholar—Blaine Greteman.

Goldwater Scholars—Belinda Bashore, Michael Holcomb, Ross Keener, Michael Oehrtman, Ward Thompson, Mario White.

Marshall Scholar—Chris Stephens.

Udall Scholar—Phoebe Katterhenry.

During last week's festivities, OSU inducted its prestigious scholarship winners into the university's new ''Scholars Hall of Fame.'' As reported in the university's award-winning student newspaper. The Daily O'Collegian, ''Flashbulbs and applause erupted Friday as an orange and black ribbon was clipped—unveiling Oklahoma State University's latest tribute to its academic heritage of excellence. OSU President James Halligan and Board of Regents Chairwoman Lou Watkins cut the ribbon and ushered a number of OSU's prestigious scholarship winners into the Scholars Hall of Fame in the Student Union.''

Eighteen of OSU's national scholars returned to OSU for last week's festivities, traveling from as far away as England. Included were all ten Truman Scholars.

TRIBUTE TO BUD DEMEREST

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GILMAN. Mr. Speaker, it is with deep regret that I inform our colleagues of the recent passing of one of my truly outstanding constituents.

William McNeal Demerest, known to his may loved ones, friends, and admirers as ''Bud'', was a school teacher for 37 years. He was respected by his students because he not only taught them that community service is the greatest work of life, but he also led them by example. Bud served as Supervisor of the Town of Chester, N.Y., for twenty years, from 1950 until 1970. In those days, Orange County was governed by a Board of Supervisors and Bud was extremely active in that capacity. He also served as the Board of Supervisors minority leader for most of the years he served on that panel.

Bud will especially be remembered for his extraordinary efforts, after the close of World War II, in establishing the Orange County Community College (OCCC). The movement to establish two-year colleges had not yet caught fire nationwide at that point, but Bud was a prophet in foreseeing the benefit it would present not only for students but also for the economy of the whole region. When OCCC was established in 1950, Bud was appointed to their Board of Directors and served in that capacity for 23 years.

Bud Demerest was a veteran of the U.S. Army Air Corps in World War II. He was also a 50-year member of the Walton Engine and Hose Company, a life member of the Orange County Volunteer Firemen's Association, and the New York State Firemen's Association. He was also active in the American Legion, the Masons and Shriners, the Chester Historical Society, the Chester Little League, and many other community organizations.

Bud was predeceased by his lovely wife Ruth, but is survived by one son, one daughter, six grandchildren, one great-grandchild, and several nieces and nephews. William ''Bud'' Demerest served the public in many capacities, but each was outstanding as a good neighbor and friend. He will long be missed.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. LEE. Mr. Speaker, I join my colleagues in sharing my deep sense of shock and loss for our beloved JULIAN DIXON.

JULIAN was a warrior and a statesman. I met JULIAN in 1975 when I worked as a member of Congressman Ron Dellums' staff, who I know joins us in remembering this great human being.

I will always remember how JULIAN treated me as a staff member—with respect and dignity. I know today, his staff would want me to say that JULIAN was a wonderful boss and demonstrated with them as he did with us his tough love. His fierce strength kept many of us centered and thinking clear about any issue.

As a member, JULIAN counseled me many times on the tips of the trade. Whenever an issue relating to my district came before appropriations, JULIAN would check up with me first to consider my views. He didn't have to do that. He never let me get blind-sided. Some of my most special moments with JULIAN were riding home with him. We live around the corner from each other.

During these rides we talked about so many things he cared about like his constituents; the people of California; and the people of his native home, Washington, DC. He always reminded me that I should not let the business of my life in Washington, DC get in the way of my personal friendships. All of us need to remember his words of wisdom and I thank him for his friendship. I want to thank Bettye and JULIAN's family and his home district for sharing this great leader with us and wish them God's blessings. May JULIAN's soul rest in peace.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Ms. ROYBAL-ALLARD. Mr. Speaker, it is with a heavy heart that I rise to express my deep sadness for the passing of my friend, mentor, and fellow Angeleno, JULIAN DIXON.

I had the privilege of knowing JULIAN DIXON for many years, including the years he served with my father, Congressman Edward R. Roybal, in the 1970s and 80s.

JULIAN served his Los Angeles-area community and the state of California as a member of the California State Assembly and in Congress with distinction.

JULIAN DIXON's achievements during his nearly three-decade tenure as a legislator are too numerous to recount. He was chairman of the House Ethics Committee, maintaining bipartisanship on a traditionally partisan committee. A fighter in the struggle for civil rights, he brought that commitment to his chairmanship of the District of Columbia Appropriations subcommittee where he was a strong advocate for the rights of DC residents. Recognizing his leadership capabilities, JULIAN was elected Chairman of the influential Congressional Black Caucus in the 1980s. More recently, he served as ranking Democrat on the prestigious and demanding Select Intelligence Committee.

When I was appointed to the Appropriations Committee two years ago, I was delighted at the opportunity to serve with JULIAN on the Commerce-Justice-State-Judiciary Subcommittee because I knew my staff and I would benefit greatly from his expertise and knowledge of the agencies, programs and issues that would come before the committee.

JULIAN was extremely skillful at getting straight to the heart of a policy question. While he never hesitated to express his displeasure with any administration official—be they Attorney General or Secretary of State—he always did so in a calm, dignified and respectful manner. He did not view his role on the subcommittee as solely partisan, but rather to make sure that the government was doing its job to serve the interests of his constituents and the American people as a whole.

One anecdote in particular illustrates the way JULIAN worked and the high degree of respect accorded him by Democrats and Republicans alike. Last year, which was my first year on the Appropriations committee, the Los Angeles police department was involved in a series of controversial shootings involving officers. Learning of the incidents, JULIAN immediately understood how critical it was to the future of Los Angeles and law enforcement to ensure that such shootings were thoroughly investigated. As a result, JULIAN worked with city officials and the district attorney's office to develop a program for ''roll-out teams'' to quickly respond to these shootings and ensure a thorough and impartial investigation.

I still remember when JULIAN asked me to accompany him when he went to Chairman Hal Rogers to describe the problem and to ask for funding for the roll-out teams. That the chairman immediately agreed to include the funding for this critical program in the conference report is indicative of the respect with which JULIAN was held. I don't think JULIAN ever put out a press release about obtaining this important funding, but I know it has had a positive impact in helping us address one of the problems with our troubled police force.

This is just one example of JULIAN's hard work and commitment to his community, and his ability to produce results based on his stature and respect in the House. Whether it was fighting for emergency funding for Los Angeles after the riot in 1992 and the Northridge earthquake in 1994, or advocating on behalf of the Los Angeles public transportation system, JULIAN DIXON was a devoted and effective legislator.

While JULIAN DIXON will undoubtedly be remembered for years to come as an outstanding legislator, I will remember him as a cherished friend and trusted mentor. Whether providing guidance on the rules and procedures of the House, Los Angeles politics, or committee assignments, his advice was always welcome and sound.

In this time of extreme partisanship and legislative gridlock, it is my hope that we can all learn from the example of our friend and colleague, JULIAN DIXON.

While it is clear that JULIAN will be dearly missed, his hard work and dedication, dignity, and bipartisan manner will serve as an enduring model to all.

TRIBUTE TO MASTER SERGEANT ROBERT SMITH

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SPENCE. Mr. Speaker, I wish today to bring to the attention of the House an article from The Lexington Chronicle, about Army Master Sergeant Robert Smith, which gives an account of his impressive military record. Sergeant Smith is truly a great American

[From the Lexington County Living, November 9, 2000]

A YOUNG WARRIOR'S TALE

ROBERT SMITH ENLISTED IN THE ARMY AT THE AGE OF 14

(By Robert Smith and Mike Rowell)

Early in 1950, the North Koreans invaded South Korea. I had just joined the 511th Airborne Infantry Regiment of the 11th Airborne Division at Fort Campbell, Ky, in April. So I volunteered for duty in the Korea War.

I arrived in Korea in early September, 1950 and was assigned to the intelligence and reconnaissance platoon of the 7th Infantry Division. Most of the time, we just went up the mountains and down the valleys of Korea. I was wounded for the first time while on patrol near Souwan.

Like many boys who grew up during World War II, my dream was to be a soldier. I was especially interested in the paratroopers and Darby's Rangers. I dreamed that the military was the life for me.

Just three months after my fourteenth birthday, I decided start living my lifelong dream. I went and enlisted in the U.S. Army. I lied and gave my age as 17, which required parental consent.

The recruiter said that he would drive me to my house for my mother's signature. However, when we arrived at the end of the twisting road with my house still a mile hike up the mountain side, he stopped the car.

He said, ''You go get your mother to sign here.''

I had counted on that! My cousin signed it. I was in the Army now.

My basic training was at Camp Pickett, Va. During boot camp, I did something wrong and my platoon sergeant called me down and said, ''You little SOB—I know you're not old enough to be in the Army. If I thought you could make a living on the outside, I would have your ass kicked out.''

After basic training, I volunteered for the Airborne and completed jump school in March of 1949—it was one day after my fifteenth birthday. At this time the 11th Airborne Division was coming stateside from Japan, and the 82nd Airborne was at full strength. So I was assigned to Germany and flew security on aircraft involved in the Berlin Airlift.

Then came Korea. Just before New Year's Day 1951, the 2nd Airborne Ranger Company was assigned to my division. I volunteered and was assigned to this illustrious Ranger company.

Not long after that, I was wounded a second time and sent to a hospital in Japan. After recovery, I was returned to Korea for a time. But shortly thereafter I was rotated back to the United States at Fort Campbell, Ky.

Incidentally, I bumped into my old basic-training drill sergeant—the one who had threatened to kick me out of the Army. I don't know what he had done, but he had been busted from master sergeant to private first class. My rank was sergeant first class. Revenge is a dish best served cold!

In November 1952, I was assigned to the 32nd Infantry in my old division after I revolunteered for duty in Korea. We saw action at Old Baldy, Pork Chop Hill, White Horse, and Jane Russell, names that will never be forgotten. I was assigned as a forward observer with the Ethiopian Battalion. I was wounded again during the final battle of Pork Chop Hill.

After the Korean War, I had to adjust to the peacetime Army. During this period, the Army decided to change the dress uniform from Khaki to green. The orders went out for a group of soldier to model the 'new look.'

The requirements were simple. You had to be at least six feet tall and a combat veteran. I was one of the four men, out of 258 from the 3rd Army who were selected. During the next three and a half years, I traveled throughout the United States, Europe, and Japan, modeling the new uniform. What a change from Korea!

One morning in 1964, I was at the Pentagon at the enlisted branch records department. I signed in, stated my reason for being there, and sat down to wait my turn. A sharp looking sergeant picked up the sign-in sheet, left the room. When he returned he announced,

''There are 28 noncoms in here trying to get out of going to Vietnam. There is only one trying to go there. Sgt. Smith, come with me.''

I had my Vietnam assignment within thirty minutes. I went back overseas as an advisor. I was wounded for the fourth time during that tour.

My second Vietnam tour was with the 11th Airborne Cavalry's Long Range Patrol. We were involved in typical Vietnam operations—patrol, search and destroy. On one of those patrols I was wounded for the fifth time.

I retired on December 30, 1969. There was a big ceremony for those who were retiring. I was supposed to be awarded my fifth Purple Heart and the Army Commendation Medal for Valor.

When the major general came to me he said, ''Sergeant, how old are you? You look like you should be coming in, not going out.''

Instead of pinning my medals on, he handed them to me and said, ''You have more medals than I do. Put them on wherever you can!''

Robert ''Smitty'' Smith earned the Combat Infantryman Badge and was awarded a Bronze Star for Valor and a Purple Heart at age 16. He earned the Silver Star, a second Bronze Star for heroism and two Purple Hearts by age 17, all while serving in Korea.

He also received the U.S. Navy Commendation Medal for leading a squad that assisted the return of a U.S. Marine patrol that had been surrounded by an enemy force.

During his two tours in Vietnam, he received two Purple Hearts, another Combat Infantryman Badge, the Army Commendation Medal for Valor, his third Bronze Star for Valor, the Air Medal, and the Vietnamese Cross of Gallantry with Palm. He proudly wore a Master Parachutists Badge.

Smitty and his wife Ann live in Gilbert, South Carolina. They have three sons, a daughter, and five grandchildren. All three sons served in the Airborne infantry. One son, an underage veteran who joined the Army at age 15, was killed in an automobile accident in 1993.

Sgt. Robert Smith, Ret. is a proud member of the Veterans of Underage Military Service (VUMS). This organization is open to veterans of the Army, Navy, Marines Corps, Air Force, Coast Guard, and the Merchant Marines.

VUMS is actively seeking eligible members. The National Commander is Edward E. Gilley, 4011 Tiger Point Blvd., Gulf Breeze, Florida, 32561–3515. He can be reached at 888–653–8867, FAX at 850–934–1315, or you can e-mail him at ed-bess-gulfbreeze@att.net.

TRIBUTE IN MEMORY OF FORMER CONGRESSMAN HENRY B. GONZALEZ

SPEECH OF

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 5, 2000

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to pay tribute to former Rep. Henry Gonzalez, who passed away on Tuesday, December 5th, at the age of 84.

Throughout his career, Henry Gonzalez was an unwavering champion for equal justice and civil rights and a powerful voice for the disenfranchised. Henry first entered public life in 1953, when he was elected to the San Antonio City Council. The son of Mexican immigrants, he came along when Texas was a black and white society and Hispanics were generally not considered to be a minority group. Nevertheless, he spoke forcefully against segregation of public facilities and helped to shepherd passage of desegregation ordinances. Later, after he became the first Mexican-American to serve in the Texas State Senate, he attracted national attention for successfully filibustering several racial segregation bills that were aimed at circumventing the U.S. Supreme Court's decision in the *Brown* v. *Board of Education* case.

In 1961, Henry Gonzalez again broke new ground by being elected the first Hispanic Representative from Texas. Ultimately, he served 19 terms, longer than any other Hispanic Member of Congress. More importantly, he never lost touch with his constituents and his community during his tenure in Congress. He demanded that issues affecting the people of San Antonio receive his personal attention.

Throughout his time in Congress, Henry Gonzalez served on the Committee of Banking, Finance, and Urban Affairs. There, he focused his legislative efforts on making credit more accessible to ordinary people, improving public housing, and helping many Americans to become homeowners. Early in his congressional career, he worked for the passage the landmark Housing Act of 1964. Later, when he became Chairman of the Subcommittee on Housing and Community Development in 1981, he was instrumental in getting approval for a program to assist families who faced foreclosure on their homes. He also strongly defended public housing programs when the Reagan Administration proposed to cut them sharply.

In 1989, he became Chairman of the full Banking Committee. His first urgent order of business was to deal with the collapse of the savings and loan industry, a crisis he had predicted throughout the 1980's. As he began working to craft a solution, it became apparent to him that any bailout, although necessary for the nation's banking system, would be extremely unfair to low and moderate income Americans. He realized that they would derive little or no benefit from the bailout even though they had to share in the burden of fashioning a remedy for the excesses and poor decisions of savings and loan managers in the previous decade. The need to make credit more available to low income Americans and to depressed communities laid the groundwork for later legislative efforts and culminated in the enactment of the Community Reinvestment Act.

Overall, the Banking Committee under Henry's leadership held more than 500 hearings and obtained enactment of 71 bills. Among the other major bills that the Committee produced included restructuring the federal deposit insurance system to provide depositors a greater guarantee for their savings, making more credit available to small business, reauthorizing federal housing laws, and strengthening the laws pertaining to financial crimes.

I want to especially thank Representative MARTIN FROST for leading a special order in honor of Henry Gonzalez. Henry Gonzalez was a giant and true champion of Texas, and it is fitting for a Texas Member who currently serves in the House leadership to lead this tribute. Henry was not just a giant in Texas politics but also a mentor to all of us in the Texas delegation. I am certainly proud to have had an opportunity to serve with him and learn from his example. The people of Texas and his constituents in San Antonio will miss him, and his colleagues here in the Congress will fondly remember his kindness, friendship, and devotion to public service.

FOR CLINTON'S LAST ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, I would like to commend Robert S. McNamara, who served as defense secretary under President John Kennedy and Lyndon Johnson for his editorial that was published in the December 12, 2000 edition of the New York Times. Mr. McNamara is calling on President Clinton to sign a treaty, finalized in Rome in 1998, that would create a permanent International Criminal Court. Senator JESSE HELMS has promised to block any attempt to ratify the pact. As Mr. McNamara correctly points out, Senator HELMS' justification for not ratifying the treaty are unfounded. The tribunal of 18 world jurists would only have jurisdiction to charge those who commit specific crimes that outrage the international community as a whole, and each nation would retain the right to try its own nationals in a fair trial under its own laws. More than 25 nations have ratified the agreement, but we must have 60 nations to ratify before the court can begin trying cases. Given there is an urgent need to deter future atrocities, I urge President Clinton to sign the International Criminal Court agreement with all deliberate speed, and call on Senator JESSE HELMS, in the spirit of justice, freedom, and humanity, not to block the agreement. To do so would be a travesty of justice.

[From the New York Times, Dec. 12, 2000]

FOR CLINTON'S LAST ACT

(By Robert S. McNamara and Benjamin B. Ferencz)

With the stroke of a pen, President Bill Clinton has a last chance to safeguard humankind from genocide, crimes against humanity and the ravages of war itself. He must simply sign a treaty, finalized in Rome in 1998, to create a permanent International Criminal Court.

If he signs the treaty before Dec. 31, the government does not have to ratify the treaty at this time. After that date, any country has to both ratify and sign the treaty to become a member. This is no small consideration, since Senator Jesse Helms, chairman of the Foreign Relations Committee, has promised to block any attempt to ratify the pact.

Why does Mr. Helms object to a permanent international criminal court? He and others are worried that an unchecked international court could infringe on basic American constitutional rights for fair trials. For instance, they want ironclad guarantees that the court would never try American soldiers. Pentagon officials fear that Americans might be falsely accused of crimes, thus inhibiting our humanitarian military missions.

These worries are unfounded. The tribunal of 18 world jurists only have jurisdiction to charge those who commit specific crimes that outrage the international community as a whole. Under the treaty, no one can be convicted without clear proof of intent to commit the illegal act. The prosecutor is subject to judicial and budgetary controls that promise both competence and objectivity.

And most important, each nation retains the primary right to try its own nationals in a fair trial under its own laws. There are some crimes, like sexual slavery and forced pregnancy, that the treaty covers, which are not specifically enunciated in our own country's military laws and manuals. Robinson O. Everett, a former chief judge of the United States Court of Appeals for the Armed Forces, has recommended incorporating these crimes into our federal laws, assuring that any American military personnel charged with a crime could be tried by American courts.

Genocide is universally condemned but there is no universal court competent to try all perpetrators. The Nuremberg war crimes trials, inspired by the United States and affirmed by the United Nations, implied that ''never again'' would crimes against humanity be allowed to go unpunished.

Today, we have special courts created by the United Nations Security Council that have very limited and retroactive jurisdiction. For instance, war crimes tribunals are now coping with past atrocities in Yugoslavia and Rwanda. But these tribunals are hardly adequate to deter international crimes wherever they occur.

The president must help deter future atrocities. At the United Nations and elsewhere, he and Secretary of State Madeleine Albright have repeatedly called for an international court to carry forward the lessons of Nuremberg. Now, he has a chance to take action. More than 100 nations, including all our NATO allies, have already signed. Some 25 nations have ratified; others are well on the way. The court cannot begin trying cases until at least 60 nations have ratified.

If President Clinton fails to sign the treaty, he will weaken our credibility and moral standing in the world. We will look like a bully who wants to be above the law. If he signs, however, he will reaffirm America's inspiring role as leader of the free world in its search for peace and justice.

IMPROVING AMERICA'S VOTING SYSTEMS

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ROTHMAN. Mr. Speaker, I am proud today to join my colleague and friend, the gentleman from Virginia, TOM DAVIS, and the gentleman from Rhode Island, PATRICK KENNEDY, in introducing legislation to improve our Nation's voting systems.

Our message today is simple: While we will never have a perfect system for electing our leaders, we must always seek improvements to that system so the will of the American people always prevails. Improving our voting systems will not be a simple task. But we will achieve our goal in our nation's best traditions of open debate and bipartisan consensus. One encouraging development from this year's Presidential election, is that it has prompted an important debate, about the problems with our various voting systems across the country and how we must work together to improve them. We believe one way to improve the system is by creating a strong, bipartisan council, to be known as the ''Commission on Electoral Administration.'' The Commission would be charged with reviewing how we conduct our elections across the country, and issuing recommendations to make sure that the difficulties experienced by the voters of Florida do not occur again.

The Commission would be funded with $100 million. The money would be dispersed as voluntary matching grants, to states and local

communities that choose to implement the commission's modernization recommendations. This effort is in no way an attempt to federalize state or local elections. It is, quite simply, a way to give local communities the financial help they need to purchase better election equipment and to run fairer, more accurate elections. Despite some of the inflammatory rhetoric of the past few weeks, I know that members on both sides of the aisle want to have the best process for voting and the most accurate method of counting those votes.

Our ultimate goal must be to ensure that every American is heard when they go to vote. It is in our national interest to do so. I believe this legislation will take us one step closer to that goal.

TRIBUTE TO KATHERINE WEAVER SCHOMP

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. DEGETTE. Mr. Speaker, I would like to recognize the notable accomplishments and extraordinary life of a woman in the 1st Congressional District of Colorado. It is both fitting and proper that we recognize this community leader for her exceptional record of civic leadership and invaluable service. It is to commend this outstanding citizen that I rise to honor Katherine Weaver Schomp.

Kay Schomp was a remarkable woman who lived a remarkable life. She touched the lives of many people and made a tremendous impact on our community. Her indomitable spirit sustained her through many challenges and molded a life of notable accomplishment. Born in Pueblo, Colorado, she attended the Pueblo Public Schools and thereafter continued her education at Bossier's, Neuitly-Sur-Seine, France, the University of Colorado at Boulder and George Washington University in Washington DC where she graduated with a Bachelor's Degree in International Relations. She married Ralph Schomp in 1941 and was the mother of six daughters—Sara, Halcyon, Caroline, Lisa, Katherine and Mary Margaret.

Those who knew Kay Schomp understood that her passion was community service. She was well known in the Denver area for her outspoken commentary and for her immeasurable contribution to the life of our community. She has amassed a distinguished record of leadership and has made numerous contributions in many areas. But her contributions to education and children, health care, media and the arts are of particular note.

Kay was a powerful advocate for equal education and in 1973, she was elected to the Denver Public Schools Board of Education where she served in numerous capacities which included chairing the special education, investment and facilities planning committees, and the City-Schools Coordinating Commission. She organized and facilitated the Student Board of Education, the Integrated Arts Program, the Gilpin Extended Day Care School and served on the National School Boards Association. In media and the arts, she served on the Colorado Commission on the Arts, the Council for Educational Television and the Public Broadcasting Service. She was a board member of Denver Community Television, the Five Points Media Association and the Cable Television Coordinating Committee. In health care, she served as a board member for the Denver Mental Health Association, the Denver Board for the Developmentally Disabled, and the Denver Visiting Nurses Association.

Kay Schomp was also a successful businesswoman and was the co-owner and operator of KWS Investments, a firm specializing in urban properties. Kay also found time to serve on the Mayor's Child Care Advisory Commission, the Denver Youth Commission, and serve as a board member of the YMCA of Denver and the League of Women Voters.

It comes as no surprise to our community that Kay Schomp was the recipient of numerous awards including the American Civil Liberties Union Whitehead Award, the Denver Mayor's Commission on the Arts, Culture and Film Award, the International Women Writer's Guild Artist for Life Award, the Bonfils-Stanton Foundation Award for Community Service, the CANPO William Funk Award for Community Activism and the International Women's Forum Life Achievement Award.

Kay Schomp lived a life of meaning and one that was rich in consequence. It is the character and deeds of Kay Schomp, and all Americans like her, which distinguishes us as a nation and ennobles us as a people. Truly, we are all diminished by the passing of this remarkable woman.

Please join me in paying tribute to the life of Kay Schomp. It is the values, leadership and commitment she exhibited during her life that has served to build a better future for all Americans. Her life serves as an example to which we should all aspire.

UKRAINIAN CARDINAL MYROSLAV LUBACHIVSKY (1914–2000)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. KAPTUR. Mr. Speaker, Ohioans, particularly those of Ukrainian ancestry, were saddened to hear of the passing yesterday of Cardinal Myroslav Lubachivsky, the head of Ukraine's Greek Catholic Church. Cardinal Lubachivsky was born in 1914 in the town of Dolyna in the Western Ukrainian province of Galicia and died not far from there in the city of Lviv, where he served as Archbishop and Metropolitan for millions of Ukrainian Catholics worldwide, including many in Ohio. Although the Cardinal was born in Western Ukraine and served his people as their spiritual leader until his last days, he spent more than half his life outside his native land, including 33 years in the United States.

Cardinal Lubachivsky left Ukraine in 1938 as a young priest to study in Austria. After the Second World War, he came to America where he spent more than twenty years serving as assistant pastor at Sts. Peter & Paul Ukrainian Catholic Church in Cleveland's Tremont neighborhood. There he celebrated mass, presided over the marriages of happy couples, baptized their newly-born infants and spoke the final words over the graves of thousands of his parishioners. He even drove the school bus for children attending the parish grade school. This scholarly, yet humble man seemed content to serve God and his fellow Ukrainian-Americans in this quiet, unassuming way when unexpectedly he was elevated to be the Metropolitan-Archbishop of Philadelphia. In 1980, he moved to the Vatican and in 1984, became worldwide head of the Ukrainian Greek Catholic Church following the death of the saintly Cardinal Joseph Slipy.

Joseph Slipy had become the head of the Ukrainian Greek Catholic Church in 1944 when Western Ukraine was incorporated into the Soviet Union. Prior to that, Western Ukraine had been part of the Austrian Empire and Poland. Almost immediately, the Soviet Secret Police started carrying out Stalin's order to liquidate the Ukrainian Catholic Church. The entire clergy was either arrested or forced to renounce their faith. Most declined to do so and ended up in Siberia or were shot. Archbishop-Metropolitan Slipy spent 17 years in labor camps until Pope John XXIII finally negotiated his release in 1963. As a cardinal of the Catholic Church, Joseph Slipy went to work rebuilding his church in the underground in Ukraine and in places like Cleveland, Ohio where Myroslav Lubachivsky served as assistant pastor.

In 1991 with the collapse of the Soviet Union, His Eminence Myroslav Lubachivsky, a Cardinal and a U.S. citizen, returned in triumph to the city of Lviv to preside over the Ukrainian Catholic Church and its historic St. George's Cathedral. ''This native church of mine was resurrected and rose from the grave,'' he said at the time. Tens of thousands of Ukrainian Catholics, many weeping and singing hymns, lined the streets to greet their Cardinal and Archbishop-Metropolitan.

Cardinal Myroslav Lubachivsky had one of the most extraordinary and fulfilling lives that spanned nearly the entire 20th Century. He served through some of the most difficult periods of that turbulent ear and he lived to see his faith and the faith of millions of his parishioners rewarded with the restoration of his church, which not only survived enormous evil, but ultimately prevailed over it. I join in paying tribute to this great man and offer my condolences to all those in Ohio and throughout the world who benefited from his spiritual guidance and leadership and now mourn his passing.

NO SURPRISE. IT'S AN ACTIVIST COURT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I rise to commend Larry D. Kramer, professor of law at New York University, who eloquently points out in a December 12, 2000 New York Times editorial that the Supreme Court, under the leadership of Chief Justice Rehniquist, has steered the court towards ''conservative judicial activism.'' Mr. Kramer points out that the Rehnquist Supreme Court's recent decision to step into the Florida Presidential vote controversy should be no surprise, given the recent Supreme Court's past judicial behavior. Mr. Kramer offers a litany of examples that show how the Rehnquist Supreme Court has a conservative judicial activist agenda. For example, the Supreme Court cast aside nearly

70 years of precedent in the area of federalism, by ruling that Congress could no longer address violence against women, could not impose liability on state governments for age discrimination, or could not hold states accountable for violating copyright laws. The Florida case shows that judicial prerogative, not state's rights guides the Rehnquist Supreme Court. The recent Supreme Court ruling to vacate the Florida Supreme Court's decision to allow for the recount of uncounted ballots during the Bush-Gore Presidential election unfortunately will forever taint the Supreme Court as arrogant, impartial, and partisan. Professor Kramer's deserves praise for analyzing the Supreme Court's drift towards ''judicial prerogative,'' and away from a strict constructionist judicial philosophy.

[From the New York Times, Dec. 12, 2000]

NO SURPRISE. IT'S AN ACTIVIST COURT.

(By Larry D. Kramer)

The Supreme Court has reached out aggressively to solve the nation's election problem, inserting itself into a major political controversy. News commentators and legal experts seemed surprised when the court stepped into this thicket. They shouldn't have been.

the Rehnquist Court has been using law to reshape politics for at least a decade. We keep hearing that it consists of ''strict constructionists'' who (as George W. Bush put it during the debates) oppose ''liberal judicial activism.'' That's because conservative judicial activism is the order of the day. The Warren Court was retiring compared to the present one.

Warren Court activism was largely confined to questions of individual rights, mainly racial equality and the treatment of criminal defendants. The Rehnquist Court has been just as active in this domain. To list a few examples, it has disowned affirmative action, finding no difference between Jim Crow and laws designed to help disadvantaged minorities. It has overturned decades of jurisprudence that protected religious minorities from laws that intruded on their rituals. And it has all but eliminated the right to federal review of state criminal cases.

Individual rights are important, but they actually affect only a small portion of what government does. The real guts of our democracy lie in the system's structure and the way powers are allocated. And here the Warren Court was extremely deferential to other branches of government. Not so the Rehnquist Court, which has abandoned restraint in this area as well.

The court cast aside nearly 70 years of precedent in the area of federalism, holding that Congress cannot use its powers under the Commerce Clause or the 14th Amendment to regulate matters that touch on state interests, unless the court approves. It has declared, among other things, that Congress could not address violence against women, could not impose liability on state governments for age discrimination, could not hold states accountable for violating copyright laws and more.

But perhaps the most audacious instance of judicial activism is the way the court has extended the doctrine of judicial review itself. It was the Warren Court that first clearly established, in connection with school desegregation, that the Supreme Court has the final word about the meaning of the Constitution. Still, that court usually (though not always) gave great weight to the interpretations of other political actors.

But the Rehnquist Court has no such inclination. Thus the court struck down the Religious Freedom Restoration Act because it was unwilling to give Congress the authority to provide greater protection to religious minorities than the court itself would give.

Many have viewed the court's actions as aimed at protecting states by limiting the federal government. But the Florida case shows that state governments get no more deference than other branches of government when they run afoul of the court's views of what the law ought to be. Judicial prerogative, it seems, not states' rights, has been at the heart of the Rehnquist Court's docket.

The court's confidence in its own supremacy may have propelled it to try to settle this presidential crisis. And if the court succeeds, the nation may well breathe a sign of relief, grateful that someone brought this mess to a close. But the court's credibility will surely suffer. And if that diminishes a confidence that has begun to veer toward arrogance, this may not be such a bad thing.

IN HONOR OF DAVID RIVERA CARRASCO, JR., FOR HIS SERVICE AND DEDICATION TO OUR NATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to David Rivera Carrasco, Jr., in memory of his service to the community as a loyal citizen and as a proud member of our Armed Services.

Mr. Carrasco was born on February 9, 1918 to David and Angelita Rivera Carrasco in El Paso, Texas. The family relocated to Coachella, California in 1920. In January of 1942, Mr. Carrasco was enlisted into the U.S. Army. He served seven months in the Continental Army as a military gunner and search light crew member. As a member of the 349th infantry, Mr. Carrasco was dispatched to New York to protect the Atlantic coast from foreign invasion. In August 1942, Mr. Carrasco was reassigned to serve under General George Patton's forces in Europe and Northern Africa. He served proudly under General Patton for four years as an engineer. His work in the front lines of North Africa helped to turn the tide against the Axis forces and liberate France and Italy. For his bravery and dedication, Mr. Carrasco was awarded the Good Conduct Medal and the European African Middle Eastern Campaign Medal for Bravery.

The bravery and patriotism demonstrated by Mr. Carrasco could also be found in his brothers Joe and Samuel, who also served in the U.S. Armed Forces. Joe served under General Dwight Eisenhower and was among the first wave of soldiers to storm the beaches of Normandy on June 6, 1944. Samuel was dispatched to the Pacific Islands and served his country valiantly. Mr. Carrasco and his family are truly a distinguished part of our nation's military history.

Colleagues, please join me in celebrating the life of a true American hero. Mr. Carrasco will be remembered for his service to our country and the community. He is survived by his sister Antonia Carrasco Cervantes and his brother-in-law Gregorio Cervantes, Sr. As his Representative in Congress and as a member of the Armed Services Committee, I am proud to recognize David Rivera Carrasco, Jr., for his contributions to our nation.

METHAMPHETAMINE LEGISLATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. BERKLEY. Mr. Speaker, I rise to express my strong support for the methamphetamine legislation signed into law this session as part of the Children's Health Act of 2000. I strongly support the provisions of this bill that address the methamphetamine problem and the sale of pseudo-ephedrine, the primary ingredient in the manufacture of methamphetamine.

The production of methamphetamine and the unregulated sale of pseudo-ephedrine is a serious problem in my district of Las Vegas. Local law enforcement agencies work tirelessly to combat the abuse of this drug, and to crack down on the toxic methamphetamine laboratories that inhabit rental properties and hotel rooms that are often used by tourists.

I concur with the provisions in the legislation to reduce the amount of pseudo-ephedrine that can be purchased in a single transaction from 24 grams to 9 grams. At the present time, the 24 grams of pseudo-ephedrine that can be legally purchased equates to about 900 tablets. It seems obvious that a person in need of pseudo-ephedrine for its intended purpose to relieve cold symptoms does not need this quantity of the drug.

I also strongly support the provisions of the bill that strengthen the sentencing penalties for those who manufacture this drug, and the provisions that provide the critical training to local and state law enforcement agencies so they are able to safely and effectively fight this drug. However, I believe that it is equally important that we take the next step and increase regulation of the sale of pseudo-ephedrine.

I have talked with local law enforcement agencies about the unregulated sale of pseudo-ephedrine and I'm all too familiar with the frustrations they face on a daily basis. There is evidence that drug wholesalers from other states come into the State of Nevada and sell pseudo-ephedrine by the caseload to retail outlets. When the distributors are asked why they traveled such distances to sell their drug in Las Vegas, they simply say that their home state ''does not have a methamphetamine problem.'' This is shameful, and the problem must be rectified.

There is no federal law requiring retail outlets that sell limited amounts of pseudo-ephedrine to keep records of transactions. Without federal regulation, there is no uniform, reliable method to track the distribution of this drug. Illegal methamphetamine laboratory operators may continue to buy this drug by the caseload without a single record of transaction being documented. And because there is no federal regulation, law enforcement agencies do not have authority over the exchanges.

Reducing the number of grams for purchase and increasing fines and penalties are a step in the right direction. But more needs to be done. We need to have greater accountability and we need to give law enforcement agencies the authority to intervene when drugs are being purchased for illegal activities.

Methamphetamine is a growing problem already plaguing many cities and it is spreading across the nation. We must make common

sense changes in our national policy today, in order to curtail the drug crises of tomorrow. I applaud the recent changes regarding methamphetamine and the sale of pseudo-ephedrine, and I will support future efforts to strengthen these policies.

HONORING BOBBIE HOUSEHOLDER

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DUNCAN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding citizen of East Tennessee, Mrs. Bobbie Householder. She has recently been given the 2001 Pride of Tennessee Award, an award presented annually to a person with a history of dedication to the community of Blount County.

Mr. Speaker, I can think of no better person this could be awarded to than Bobbie Householder. She worked for the Blount County Chamber of Commerce for 33 years, but her service to the people in her community did not end there. Since her retirement, Bobbie has served as President of the Friends of the Library. In addition, she is also a member of the Keep Blount Beautiful Board and a member of the Blount County Bicentennial Committee, just to name a few. I commend Mrs. Householder for her dedication and tireless work for the community in Blount County. This Country would be a better place if there were more people like Bobbie Householder.

Mr. Speaker, I have included a copy of a story that ran in the Daily Times that honors Mrs. Householder and would like to call it to the attention of my fellow colleagues and other readers of the RECORD.

[From The Daily Times, Dec. 5, 2000]

BOBBIE HOUSEHOLDER'S WORK AS VOLUNTEER IS UNEQUALED IN BLOUNT

No one individual's life is as entwined in the history of the Blount County Chamber of Commerce as that of Barbara Ann ''Bobbie'' Householder and few, if any, have been as involved in the community.

As most of you know, Bobbie is the recipient of the 2001 Pride of Tennessee Award presented annually by Blount County Executive Bill Crisp to someone who has a history of community involvement and always has been willing to work for a better place for all of us to live and work. Bobbie and husband Glen, married for 53 years, have three offspring. Glenda Eastridge is a teacher at Lanier Elementary; Alan, the outdoors man, works at Southern Safari in Asheville, N.C., has hiked the Appalachian Trail, the Pacific Crest Trail, and the Mountain to Sea Trail from Newfound Gap to the Outer Banks in North Carolina, as well as across England; and Gary, a retired Army lieutenant colonel who lives in Louisville, KY. They have four grandchildren, Cindy and Brain Householder in Louisville and Jeff and Amy Eastridge in Alcoa. A native of Knoxville, Bobbie moved to Blount County in 1952, went by the Blount County Chamber of Commerce/United Way office a few days to help them out and retired after 33 years with the chamber.

For many years the chamber staff consisted of the executive director, bookkeeper, and Bobbie who was the jack of all trade, doing office responsibilities plus coordinating chamber projects. For 25 years she was responsible for the United Way campaigns, just part of her responsibilities. In the end the ''umbrella'' administrative office included the Blount County Chamber of Commerce, Blount County Industrial Board, Chamber Foundation, and the Smoky Mountain Visitors Bureau. She served as vice president of all except the industrial board. Bobbie worked with five executives, Bob Lamb, Wilson Borden, Ken Faulkner, Jim Caldwell and then almost 18 years with Bill Dunavant. During that time she worked with 34 chamber presidents from J.P. Huddleson in 1961 through the first part of the term of Brad Sayles in 1994.

When she began work, the office was in Maryville Municipal Building, then it moved to come out on a Thursday. Then, on Sunday, I read an article about ''how the officers involved had been affected by this,'' McConnell said. ''I called the sheriff Sunday afternoon and told him about our idea. He jumped on it. He said he never wanted to cover another case like the one in Townsend.'' Sheriff James L. Berrong took the ''safe place'' idea to Attorney General Mike Flynn. A week later, more than a dozen people sat down to talk about changing the idea into reality. Those at the meeting included: State Sen. Bill Clabough; Representative-elect Doug Overbey; Blount County Health Department director and former pediatrician Dr. Ken Marmon; June Love of the Blount County Department of Children's Services; Lynnelle Hammett and Barbara Collins of Child and Family Services; Adina Chumley, public information officer for the sheriff's department and the adoptive mother of two; Knox County District Attorney Randy Nichols; Smid of Hope Resource Center; Flynn, the father of a son and daughter; Berrong, the father of a son and daughter; McConnell and Yount.

SAVING BABIES, MOTHERS

Nichols agree to write the first draft of the proposed legislation using laws from other states as examples. Clabough has agreed to introduce a Secret Safe Place law for Tennessee when the legislature convenes in January. ''I can't imagine a valid reason it would not pass,'' McConnell said. The group discussed the pros and cons of making it possible for a mother to surrender her baby without being identified and without fear of being prosecuted. McConnell and Yount shared the facts and figures they gathered last spring with additional information they collected in the fall.

Alabama was apparently the first to start working on legislation making a ''Secret Safe Place for Newborns'' possible. The idea was sparked there by a reporter ''Jody Brooks'' after she covered two cases of babies abandoned and later found dead. Texas was the first state to actually pass legislation to protect mothers who surrender their babies from prosecution and provide them with a way to remain anonymous. The law was passed there after 13 dead babies were discovered in just over a year.

McConnell and Yount have also spoken with Terry Little, director of the emergency room at Springhill Memorial Hospital in Mobile, Ala., where Little accepted the first baby surrendered after the legislation passed. Little told the Maryville women since the law provides surrender at hospitals, even the cleaning staff has been trained in how to handle those situations.

Yount said Blount Memorial Hospital has been contacted and will be represented in future meetings about the program.

McConnell said they also discussed how to help frightened young girls unable to get to a hospital without asking someone to drive them. A private hot line is proposed which would allow someone to call and report the location where a baby would be left, allowing an officer to pick up the newborn.

Yount said babies being surrendered must be unharmed and released within 72 hours of birth. However, she said there is a period in which the mother may change her mind and reclaim her child. The mother is also asked to provide a family medical history since many diseases are hereditary, but she is not required to do so.

INFANT NEEDS IMPORTANT

She said babies in Mobile go immediately to adoptive parents to allow them to bond with someone as soon as possible.

Marmon said bonding is important to every child's well-being and must be considered carefully as the Tennessee law is being written.

Flynn said it might be possible to have couples seeking adoption qualified as foster parents so the baby could be placed with them immediately while the necessary paperwork is done to legally end the parental rights of the birth mother and father.

McConnell said in some states, those in the adoption community have expressed concern over the possibility of ''unstable adoptions'' of abandoned babies. ''I don't see it affecting traditional adoptions,'' McConnell said. ''Which is worse'' an adoption that might not work out or a dead baby? Our concern is the rights of each child.''

Some were concerned the law might relieve young women of responsibility for their actions, but McConnell and Yount said they believe caring for a baby by giving it up for adoption is a responsible option already available.

Others were concerned the new law might cause an epidemic of newborns being surrendered. However, there have only been five surrendered newborns in Alabama since the law took effect in 1996. More importantly, there have been no babies found abandoned and dead in Alabama or Texas since the laws were passed in the two states. ''This is a tiny target group the law will affect,'' McConnell said. ''Most pregnancies are found out by someone. It's those few who manage to keep it a secret throughout the pregnancy who may abandon the baby when it's born. ''Babies shouldn't be hidden in sheds or dumpsters or under a bed, somewhere they will die.''

MOTHERS ARE ANONYMOUS

Yount stresses the importance of allowing the mother surrendering a baby to remain anonymous. ''This is a major issue,'' McConnell said.

She explained there is a fine line parents try to walk, to pressure their children to live up to their expectations as far as behavior but let them know they can come to a parent if they make a even a serious mistake. She said young girls who abandon their babies most often come from good families where they believe an illegitimate child would create an insurmountable problem. ''We believe so fully in this program, we'll do whatever is necessary to get it going as soon as possible,'' McConnell said.

She helped establish and coordinated Homecoming '86 for Blount County, including a parade and an all-day celebration in Greenbelt Park, coordinated the dedication of the Fort Craig spring monument, as well as the Adopt A School program, Leadership Blount, and Keep Blount Beautiful. Bobbie was responsible for staffing the Smoky Mountain Visitors Bureau visitors center, advertising in national magazines, represented the organization at travel shows and worked with area tourism groups, kept the visitors centers supplied with brochures, and coordinated the Weekend in the Smokies which was sponsored by the chamber.

She was responsible for the Dogwood Arts Festival from its organization in 1979 through its first festival in 1980, an event

sponsored by the Blount Chamber Foundation. She was responsible for starting Dogwood Drives in 1983 and others that followed with the exception of the East Maryville, added since she retired, and the Teacher Mini-grant program. The last five years or so her title was Vice President of Community Development for the Chamber and she worked with all programs involving many community activities as well as other organizations.

While working, Bobbie spent many extra hours on the job because of her devotion to the community. And since retirement she has continued to be active. She has served as President of the Friends of the Library, a member of the Keep Blount Beautiful Board, member of the Blount County Bicentennial Committee and was responsible for a parade for an all-day celebration. She is currently serving as treasurer of Blount County Education Foundation and prior to that served two years as secretary for the Foundation. For four years she has served as chair of Day of Caring for United Way and presently serves as Communications Coordinator for the Holston Conference United Methodist Women. She is a member of Broadway Methodist Church.

She is serving as co-chairman of the Blount County Millennium Committee with activities coordinated with community organizations with a different focus on each month. Members of the committee designed an official Blount County flag which is available for sale in the county executive's office. The Adopt A School sponsors have purchased a flag for their school. This flag is really visible at the Blount County Justice Center.

Along with Bryan Cable, she leads a hike in the Smokies for the Dogwood Arts Festival. Previous winners include 2000—Tutt S. Bradford, 1999—Carmian ''Connie'' Davis, 1998—Stanley B. ''Skeeter'' Shields, 1997—Judson B. Murphy, 1996—Garland DeLozier, 1995—Stone Carr, 1994—Dean Stone, and 1993—Elsie Burrell.

The Volunteer State didn't get its nickname by accident. Its volunteers accomplish much of the work needed in communities across the state. Certainly none has done more than Bobbie who continued her volunteer efforts throughout major illness and surgery from which she has recovered.

Our hats are off to Bobbie and her outstanding example of volunteer work in Blount County, building a better community!

Our voice.

On Pride of Tennessee.

DEREGULATION CALLED BLOW TO MINORITIES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CONYERS. Mr. Speaker, today I rise to voice concern about the increasingly insurmountable barriers that minorities and women in the telecommunications and broadcast marketplace are experiencing since passage of the Telecommunications Act of 1996. Recent studies have shown that since deregulation, minority- and women-owned companies have had a more difficult time getting financing for starting new ventures and expanding, and when they have received financing, it is often on less favorable terms than comparable majority run businesses. Adverse trends in the courts and in Congress have had a negative impact on small minority owned communication companies. It is imperative that Congress, the courts, the F.C.C. and the Bush administration help ensure that minority and women owned communications enterprises have equal opportunities in their abilities to compete in the marketplace. The following New York Times article is an excellent summary of this crisis.

[From the New York Times, Dec. 12, 2000]

DEREGULATION CALLED BLOW TO MINORITIES

(By Stephen Labaton)

Washington, Dec. 11.—The 1996 landmark law that was warmly embraced by the Clinton administration and many Republicans as a way to begin deregulating the nation's telecommunications industry has had the unintended effect of raising substantial new barriers for companies controlled by minorities and women, new independent studies commissioned by the federal government have found.

The studies show that the wave of consolidation in the broadcast, telephone and cable industries prompted by the Telecommunications Act of 1996 had created ''nearly insurmountable obstacles'' to those seeking to enter those industries and to thrive.

They also found that in general over the last 50 years, companies controlled by minorities and women have been far less likely to win government licenses for telephone service and radio or television stations, even if they are qualified to run those operations. In recent years, the studies found, the 1996 law in combination with changes in tax law and affirmative action rules, had made the problems for small businesses particularly acute.

''Today small firms face barriers erected by deregulation and consolidation in both wireless and broadcast,'' one of the studies said. ''Minorities and women confront those same barriers; and yet those obstacles stand high atop a persistent legacy of discrimination in the capital markets, industry, advertising and community—and prior F.C.C. policies, which worsened the effects of discrimination.''

''The barriers to entry have been raised so high that, left standing, they appear virtually insurmountable,'' the study concluded. ''Minority, women and small-business ownership in these industries is diminishing at such an alarming rate that many we spoke with felt we had passed the point of no return.''

While it has long been known that minorities and women face difficulties in a wide range of industries, the five studies to be released on Tuesday by the Federal Communications Commission conclude that barriers imposed by both the government and the marketplace have taken a particular toll in telecommunications and the so-called new economy companies, where the lifeblood is the government license to use a part of the airways.

''These studies confirm that small minority and women-owned businesses are encountering significant difficulties in participating in the new economy,'' said William E. Kennard, chairman of the F.C.C. ''With consolidation in the past few years it's clear that it's become harder for any business that is small to participate as an owner of infrastructure, whether it is cable systems or whether it is phones or broadcasting. But this is still a vitally important part of our economy, and we have to make sure that we are creating opportunity for small minority- and women-owned businesses.''

In his more than seven years as the agency's general counsel and then its chairman, Mr. Kennard, the first African-American to head the F.C.C., has struggled against a hostile Republican Congress and a lukewarm administration in trying to find new opportunities for minorities and women. An earlier study he commissioned showed minority broadcasters often cannot command the same advertising revenues as other broadcasters.''

Mr. Kennard said he had hoped that the studies would provide a blue-print for a Gore administration to take new steps on behalf of small companies. He also acknowledged that the prospect of a Bush administration may significantly diminish the impact of the studies on future policy makers.

Regulators and courts have long described the spectrum as a public trust that needs to be managed in the best interests of the public, but the studies conclude that minorities and women have had a difficult time for the last half-century and that it still remains especially difficult for them to win licenses and get financing for their ventures on a footing comparable to their rivals.

In one study, entitled ''Whose Spectrum Is It Anyway?'' researchers found that the 1996 law, following other adverse trends in the courts and in Congress, had been particularly hard on those small companies.

In 1995 Congress eliminated a tax program intended to encourage investment in small, minority- and women-owned telecommunication companies. Around the same time, the United States Supreme Court and other federal courts began to hand down a series of decisions that made it significantly more difficult for the federal government to carry out affirmative action programs and take steps to assist minority businesses.

The studies concluded that in the area of broadcasting, ownership can have a deep impact on programming, and that the lack of diversity among owners could lead to less diverse kinds of programs. Minority-owned radio stations, for example, were far more likely to choose a programming format that appeals particularly to a minority audience, and were more likely to have greater racial diversity of on-air talent.

The studies show that minority- and women-owned companies have had a more difficult time getting financing for starting new ventures and expanding, and when they have received financing, it is often on less favorable terms that comparable businesses run by white men.

The F.C.C. had earlier encouraged small businesses by permitting them to bid in license auctions and make payments in installments. But after some businesses defaulted on those loans, the rules were changed.

On Tuesday the agency will begin what many expect will be the largest auction in its history, for licenses to operate mobile telephones, and all winners will have to make their payments upfront.

The studies also show that officials at the F.C.C. have been inconsistent in their application of equal opportunity guidelines, and that the agency ''often failed in its role of public trustee of the broadcast and wireless spectrum by not properly taking into account the effect of its programs on small, minority- and women-owned businesses.''

The studies, which are expected to be made public by the F.C.C. on Tuesday, were conducted by KPMG; Ernst & Young; the Ivy Planning Group, a consulting group based in Rockville, Md.; and researchers from Santa Clara University and the University of Washington.

IN HONOR OF JOHN T. DAUGHERTY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HOYER. Mr. Speaker, I rise today in honor of John T. Daugherty, a distinguished and extraordinary member of the Southern Maryland community and a personal friend for many years. His contributions to his community of Lexington Park and the Southern Maryland area will continue to pay dividends and be fondly remembered for decades to come. Mr. John T. Daugherty was best known as Jack throughout Southern Maryland. He was born January 18, 1919 in Bath County, Kentucky. He went on to attend school at the University of North Carolina, Chapel Hill; Center College in Danville, Kentucky; and Morehead State Teachers College. He later was trained to fly Navy airplanes in Pensacola, Florida. He joined the Marine Corps and saw service in the South Pacific during World War II, where his courageous prowess earned him the Distinguished Flying Cross for a bombing raid on Rabaul Harbor. He went on to become a pioneer and product of the Patuxent River Naval Air Station Test Pilot School even before the first official graduating class was formed. After leaving active duty, he continued to proudly serve his country as a Lieutenant Colonel in the Marine Corps Reserves. Jack Daugherty remained in St. Mary's County to began life as a civilian and his entrepreneurial instincts led him to create many small businesses in Southern Maryland. His early business pursuits were not based on personal gain, rather, he created many new ventures to meet the needs of a fledgling and fast growing upstart Navy town. He is perhaps best known for founding Citizen's Bank, later known as Maryland Bank and Trust. His efforts to bring desperately needed capital resources to the Lexington Park community were critical in building a town to support the growing Navy base at Patuxent. Jack Daugherty became president of this bank and continued to run the local community bank for 35 years. He used the bank to literally help build a town that today is home to one of America's largest and most technologically advanced military bases. His unconventional loan practices enabled hundreds of entrepreneurs to go into business. Today, many small business owners, including a large number of women and minority owned businesses, will tell you how Mr. Daugherty helped them get started in business. Typically, they will tell you, their loans were approved without using any collateral and written on the back of an envelope.

Indicative of Mr. Daugherty's great sense of community spirit and among his greatest contributions to the community, was an early venture to create a local radio station for St. Mary's County. Recognizing the need to create a sense of community, he began and operated the WPTX AM Radio station in Lexington Park, where he and other local business owners took turns announcing local news events, weather, and other items of local interest. Mr. Daugherty himself was an announcer on the station, covering local news and political events. That station has continually served the local community and today is operated as 97.7 WMDM–FM under the ownership of Mr. Ron Walton. Jack Daugherty was also a founder of the St. Mary's County Chamber of Commerce, a member of the Historic St. Mary's City Commission and the founder of the Lexington Park Little League. He was on the Board of Trustees at St. Mary's College of Maryland and is fondly remembered for providing scholarships to many disadvantaged area students.

Mr. Speaker, Jack Daugherty was a unique individual who made contributions to his community that will last for generations to come. He was a giant among his peers whose leadership provided countless opportunities for thousands of individuals, reaching far beyond his local community. His rugged independence and fierce commitment to his community should distinguish him forever for the important role he has had in attracting the very significant U.S. Navy investment at Patuxent River Naval Air Station we have today. Repeatedly, he was a critical force in mobilizing the necessary resources to retain and attract federal investments at Pax River. Whenever a threat appeared on the horizon to either Pax River or St. Inigoes, it was Jack Daugherty who mobilized the local community to fight it.

Mr. Speaker, Jack Daugherty's presence will be sorely missed. Right up until his death on August 10, 2000, he played an active role in the Southern Maryland Navy Alliance, providing the same firm and steady leadership to that organization as he continued to support and protect the interests of Southern Maryland and the U.S. Navy. I ask my colleagues to join with me in honoring a great American whose success and love of life will long be remembered in Southern Maryland. Every community in America needs a Jack Daugherty. He knew the importance of community spirit and set the bar high for others to give back to community in which he lived. I ask my colleagues to join with me in paying tribute to John T. Daugherty, a veteran, a business and community leader and great family man, for his lifetime of service to his family, his neighbors and to his country.

My best wishes go out to his wife Kay, son Tom and daughter Katie who best knew him as an upstanding and decent husband, father, and community leader. I ask that you join me in honoring John T. Daugherty's strength and devotion to a community that will continue to reap the benefits of his work and dedication. His legacy will never be forgotten.

THE OPERATION OF AIMEE'S LAW

HON. MATT SALMON

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. SALMON. Mr. Speaker, after years of work, and several Congressional Hearings, Aimee's Law passed both the House and Senate overwhelmingly, and was signed into law by President Bill Clinton on October 28, 2000. The bill will take effect on January 1, 2002, giving us more than a year to be sure it is implemented properly. It is essential that we do so, because too many lives are shattered each year at the hands of dangerous predators.

Using a mechanism that is workable, constitutional and respectful of states' rights, Aimee's Law will help to reduce repeat attacks perpetrated by released murderers, rapists, and child molesters that account for over 14,000 crimes of this nature each year.

These crimes share one characteristic: they are all preventable. If we simply keep murderers, rapists, and child molesters behind bars or, at a minimum, properly monitor them upon release, thousands of serious crimes would be prevented. Aimee Willard, the young woman for whom this legislation is named, died with every pint of blood drained from her body because Nevada recklessly released a murderer who reoffended in Pennsylvania. Aimee was a most extraordinary young woman; loved by her family and friends, an All American Athlete, an individual some of her peers believed could one day serve in the United States Congress, or as a teacher to our children. If this law is diminished in any respect it will be an assault on her memory.

I acknowledge that the mechanism used in Aimee's Law is novel—and is now, in some respects, more complex than originally drafted, due to revisions we made at the request of the States—but it is certainly workable. Of course, if those who had opposed Aimee's Law had instead joined us in working for the most straight-forward solution to the crisis we face with dangerous recidivists, application of the legislation would be even easier. If opponents now point to the provisions that were added to address their concerns, and argue that those provisions now make the law unworkable, then Congress should remove the safe-harbor provisions and hold states fully accountable for their errors in releasing murderers and sexual predators, the way the bill was originally introduced.

Let's address the concerns of the bill's critics in further detail. The small band of congressional opponents to the bill, and the state advocacy groups that opposed it, lodge three main arguments against the legislation: (1) the bill is unworkable; (2) the bill runs afoul of the Constitution; and (3) the bill would pressure states to rachet up penalties on murder, rape and child molestation offenses.

I will address the last charge first. Shouldn't we celebrate a law that incentivizes states to increase penalties for violent crimes? We have in the past. The truth in sentencing reforms of the 1980s and early 1990s are at least partially responsible for the dip in violent crime we have seen over the past several years. Keeping violent criminals behind bars reduces crime.

The trend of reduced crime is welcome, but more, much more, needs to be done. According to the FBI's Uniform Crime Report released last month, one violent crime occurs every 22 seconds. A forcible rape occurs every 6 minutes and a murder every 34 minutes. The success enjoyed in reducing crime over the past several years does make further reductions challenging. Targeting recidivist crime among the most dangerous criminals—murderers and rapists—as well as pedophiles, who are most likely to reoffend if given the opportunity, is smart public policy. The time served for these crimes is outrageously low. The average time served by a rapist released from state prison is just 5½ years. For molesting a child it is about 4 years. And for homicide it is 8 years. My constituents and I consider those figures to be shockingly low, and I have no doubt most Americans would agree.

Reasonable people can quibble about the technical operation of the law, but to argue that one of Aimee's Law defects is that it will

encourage states to increase these murderously low sentences misses the point—this is one of the central purposes of the legislation. The following comments were offered by opponents of Aimee's Law, and while I do not agree with everything contained within them, they deserve repetition here because they point to the value of the law. It will rachet up sentences.

Senator JOE BIDEN: ''As a practical matter, this bill can only promote a 'race to the top' as States feel compelled to rachet up their sentences. . . .''

Senator RUSS FEINGOLD: ''Here, of course, we are not preparing to pass a new federal murder, rape, or sexual offense statute. But we might as well do that because in Aimee's Law we are forcing the states through the use of federal law enforcement assistance funds to increase their penalties for these offenses. . . . Basically, this policy could force states to either enact the death penalty or never release a person convicted of murder on parole.''

Senator FRED THOMPSON: ''If you remember what I said a while ago, the name of the game is for the States to keep ratcheting up their incarceration time so they are within the national average. . . . The safest thing for it to do would be to give life sentences without parole. . . . For some people, I think that is a good idea anyway.''

Representative JERROLD NADLER: ''Here we are telling them, you had better keep ratcheting up your terms of imprisonment, no matter what you think is right, to match everybody else's, lest we charge you.''

It's not as if murderers, rapists and child molesters become Boy Scouts after their release from prison. The recidivism rates for sex offenders are especially high. As the best experts who have studied this issue will tell you, ''Once a molester, always a molester.'' The Department of Justice found in 1997 that, within just three years of release from prison, an estimated 52 percent of discharged rapists and 48 percent of other sexual offenders were rearrested for a new crime, often another sex offense.

Of course, states have the right to release convicted murderers, rapists and child molesters into their cities and neighborhoods. However, the question is, who should pay when one of these violent predators commits another murder, rape or sex offense in a different state? Should Pennsylvania, which has already paid a huge human cost with the loss of Aimee Willard, have to pay for the prosecution and incarceration of her killer, Arthur Bomar? Or should Nevada, which knew that Bomar was a vicious killer but decided to release him anyway, pay for the costs wrongfully inflicted on the state of Pennsylvania? The answer is obvious.

And it is not merely a question of fairness. Aimee's Law will also lead to more sensible decisions by states on which criminals to release, and which to keep behind bars. Previously, when a state released a murderer or sexual predator, it actually received at least a perceived economic benefit in the form of reduced incarceration costs. Moreover, since these criminals sometimes left the state, the state was rid of its problem. By reducing this perverse financial incentive, it may focus the decision purely where it should be, on the community safety issue: will release of this prisoner pose a danger to the community?

As to the concern that the bill is unworkable, I ask the critics this: what effort did you make to smooth out the edges you claim are rough? If half the effort spent trying to derail this legislation had been spent on perfecting the bill, I have no doubt a cleaner product would have emerged. But, the perfect should never be the enemy of the good. The bodies continue to pile up and some of the states' groups—the National Governors Association, the National Conference of State Legislatures, and the Council of State Governments—aggressively tried to kill a bill that will protect their citizens. But they failed, in part, because it is clear to the Congress that the states need to do more to protect the public from second attacks committed by convicted murderers, rapists and child molesters.

I will now address the operational and constitutional concerns raised about the bill. I will first begin with the premise behind Aimee's Law.

Aimee's Law targets an extremely narrow category of crimes: murder, rape, and child molestation. We're not targeting jaywalkers, shoplifters, or even drug dealers. We're targeting the worst of the worst. Any opponent of this bill must answer the following: ''Should a pedophile have a second chance to live in your neighborhood?'' Or, as so often is the case, a third or fourth chance, to live in your constituent's neighborhood? How about a rapist? Should they be given another chance to violate women? Do you believe that a murderer living next door would enhance the quality of your life or improve the safety of your community?

The definitions attached to murder, rape and dangerous sexual offenses could not be clearer. For murder and rape we use the definition of these crimes found in the FBI's Uniform Crime Report. All 50 states are familiar and comfortable with these definitions. Out of recognition that states have varying laws when it comes to child molestation offenses, Aimee's Law adopts the definition for dangerous sexual offense found in chapter 109A of title 18. Given that the U.S. Department of Justice is tasked with administrating the law, using federal definitions for the crimes covered is sensible.

The next issue is when Aimee's Law applies. It was my intent, and is my interpretation, that the law applies to all second convictions that occur after the law takes effect on January 1, 2002. If this is judged not the case I would support the broadest possible reach that respects constitutional boundaries. Applying the law to all second convictions has at least four salutary effects: (1) From this day forward, states will begin the process of reforming their systems to end the revolving door for these most heinous crimes; (2) States will be encouraged to adopt Stephanie's Law, which has been constitutionally upheld as a way for states to keep dangerous sexual predators off of the streets after their prison sentences have expired; (3) States will find it useful to tighten dangerous loopholes in the Interstate Compact for Parole and Probation; for example, including changes consistent with the proposal submitted by the National Institute of Corrections; and (4) States will have a powerful incentive to work with the Department of Justice to better account for and monitor the thousands of murderers and sex predators already roaming the streets. America has been lax for far too long. Delay in implementing the law fully will cost additional lives.

This is how Senate Judiciary Chairman ORRIN HATCH explained the operation of Aimee's Law during Floor debate:

> Aimee's Law operates as follows: In cases in which a State convicts a person of murder, rape, or a dangerous sexual offense, and that person has a prior conviction for any one of those offenses in a designated State, the designated State must pay, from Federal law enforcement assistance funds, the incarceration and prosecution cost of the other State. In such cases, the Attorney General would transfer the Federal law enforcement funds from the designated State to the subsequent State.
>
> A State is a designated State and is subject to penalty under Aimee's Law if (1) the average term of imprisonment imposed by the State on persons convicted of the offense for which that person was convicted is less than the average term of imprisonment imposed for that offense in all States; or (2) that person had served less than 85 percent of the prison term to which he was sentenced for the prior offense.

Senator HATCH also offered this observation: ''The purpose of Aimee's Law is to encourage States to keep murderers, rapists, and child molesters incarcerated for long prison terms. * * * This legislation withholds Federal funds from certain States that fail to incarcerate criminals convicted of murder, rape, and dangerous sexual offenses for adequate prison terms * * *. In this respect, Aimee's law is similar to the Violent-Offender-and-Truth-in-Sentencing Programs and the Sentencing Reform Act of 1984.'' Senator HATCH adds that the effect of truth-in-sentencing and sentencing reform is a more than 12 percent increase in the average time served by violent criminals in state prisons. That, I submit, is a positive development.

All that is needed in determining the expenses involved in a fund transfer is a handheld calculator. The calculations required to determine if a state is exempt from the fund transfer in Aimee's Law is more complicated, but certainly within the grasp of the professionals at the Department of Justice.

The state organizations' claim that the safe harbor provision makes Aimee's Law unworkable rings hollow given their intense lobbying for such protection. The FBI already collects detailed statistics on rape and murder, which make a national average easy to identify. As for dangerous sex offenses against children, this will take additional work, but it's worth it to protect kids from the lifetime devastation caused by molestation. I suspect that nearly all Americans would desire annual reporting of statistics that measure where their state ranks in comparison with other states for the specific crimes covered in Aimee's Law.

I expect that DOJ will annually compile a national average for the crimes of murder, rape and child molestation. DOJ will also compile the average term of imprisonment for those crimes in each state. If a state is above the national average for a particular crime it will be exempt in cases in which the released offender served 85 percent of his sentence. The numbers that DOJ produces for any given year will be the number used for all convictions that occur during that year. Remember, this section was added at the insistence of the states to protect states that are doing at least an average job of protecting their citizens and neighboring citizens. The original bill contained no such language. There is no need or desire on the part of the author of Aimee's Law to

make this section any more complicated than necessary.

As an example, let's say Offender 1 commits a covered offense in state A in 1999 and then is released in 2003 and commits a covered offense in state B in 2005 and is convicted in that same year. DOJ should authorize a fund transfer if State A's term of imprisonment for the covered offense was less than the national average, using the latest sentencing data (probably from 2004). I do not expect DOJ to search back to 1999 to determine whether state A was behind the national average. Again, the national average is simply a benchmark to provide some relief to states, that do at least an average job of keeping certain violent offenders behind bars. Even if this state is average or better on sentences imposed, Aimee's Law would apply in this case if the criminal had failed to serve 85 percent of his sentence for his prior offense in 1999.

I'm more interested in murderers, rapists and child molesters serving appropriately long sentences than serving any particular percentage of their term. Most can agree, however, that a murderer, rapist, or child molester released before 85 percent of the expiration of a (minimum) sentence has been prematurely released. Most probably would agree that this would be the case for those released after 85 percent of their maximum.

As to payment schedule, the Attorney General and the state affected have great latitude in arranging the transfer. Any federal crime funds (excluding funds designated to victims) can be used so long as the funds have not already been distributed. There is also flexibility as to the term of the payment.

As has been the case for administering the truth-in-sentencing grant program and other DOJ programs, the agency will presumably need to issue guidelines. I am confident that the U.S. Department of Justice can implement the law in a manner consistent with congressional intent that is both workable and fair.

Unable to defeat Aimee's Law in the court of public opinion or in Congress, some critics are girding for a constitutional challenge. Again, I would implore them not to spend their time on an effort, that if successful, would be welcomed by the child molester community. In any event, a careful review of Supreme Court decisions suggest that a challenge would be futile.

Some critics contend that Aimee's Law could run afoul of the spending clause because it coerces states, is not unambiguous and could induce the states to take action that is unconstitutional. The suggestion has also been raised that there could be a violation of the ex post facto clause.

In upholding the spending power of Congress in South Dakota v. Dole, the Supreme Court did, indeed, place limits on this power: (1) the requirement must be related to the purpose of the funding; (2) the condition can pressure but not coerce; (3) the condition cannot induce unconstitutional behavior; and (4) the condition must be unambiguous. A careful review exonerates Aimee's Law of all raised constitutional issues.

Aimee's Law is clearly related to the source of funding, dollars to fight crime. No one even contests this point.

While Aimee's Law certainly provides encouragement to states to increase sentences and improve post-incarceration policies, it does not rise to the level of coercion. Some opponents of the measure suggest that Aimee's Law does not create a large enough penalty to encourage states to take this action, since roughly seven out of eight repeat offenses occur in the same state as the first offense. I do believe that the transfer mechanism will result in increased public safety efforts on the part of the states, but the bill does so in a fair and reasonable manner.

Aimee's Law does not pressure states to adopt unconditional means to protect public safety, only reasonable ones. There are several constitutional steps states can take to reduce their potential liability under Aimee's Law. The law will provide a powerful incentive for states to better communicate with each other concerning each other's convicts. It should also provide increased incentive for the states to amend the Interstate Compact to give states the right to reject dangerous out-of-state offenders. States can also do a better job of monitoring their own released prisoners. They may also civilly commit certain offenders. I have never suggested nor would I condone a state that took action that exceeded constitutional boundaries.

Finally, Aimee's Law unambiguously imposes a condition on Federal money that passes constitutional muster. The language only affects federal money not yet distributed. The expectations are clear: A state will lose future federal crime dollars if it fails to protect other states from certain released criminals. The mechanism Aimee's Law uses may be novel. But, it is not constitutionally prohibited. The leading Supreme Court case on this matter, *Pennhurst State School and Hospital* v. *Halderman,* 451 U.S. 1 (1981) states: ''[L]egislation enacted pursuant to the spending power is much in the nature of a contract: in return for federal funds, the States agree to comply with federally imposed conditions. The legitimacy of Congress' power to legislate under the spending power thus rests on whether the State voluntarily and knowingly accepts the terms of the 'contract.'" Again, Aimee's Law only involves federal crime funds not yet distributed.

Ex post facto concerns are similarly misplaced, since the clause applies to laws criminalizing behavior after that behavior has already taken place. The Supreme Court recently ruled in *Johnson* v. *United States,* 120 S. Ct. 1795 (2000) that for a law to have problems with this clause it must apply to conduct completed before its enactment and raise the penalty from whatever the law provided when he acted. Aimee's Law will have no effect on any particular criminal sentence already meted out. Aimee's Law does create an incentive for states to properly monitor those out of prison still under its jurisdiction. The bill should also spur states to develop laws similar to Stephanie's Law that provide for the post-incarceration civil confinement of certain dangerous sexual predators. Additionally, Aimee's Law should encourage states to increase penalties for crimes not yet committed, which is proper, constitutional, and necessary given the outrageously low sentences currently served by the average murderer, rapist, and child molester.

In conclusion, Aimee's Law will make America safer. While the safe harbor provision—added at the insistence of the states—has added complexity to the legislation, Aimee's Law is still a workable, constitutional effort to protect innocent citizens from a completely preventable type of interstate crime. The safe harbor was added as a way to offer relief to states with an above average criminal sanctioning system. If their is concern about its applicability, it could easily be removed. But perhaps we should watch this law in action before we begin tinkering with it. And for those who would seek to undermine, weaken, or repeal it, be warned that victims from around the country, the National Fraternal Order of Police, and the supermajorities in the House and Senate who support the bill stand ready to expose and block any effort to undo the benefits of Aimee's Law.

ENVIRONMENTAL COMPLIANCE

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WALDEN of Oregon. Mr. Speaker, I would like to share with my colleagues some information about a new approach being explored to transition environmental compliance from what is widely perceived as an adversarial process to a cooperative, results-oriented effort between companies and state regulators.

So far, fourteen states have formed a Multi-State Working Group (MSWG), whose focus is to develop regulatory incentives that get companies to take a more proactive, systematic approach in managing their environmental impacts.

Oregon was one of the first states to implement an incentive-based environmental regulation program, which is uniquely tied to its permitting process. Through its Green Permits Program, Oregon Department of Environmental Quality will be awarding one of its first incentive based permits to a Louisiana Pacific (LP) building products plant in Hines, Oregon.

A key component of the Green Permits program is the adoption of an environmental management system that has enabled LP's facility in Hines to go the extra mile in exceeding the operating standards set by the state of Oregon. The Hines' plant has kept their air emissions to only 10 percent of the total annual levels allowed by its Oregon Department of Environmental Quality air permit and proactively works with a Community Advisory Council in addressing community concerns. In addition, more than $90,000 is generated each year through the plant's planer shavings recycling effort. These improvements have led to better cooperation with Oregon Department of Environmental Quality and the U.S. Environmental Protection Agency.

The Green Permits Program has several benefits including addressing a wider range of potential environmental impacts on a regular basis and increasing communication and involvement between environmental agencies, communities and companies. Also, companies can improve credibility with stakeholders in addition to potential cost saving and operational improvements.

MIT AND CALTECH JOIN FORCES TO LAUNCH ELECTION TECHNOLOGY INITIATIVE

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DELAHUNT. Mr. Speaker, as the dust settles over the presidential election of 2000, I hope we will treat our recent experience as an opportunity to adopt long overdue reforms in the way we run our Federal elections. I hope we will enlist our best minds in the effort to develop better systems and procedures that will restore public confidence in the accuracy and integrity of the electoral process.

In this regard, I want to call to the attention of my colleagues an initiative launched just yesterday by the Massachusetts Institute of Technology and Caltech, to develop a new voting machine that will be easy to use, reliable, secure and affordable.

With an initial grant from the Carnegie Corporation, the venture will bring together a team of leading experts in technology, design, and political science to develop technological solutions to the problems that have occurred not only in Florida but throughout the country.

This is a very promising development, Mr. Speaker, and I hope we will do all we can to foster such private sector initiatives. But we must also be sure that State and local election officials have the wherewithal to take advantage of new technologies. That is why when the 107th Congress convenes in January, I will join with Congressman Graham and a number of our colleagues in introducing bipartisan legislation to ensure the accuracy, integrity, and efficiency of future Federal elections.

The ''Federal Election Standards Act'' would establish a National Advisory Commission on Federal Election Standards to study the accuracy, integrity, and efficiency of Federal election procedures and develop standards of best practice for the conduct of Federal elections. The commission would have one year to complete its work.

Once the commission has issued its report, the bill would authorize Federal grants and technical assistance to States that wish to adopt measures for reform of their election procedures in a manner consistent with the standards.

The Act would not mandate changes in State practices, nor would it federalize election procedures. Rather, it would encourage State election officials to upgrade and modernize their election systems by establishing benchmarks for the conduct of Federal elections and providing the States with the resources needed to meet them.

Mr. Speaker, I hope that the next congress will take prompt action on this legislation, so that the most advanced nation on earth will have an electoral system that is up to the task.

[MIT News Office]

MIT, CALTECH JOIN FORCES TO DEVELOP RELIABLE, UNIFORM US VOTING MACHINE

(By Sarah H. Wright)

CAMBRIDGE, MA, DEC. 14.—The presidents of MIT and Caltech have announced a collaborative project to develop an easy-to-use, reliable, affordable and secure United States voting machine that will prevent a recurrence of the problems that threatened the 2000 presidential election. The announcement was made in a joint video news conferences at MIT and Caltech on Thursday. ''It is embarrassing to America when technology fails and puts democracy to such a test as it did this month,'' said Caltech President David Baltimore, who opened the hour-long live teleconference in Pasadena, California. ''Academic institutions have a responsibility to help repair the voting process so that we don't see anything like this again. This project is intended to protect the system from the problems we've seen in the last election,'' Dr. Baltimore said.

MIT President Charles M. Vest, speaking from Cambridge, echoed Dr. Baltimore's concern for the security and credibility of the voting process. ''We must find a solution. Each of us must be confident that his or her vote has been reliably recorded and counted. A country that has put a man on the moon and an ATM machine on every corner has no excuse,'' said Dr. Vest. ''America needs a uniform balloting procedure. This has become painfully obvious in the current national election, but the issue is deeper and broader than one series of events,'' said Vest and Baltimore in a Dec. 12 letter to President Vartan Gregorian of Carnegie Corporation of New York.

Gregorian said, ''I want to congratulate the two presidents of our nation's most distinguished universities for their leadership in this welcome and timely initiative on behalf of our election system. Voting is the fundamental safeguard of our democracy and we have the technological power to ensure that every person's vote does count. MIT and Caltech have assembled a team of America's top technology and political science scholars to deal with an issue no voter wants ignored. This research is certain to ensure that America's voting process is strengthened-'' Gregorian said he will recommend the Carnegie Corporation board fund the $250,000 initial phase of the research.

The grant will used by a team of two professors from each university who are experts in technology, design and political science. The four members of the team are Massachusetts Institute of Technology Professors Stephen Ansolabehere of political science and Nicholas Negroponte, chairman of the MIT Media Lab; and Caltech Professors Thomas Palfrey of political science and economics and Jehoshua Bruck of computation and neural systems and electrical engineering.

LESSEN CONFUSION

Professor Ansolabehere, speaking at the teleconference, said, ''We are going to consider voting technologies from the paper ballots of the nineteenth century to the latest. First, we'll look, literally, at what people do in the voting booth. There, our goal is to lower voter confusion. ''Second, we'll look at how votes are counted, comparing the precinct level to a central counting agency. We will look at the strengths and weaknesses of voting technologies, find the greatest weakness and work from there. Our goal is to find the most reliable among existing technologies.'' The first phase of the joint project—surveying existing technologies and setting up criteria—would be complete in about six months, Professor Ansolabehere added.

Professor Palfrey of Caltech noted there were ''issues that didn't hit the press in Florida but that are critical, including comparing the cost of existing technologies to the cost of standardization and modernization, which could run into several billions of dollars. ''But compare that one-time cost to the $300 billion annual defense budget. It's a small price to pay for modernizing democracy,'' he said. Professor Palfrey also noted other issues for the MIT-Caltech team to explore, such as the impact of the current system of election administration, which is ''highly decentralized and fragmented,'' and the role of absentee voting, with its implied concerns of security, liability, privacy, maintenance and software development.

FEEDBACK

Professor Negroponte, chairman of the MIT Media Lab, spoke to his bi-coastal colleagues and the media about the actual interface between people and any voting machine. ''Whatever is invented will include some interface with machines, whether we vote by computer, paper or in a voting booth. The Media Lab intends to make that interface as easy as possible,'' he said.

Professor Negroponte outlined the goals of the joint project from the perspective of design and feedback by comparing the act of voting with the act of pushing a button to summon an elevator. ''Right now, there's no feedback at all in voting. You push the button. Nothing happens. It's like when you push the elevator button and nothing happens: you don't know if the elevator is broken or the light is broken. It would be good to have some degree of feedback in voting. For example, you might get some feedback saying, 'you voted for x,'''he noted.

ATM THE MODEL

The MIT-Caltech faculty team took a generally lighthearted view of the alleged challenges to the public of mastering new voting technology, despite months of. media attention to voter confusion over the various forms of ballots and punch-card machines that didn't punch. ''Beware of the assumption that newer technology is more complicated. The trend is the opposite,'' said Dr. Vest. ''Most people have been able to figure out ATMS. That's our model,'' remarked Dr. Baltimore.

Vest and Baltimore said the new technology ''should minimize the possibility of confusion about how to vote, and offer clear verification of what vote is to be recorded. It should decrease to near zero the probability of miscounting votes... The voting technology should be tamper-resistant and should minimize the prospect of manipulation and fraud.'' The two university presidents proposed that their institutions give the project high priority for two major reasons:

''First, the technologies in wide use today are unacceptably unreliable. This manifests itself in at least three forms: undercounts (failure to correctly record a choice of candidate), overcounts (voting for two candidates), and missed ballots (machine failure or feeding error). Punch cards and optically scanned ballots are two of the most widely used technologies, and both suffer unacceptably high error rates in all three categories. For example, in the recent Florida election, optical scanning technology had an undercount rate of approximately 3 out of 1,000, and the punch card undercount rate was approximately 15 out of 1,000. Including the other two sources of errors, the overall ballot failure rate with machine counting was about three times this.

''Second, some of the most common types of machinery date from the late nineteenth century and have become obsolete. Most notably, many models of lever machines are no longer manufactured, and although spare parts are difficult to obtain, they are still widely used (accounting for roughly 15 percent of all ballots cast).

REPLACING LEVER MACHINES

''States and municipalities using lever machines will have to replace them in the near future, and the two most common alternatives are punch cards and optical scanning devices. Ironically, many localities in Massachusetts have recently opted for lever machines over punch card ballots because of

problems with punch cards registering preferences.''

Asked to comment on the project as scientists, both university presidents noted the convergence of history and technology as being especially promising for the development of a new voting machine. ''This is a project we could have tackled any time, but the truly bizarre circumstances of the recent presidential election put it on the front burner. We are also at a technological point where a solution is highly likely,'' said Dr. Vest. ''There are times when events overtake us. This is a good time and a necessary time to be doing this,'' said Dr. Baltimore.

The Massachusetts Institute of Technology and the California Institute of Technology have a relationship dating back to 1920 when MIT scientists' helped shape the chemistry and physics departments of the new California Institute of Technology. Dr. Baltimore, a 1975 Nobel laureate, served on the MIT faculty from 1968-90 and 1994-1997, when he was appointed president of Caltech.

THE INTRODUCTION OF THE COMMISSION ON ELECTIONS PROCEDURES ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HOLT. Mr. Speaker, even at the dawn of the twenty-first century, there are many states and localities that conduct their elections in ways that are outdated, slow, unreliable, inaccurate, and inaccessible to many.

One need not look further than the turmoil surrounding the 2000 Presidential election to see the disparities of our electoral process. For instance, while some counties in Florida have modern voting machines that leave little room for error, others use dated punch-card ballots, that can lead to the now-famous hanging and dimpled chads.

That is why I rise to introduce the ''Commission on Elections Procedures Act,'' which establishes a bipartisan commission to study the Federal, State, and local electoral process and to make recommendations on the implementation of standardized voting procedures.

The long national nightmare of the 2000 Presidential vote counting has taught us, Republicans and Democrats alike, that we need to improve the instruments of voting and the means of electing our office holders. Even the Supreme Court Justices spoke of the need for uniform voting procedures.

Let me be clear: unlike some legislation that has been introduced in this regard, this is not a federal mandate of election standards. This bill simply calls for a study to determine if standardization is necessary and to recommend what changes can be made to improve our electoral process.

I understand that a rural state like North Dakota has voting problems that are different than those faced by a more urban state like New Jersey. Urban and rural areas have unique difficulties with voting. My legislation recognizes these differences and will work to find a common solution. While all areas could face problems of the cost of transition to a new system, I am confident that money can be found to assist the states in this area.

By establishing a commission to study the issue and to review the unique circumstances of each state, we have a chance to find a solution that will work for everyone.

I urge my colleagues to join me in supporting this important bill.

RECOGNIZING INTERNATIONAL DAY OF THE VOLUNTEER

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. PELOSI. Mr. Speaker, on December 5th, I spoke to volunteers and staff at the Peace Corps headquarters here in Washington, D.C. to mark the International Day of the Volunteer. In 1985, the United Nations General Assembly declared December 5th as ''International Volunteer Day'' to honor the accomplishments of volunteers and volunteer organizations. It is a day to recognize volunteers, promote the concept of volunteerism, and provide an opportunity for volunteer organizations to come together for joint planning, service, and other activities.

Today I'd like to salute the 161,000 Americans who have served as volunteers in the Peace Corps since 1961. For 40 years, Peace Corps Volunteers have worked in over 130 countries to answer President John F. Kennedy's call to service: ''Ask not what your country can do for you, ask what you can do for your country, and to the citizens of the world, ask not what America can do for you, but what we can do working together for the freedom of mankind.'' Volunteers have answered his call and helped pave the way for progress for countless individuals who want to build a better life for themselves, their children, and their communities.

This year, Peace Corps Volunteers, Trainees, and Peace Corps staff members will be participating in activities with other local and international volunteer organizations in their countries to mark this day, which takes on special significance this year as the launch for the United Nations International Year of Volunteers 2001—a world-wide celebration to recognize, support, and promote volunteering. In Lesotho, a Peace Corps volunteer will speak at a ceremony attended by members of the government. In Tanzania, there will be a special swearing-in ceremony of new volunteers. In Moldova, volunteers will raise funds for children's charities. In Washington, Peace Corps staff from headquarters will volunteer at Food and Friends to help deliver meals and groceries to families of people living with HIV/AIDS.

In honor of the International Year of Volunteers 2001, other international volunteer sending organizations such as Australian Volunteers International, Canada World Youth, United Nations Volunteers, and the United Kingdom's Voluntary Services Overseas are joining with the Peace Corps to make a commitment to expand their HIV/AIDS education efforts throughout the world.

Throughout the world, and particularly Africa, HIV/AIDS is having a devastating effect on people of all ages by threatening the future of development and well being of their communities. This year the Peace Corps launched a special initiative to retrain all 2,400 volunteers serving in Africa to become HIV/AIDS prevention educators. In a sign of solidarity and support, the leaders of Australian Volunteers International, Canada World Youth, United Nations Volunteers and the United Kingdom's Voluntary Services Overseas have joined with the Peace Corps in committing the best and most effective strategies to meet the enormous challenge of halting the spread of HIV/AIDS.

Today, I commend the Peace Corps and other volunteer organizations for being committed to spreading the concept of volunteerism. In honor of International Volunteer Day and the International Year of Volunteers 2001, it is my privilege to salute the important work of the Peace Corps and volunteers throughout the world.

FUNDRAISING SOLICITATIONS BY NONPROFIT ORGANIZATIONS

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. EHRLICH. Mr. Speaker, I wish today to announce the introduction of legislation that will help clarify the law regarding fund-raising solicitations by nonprofit organizations. I also want to recognize the efforts of my colleagues, House Government Reform Chairman DAN BURTON and House Postal Service Subcommittee Chairman JOHN MCHUGH, for their leadership on postal service issues.

Mr. Speaker, as you may know, Congress recognized the many important and worthwhile activities of nonprofits by establishing a nonprofit mail rate for charities, churches, educational, advocacy, and other nonprofit organizations. These are enumerated in the Postal Reorganization Act of 1970. One of Congress' objectives was to make it more affordable for nonprofits to solicit donations to fund their activities.

For a mail piece to be eligible for the lower nonprofit rate, Congress prescribed two requirements: first, the organization or mailer must be qualified to mail at the nonprofit rate; and second, the qualified organization must own the mail piece.

Over the last several years, the United States Postal Service, which has made great strides under Postmasters Runyon and Henderson, has increasingly applied the statutory standard of ''ownership'' in a way that may have a chilling effect on the use of nonprofit mail rates to solicit donations for charity, education, and advocacy.

The purpose of the bill I am introducing today is to clarify ambiguities existing in both law and Postal Service regulations with respect to fundraising. The bill clarifies the law so the Postal Service should not read the statutory ''ownership'' test so literally as to disqualify solicitation mail sent by otherwise eligible nonprofit organizations that negotiate a risk-sharing agreement with respect to their solicitation mail.

In my view, it is imperative that otherwise qualified nonprofit organizations be able to solicit donations at the lowest possible cost. When nonprofits conduct activities that further the purposes enumerated in the statute, for example to provide ''safety net'' social services, it eases the burden on government and taxpayers.

During a time in which Congress is attempting to allow taxpayers to keep more of their

hard earned money, it would be advantageous for nonprofits to solicit individuals and families, who thanks to tax relief and their own individual initiative may have an extra few dollars to send to their favorite charity. Likewise, this Republican-led Congress is asking nonprofits to provide services the government has traditionally been ineffective or inefficient in providing.

Given this purpose, it would then be irrational for Congress to limit use of the nonprofit mail rate only to fundraising campaigns that raise donations sufficient to pay all solicitation costs. Otherwise qualified nonprofit organizations need to be able to negotiate the best deal they can for the professional fund-raising services the organization needs—whether it is creative, copyrighting, list analysis, mail piece introduction, or data entry.

It is important to point out the bill I am introducing is not a back door to allow unauthorized parties to mail at the nonprofit rate. Current law restricts an otherwise qualified organization from utilizing the nonprofit rate to sell goods or services. There are restrictions whether the item offered for sale is related to the organization's purpose or unrelated. Soliciting a donation, however, is different from promoting the sale of a product or service.

Furthermore, Congress has instituted reforms limiting a nonprofit's use of the special mail rate to sell products and services. The bill I am introducing today does not affect the reforms Alaska Senator TED STEVENS set in motion in the mid-1980s in this regard.

The bill also recognizes the subsequent reform Congress enacted to require sales promoted at the nonprofit rate to be ''substantially related'' to the purpose for which the nonprofit qualified for the nonprofit rate.

More importantly, this bill does not limit the Postal Service's authority to enforce any other section of the federal postal statutes. Accordingly, the Postal Service retains all of its tools to discover and prosecute fraud—a mission that I strongly support.

The problem addressed by this bill is the Postal Service's present interpretation of the statutory ''ownership'' standard, which is causing litigation and inconsistent application in solicitation cases.

I am aware of the ongoing discussions within the Postal Service and with nonprofit organizations to resolve this issue. I remain hopeful the Postal Service can correct this issue without Congressional intervention. Hopefully, this bill will encourage all parties to continue their constructive dialogue and, perhaps, prevent further unnecessary litigation.

INTRODUCTION OF H.R. 5655 TO DESIGNATE THE LANAI POST OFFICE, THE GORO HOKAMA POST OFFICE

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mrs. MINK of Hawaii. Mr. Speaker, on December 13, 2000, I introduced H.R. 5655, to designate the Post Office on Lanai as the Goro Hokama Post Office.

Mr. Hokama has dedicated his life to the communities of Lanai and Maui and to the State of Hawaii. Mr. Hokama's leadership abilities and sense of public duty were apparent even in high school, where he was Student Body President. After serving two years in the Army, he returned to Lanai, and in 1954 he began his public service career which continues till this day. He worked for the Dole Pineapple Company from 1946 to 1991 and was a Member of the ILWU. He was elected by his union to serve on the International Executive Board, Division Executive Board and as a division representative steward, and served on the Membership Service Committee as well as actively participating on many negotiating teams.

Mr. Hokama has been involved in nearly every aspect of community life, everything from political offices to volunteering at Little League games. He served a total of 41 years on the Maui County Council and its predecessor, the Maui Board of Supervisors. He was Chairman of the Maui County Council for 16 years. He served as Chairman or Vice-Chairman of the Committee on the Whole, Finance Committee, Legislative Committee, Planning and Land Use Committee, and Federal, State and County Relations Committee.

He was a member of the Hawaii State Association of Counties (HSAC), serving as President 11 times and Vice President 4 times. In 1999 he was appointed to the State Public Employees Appeals Board.

Mr. Hokama was a Board Member of the Western Interstate Region from 1985 to 1994.

Mr. Hokama has been President of the Lanai School PTA, a Lanai Volunteer Fireman, Past Chairman of the Lanai Advisory to the Planning Commission, and was a past President of the Lanai Little League. In 1987, he won the Hawaii State Little League Baseball Outstanding Volunteer Award.

Mr. Hokama is currently the Chairman of the Maui County Hospital Management Advisory Committee and since 1998 has been Vice Chairman of the Maui Civil Service Commission. He also remains on the Board of Directors of the Maui Economic Opportunities, Inc., the Board of Trustees on both the Lanai Community Hospital and Maui Memorial Hospital, and has been President of the HAPCO. Lanai Federal Credit Union for over 30 years.

Goro Hokama has given himself, his time, and his life to our community and to our State. He is married and has two children, Riki and Joy. The naming of the Lanai Post Office as the Goro Hokama Post Office would be a way to honor and pay tribute to a great public servant.

HONORING WILLY AND THEKLA (STEIN) NORDWIND OF KALAMAZOO, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. UPTON. Mr. Speaker, I want to bring to the attention of the House of Representatives a very momentous event which occurred on September 25, 2000 and involved two constituents of mine: Willy and Thekla (Stein) Nordwind of Kalamazoo, Michigan.

After more than five decades of denials, avoidance and legal maneuvering, Germany—for the first time—returned to the rightful heirs, a major work of art previously confiscated by the Third Reich. On September 25, the Lovis Corinth painting, Walchensee, Johannisnacht (The Walchensee on Saint John's Eve) was returned to the heirs of Gustav and Clara Stein Kirstein in a ceremony which took place in the shadow of the Brandenburg Gate in Berlin. Thekla (Stein) Nordwind, niece of the Kirstein's, is the representative of the rightful heirs to whom the art was returned. Both Thekla (Stein) Nordwind and her husband, Willy Nordwind, were in Berlin for the ceremony.

As a result of this event, Ronald S. Lauder, Chairman of the World Jewish Congress' Commission for Art Recovery, stated, ''After one year of negotiations, we hope this first step will correct some past injustices and that all works of art belonging to families of Holocaust victims will be returned. We will never forget the millions of lives that were broken or lost. We honor that memory by contributing to closing one of the darkest chapters in 20th-century cultural history.''

Thekla (Stein) Nordwind said she accepted the painting, ''Not only on behalf of the heirs of her aunt and uncle, but on behalf of so many others who want and need some acknowledgement and recognition of the devastation suffered by their families. Although no one can restore what was truly lost to so many families, the return of this painting is a symbol of the wish of the German Government to atone for the sins of the past.''

I commend Willy and Thelka (Stein) Nordwind for their pursuit of justice and their perseverance, and I wish them all the best in the future.

HONORING THE JESUIT HIGH SCHOOL CRUSADERS

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. WU. Mr. Speaker, today I pay tribute to three great football teams in my district that have taken their respective state titles in the Oregon 2A, 3A and 4A divisions. I am pleased to represent the athletes, their families and their schools as they make the 2000 high school football season one that we will never forget.

Mr. Speaker, the Jesuit High School Crusaders, located in the heart of my district in Beaverton, were able to pull out a 38–28 win over North Medford High School. Led by Coach Ken Potter, the Crusaders captured their third Division 4A state title. The win came on the backs of Jesuit running back K.J. Jackson who rushed for 159 yards and two touchdowns, quarterback Mike McGrain, defenseman Mike Hass who had a 52 yard interception return and kicker John Dailey.

The Scappoose High School Indians, earned their first Division 3A-state title with an unbeaten season and a 28–14 win over Pleasant Hill. With a sensational defense and a star performance by senior quarter Derek Anderson, Scappoose dominated the division and the championship game. Coach Scan McNabb should be extremely proud of his team's achievement and I am sure that this title will be followed by more in the years to come.

Finally Mr. Speaker, the Amity Warriors, won their third straight division 2A-state title

with a 49–15 win over Regis High School. This is the only time an Oregon public school has managed to win three straight state championships. The Warriors amassed an amazing 583 yards of total offense and held Regis to 67 rushing yards. I want to extend my warm congratulations to Coach Jeff Flood for another successful year.

The players, their families, their coaches, and their communities have all contributed to this fabulous football season. It is an honor and privilege to represent such talented athletes and I with them continued success in academics, sports, and their future lives.

TRIBUTE TO DR. ROBERT C. PROPHATER

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BARCIA. Mr. Speaker, I rise today to urge my colleagues to join me in honoring the life and work of Dr. Robert C. Prophater following his half-century service to his fellow man, as a physician, a leader and as a father. During his fifty year career, Dr. Prophater worked to improve the health and well-being of his community both as a doctor and as Vice President of Corporate Medical Affairs for Bay Health Systems in his home town of Bay City, Michigan.

For more than five decades, Dr. Prophater has applied his healing hands to the medical needs of those under his care. His dedication and devotion to the precepts of the Hippocratic oath serve as a model for younger physicians and those considering entering this honorable profession. Indeed, one has to look no farther than Dr. Prophater's family to find an example of his influence in drawing others to the medical profession. His son, Dr. Robert C. Prophater Jr., has followed in his footsteps and is also practicing medicine and saving lives.

During his long and venerable career, Dr. Prophater has taken seriously his duty to share his vast knowledge and experience with his colleagues as an active member of numerous medical boards and medical associations throughout the state of Michigan and the entire Midwest. Of all of these honors, perhaps closest to his heart was his tenure on the Board of Directors of the Bay Medical Center in his home town of Bay City, including a four year term as Board President.

While Dr. Prophater above all deserves our praise for his dedication to medicine, he has also made a tremendously positive impact on Bay City, where he has lived and worked since moving from Ohio in 1958. His civic involvement epitomizes the spirit of public service to which all citizens should aspire, but few ever achieve. During his time serving Bay City, Dr. Prophater volunteered his talents and intellect to the Bay Area Chamber of Commerce, the local advisory board for a professional football league, to the board of a local college and a host of other activities. In the classic American civic tradition, he also served his community in the political arena, including a stint as President of the Bay City Commission. His accolades are many, including the Michigan State Medical Society Community Service Award and induction into the Saginaw Valley Chapter of Commerce Hall of Fame in 1989.

Mr. Speaker, I earnestly hope my colleagues will join me today in publicly honoring Dr. Robert C. Prophater with the official gratitude of the United States House of Representatives for a lifetime of contributions to the health and welfare of his community, his state and his family.

CONTINUING HEALTH CARE ACTIVITIES OF THE GOVERNMENT REFORM COMMITTEE

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. BURTON of Indiana. Mr. Speaker, as we close out the 106th Congress, the Government Reform Committee, which I am proud to serve as Chairman, is continuing several health care oversight activities.

Last year we began a review of this nation's vaccine immunization program. While childhood immunizations have been lauded as one of the greatest advances in public health of the twentieth century, we have learned that there is a paucity of research evaluating the long term safety of these vaccines, particularly as they are currently given to babies, six shots in one day. We also have learned that the epidemic rise in pervasive developmental delays including autism may be unrecognized adverse effect of vaccines. Research conducted in England discovered that autistic children, who also suffer with chronic diarrhea and bowel disorders, have the measles virus in their bowel. We also learned that many of these vaccines are made with the preservative thimerosal. Thimerosal is a derivative of mercury, which is a known neurotoxin. We learned that mercury toxicity has very similar symptoms to autism. Many children who are treated for mercury toxicity show an improvement in the autistic symptoms.

I have asked the Department of Health and Human Services to recall vaccines that contain thimerosal since most of the vaccines on the childhood immunization schedule are now available without thimerosal. However, thus far, they are satisfied with allowing companies to continue to sell these vaccines and putting 8,000 children in the United States at risk for mercury toxicity. As part of this investigation we looked at the advisory committees at the Centers for Disease Control and at the Food and Drug Administration and found that many of the individuals appointed as advisory council members had significant financial ties to the pharmaceutical companies that manufacture the vaccines under consideration. The report of our findings is on the Committee website.

As part of our vaccine investigation, we looked at the Defense Department's Anthrax Vaccine Immunization Program. We found that this well-intentioned program had many problems and I have supported legislation that would halt the program. The existing anthrax vaccine manufactured by Bioport Inc. in Lansing, Michigan was licensed in 1970 to protect against cutaneous exposure to the anthrax. It was not originally licensed to protect against inhalation anthrax. While the label states that less than one percent of individuals who receive the vaccine will suffer an adverse events, each of the prospective studies that have been done have shown that in excess of twenty percent of those who receive the vaccine suffer an adverse event. Many of these events have proven difficult to treat and are very similar to those seen in Gulf War Syndrome. An investigation conducted by the General Accounting Office indicates that the mandatory AVIP program has resulted in a significant morale and retention problem.

There are some that think that because I have dared to initiate an oversight investigation into vaccines, that I am anti-vaccine. Nothing could be further from the truth. I believe that safe and effective vaccines should be made available to everyone with full declaration of the benefits and the risks involved. I also believe that we need to do more research to determine who will be at risk for adverse events and that just because a vaccine is licensed does not mean it needs to be added to the children's immunization schedule to be mandated at the state level. We saw with the rotashield vaccine investigation that the move to put this vaccine on the schedule took place before the vaccine was even licensed. There is concern we have gone too far in our desire to protect the public at large from infectious diseases by mandating every vaccine that is licensed instead of only those that are truly significant health concerns in this country. There is a tremendous difference between the consequences of polio and those of chicken pox.

Also during the 106th Congress, we have conducted an investigation into the role of complementary and alternative medicine in our health care system. Americans are increasingly turning to therapies such as acupuncture, massage therapy, chiropractics, naturopathy, touch and energy therapies, herbal medicine, traditional healing systems such as Ayurveda, Tibetan Medicine, Traditional Chinese Medicine, Native American medicine, mind-body techniques, aromatherapy, nutrition, and music therapy to improve their health. We have conducted numerous hearings looking at ways to improve cancer care through the integration of complementary and alternative medicine in oncology.

I was pleased to introduced H.R. 3677 the Thomas Navarro FDA Patients Rights act this past spring. Four year old Thomas, who was shown to the world by Ambassador Alan Keyes during the Republican debates, was diagnosed with medulloblastoma, was denied access to a non-toxic cancer treatment by the FDA because he had not first gone through and failed chemotherapy and radiation. After his initial surgery, Thomas' parents, Jim and Donna Navarro, looked at the benefits and risks of these two treatments and found that the success rates had been overestimated and that the risks were too much to ask of them without first trying something less risky. We learned that of the three chemotherapy drugs which are routinely recommended to treat this cancer, two of them clearly state on their label that they have not been proven to be safe and effective in the pediatric population. In other words, the drug had not gone through the rigors of an FDA approval process for treating medulloblastoma or for use in children. I am very concerned that the FDA will force cancer patients into treatments they as an agency have not evaluated while denying them access to a clinical trial that the FDA is monitoring. I was pleased that many of my

colleagues joined me in support of this legislation. This issue points to something that we are lacking in this country—medical freedom. In the United States, a country based on freedom, we are not guaranteed the freedom to make our own health care choices. Americans are tired of this and I will continue working to change this.

We also looked at the role of improving care at the end of life. We learned that 38,000 World War II veterans die each month. Many of them die alone and in pain. Our veterans deserve better from us and I will continue to work to improve this.

We learned that the hospice approach to care, which many of us know from personal family experience has great benefit, that has been underutilized. We also learned that many complementary therapies such as music therapy, touch therapy, aromatherapy, massage, whole life review, and acupuncture offer a great benefit to the terminally ill. The importance of the hospice team approach was stressed as well. That is a team of patient, and care givers, doctor, nurse, chaplain, home health aid, social worker, and the tireless hospice volunteer working to offer care to the terminally ill and their family. Comfort rather than curative care is offered and oftentimes when spiritual, relationship, and personal healing can take place.

We will continue working on these issues as well as working with the White House Commission on Complementary and Alternative Medicine Policy and improving our health care system with the integration of complementary and alternative therapies.

IN MEMORY OF DR. CONRADT

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, I rise to pay tribute to an outstanding citizen of the Fourth District of Texas, the late Dr. L.W. ''Bob'' Conradt of Terrell, who died on November 8. Dr. Conradt was an active and beloved member of his community—and he will be dearly missed.

Dr. Bob Conradt served Terrell as an excellent doctor. After closing his office where he practiced medicine for 26 years, he joined Blue Cross-Blue Shield as a Vice-President and medical director and served in that capacity until he retired in 1986. His community endeavors included membership in the Kaufman County Medical Society and the Texas Medical Association, as well as serving as President of the Terrell Independent School District School Board from 1963 to 1970. He also was a member of the Executive Committee of the Texas Association of School Boards, and active member of the Episcopal Church of the Good Shepherd, and a Scout Master for the Terrell Boy Scouts. As evidenced in all of these commitments, Dr. Conradt gave his time and energy to helping make Terrell a better place in which to live.

Dr. Bob Conradt was born in Lometa, Texas on March 9, 1921, to the late Albert Herman and Lennie Mae Cornelius Conradt. He attended Tarleton State University, the University of Texas, Baylor College of Medicine and graduated in the very first class of the University of Texas Southwestern School of Medicine in 1944. He served in the U.S. Army while attending medical school, and upon graduation he was stationed at Fort Bliss in El Paso, Texas as the General Medical Officer. In 1947, his military service was completed and Dr. Conradt moved his family back to Terrell, where he began his medical practice.

Throughout his distinguished career as a doctor in Terrell, Dr. Conradt received many recognitions, including Terrell Rotary Citizen of the Year in 1965, President of the Society of Life Insurance Medical Directors in 1985, and Advisory Trustee to the Episcopal Church and the Diocese of Dallas from 1962 to 1967.

He is preceded in death by his wife, Montie K. Conradt and his daughter, Montie Cathleen Conradt. He is survived by his son, Bill Conradt; a daughter, Patricia Conradt; grandsons, Tracy and Rob Morgan; son-in-law, Joe Morgan; and many other family members and friends.

Mr. Speaker, Bob was one of a kind—and we will miss him. As we adjourn today, let us do so in memory of Dr. L.W. ''Bob'' Conradt.

TRIBUTE TO CONGRESSMAN CANADY

HON. ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ADERHOLT. Mr. Speaker, today I would like to pay tribute to man who has not only been an outstanding Member of the U.S. House of Representatives, but also a good friend and a help to me during my time in Congress. CHARLES CANADY, first elected in 1992, has been a leader on Judiciary issues, and a shining example of a citizen legislator who kept his word, and now returns to his home state of Florida to pursue other endeavors.

There are two issues on which I have especially appreciated Congressman CANADY'S legal knowledge and leadership. The first is the issue of partial-birth abortion. Congressman CANADY has been an eloquent and persistent voice on behalf of the most innocent and defenseless in our society. Although the outcome of his diligent efforts may not yet be what we would have hoped, his vigilance will be the foundation on which we will one day build the law that will outlaw this barbaric procedure.

The other issue is Congressman CANADY'S effort to protect religious liberty in America. Responding to the constant attacks on the free exercise of religion, Congressman CANADY has led the fight to restore the Constitutional protections for religious expression that our Founders intended, and to ensure that people of faith need not live as second class citizens in a nation that was founded on the principle that religion was an integral part of societal life.

For these reasons, and for many more, I thank Congressman CANADY for his service in Congress, and for his friendship. I wish him Godspeed in his pursuits upon his return home to Florida.

COMMEMORATING THE ARDENNES AMERICAN CEMETERY AND MEMORIAL

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KIND. Mr. Speaker, on December 4, 2000, 1 and my good friend from California, Representative SAM FARR, had the honor and privilege of visiting the Ardennes American Cemetery and Memorial, near the village of Neupre in Belgium. The visit was an extremely moving experience, and I am grateful to have had the opportunity not only to view the beautifully maintained cemetery and memorial, but to lay a wreath in honor of the Americans who gave their lives in protection of their nation and the liberation of Europe.

The Ardennes American Cemetery is one of 14 permanent American World War 11 military cemeteries constructed on foreign soil by the American Battle Monuments Commission. It lies among the battlefields of the Ardennes plateau, across which American and Allied forces courageously fought their way first to the German frontier, then to the Rhine River, and eventually into the very heart of Nazi Germany. On December 16, 1944, a major German counteroffensive stalled the Allied advancement across the Ardennes. The ''Battle of the Bulge,'' as the Ardennes-Alsace Campaign has come to be known, proved to be a furious struggle in bitter cold and harsh conditions, and in the first days of 1945, all attacks ground to a halt. On February 2, 1945, the First U.S. Army struck out to the Roer River. Six days later, the Canadian First Army advanced to the southeast, followed by a converging attack in the northeast by the Ninth U.S. Army. In the following weeks, the Allies found success and continued their march eastward toward the Rhine River. By the end of March, Allied armies, including French forces, advanced into Germany across a broad front.

Allied forces liberated the site of the Ardennes American Cemetery in September 1944, and a temporary cemetery was established on February 8, 1945. After the war, the remains of American military personnel buried in temporary cemeteries were moved to the new permanent foreign cemeteries upon the request of next of kin. Many of those interred at the Ardennes American Cemetery died during the Battle of the Bulge and the subsequent offenses and counter-offenses in the region.

The beauty and grandeur of the cemetery and memorial at Ardennes quietly convey the courage and sacrifice of the Americans who lost their lives on foreign soil while fighting for the highest principles on which their nation was established. The grounds and visitor center are wonderfully maintained by a diligent and knowledgeable staff. In particular, I would like to thank the Cemetery Superintendent, Hans Hooker, and his wife Virginia, for the wonderful treatment our delegation received on our visit. I would also like to recognize Vincent Joris for his valuable contribution in the upkeep of cemetery.

One of the more interesting and heartwarming aspects of the Ardennes cemetery is the support and commitment shown to it by the people of Belgium. In fact, 85 percent of the soidiers' graves at Ardennes are ''sponsored'' by a Belgian family, who watch over

the site, ensure that it is in a good state of repair, and even place flowers or other memorials at the grave on special occasions. All Americans should be very grateful for this outpouring of fellowship and allegiance by the people of Belgium.

Representative FARR and I were honored to be the first members of Congress to visit the Ardennes Cemetery and Memorial in its 55 year history. As we laid a wreath for those who perished during World War 11, and gazed upon the crisp rows of white crosses, I was struck by a sense of awe, pride and humility. Over 5,000 men are buried at Ardennes, more than 100 of which hailed from my home state of Wisconsin. Men from almost every state are buried there, as well soldiers from 11 countries. The unity of effort to defeat Nazism and fascism is reflected in the solemnity of the individual grave markers creating the greater unit of a single, expansive cross.

I encourage all Americans to take advantage of the enriching experience of visiting U.S. battle memorials and cemeteries when traveling overseas. Such excursions give individuals and families an opportunity to reunite with their past—to find and touch the graves of friends and loved ones lost in the great battles of the 20th Century, or simply to study a chapter of American history in surroundings that inspire both pride and reflection. In fact, in Fiscal Year 1999, over 10 million visitors were hosted by the American Battle Monument Commission, at 24 permanent cemeteries and 27 memorials located in 15 countries around the globe.

I also commend the Commission and their staff worldwide for their dedication to the preservation of American graves, American history, and American principles. As the battles of the World Wars begin to fade into history, it is important that we, as a nation, recognize and reflect on our past involvements across the oceans. These experiences shaped the course of our Nation's greatness in the years since, and neither those events, nor the men and women who perished in their making, should ever be forgotten.

HONORING THE ACHIEVEMENTS OF DR. ROBERT ALEXANDER UPON HIS RETIREMENT FROM THE UNIVERSITY OF SOUTH CAROLINA AT AIKEN

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GRAHAM. Mr. Speaker, it is a great honor to recognize the impressive achievements of Dr. Robert Alexander. On June 30, 2000, Dr. Alexander retired from his position as Chancellor of the University of South Carolina at Aiken. He has been a leader in the Aiken community and his retirement leaves a great void in South Carolina Higher Education.

Dr. Alexander was born in the small coastal town of Kinston, North Carolina. A product of the public school system, Dr. Alexander earned a Bachelor of Arts in Political Science from Duke University, and later a Masters of Divinity.

In addition, Dr. Alexander received management certification from the University of South Carolina and the Harvard Business School.

Before earning his Doctorate in Higher Education in 1977 from the University of South Carolina, he held a number of administrative posts in student services. Following receipt of his doctorate he became an Associate Professor in the College of Education and later served as an Associate Vice President of the University of South Carolina system.

In 1983, Dr. Alexander, his wife Leslie, and their son Robert moved to Aiken.

From the beginning, Dr. Alexander used his management expertise and experience to magnify the University of South Carolina at Aiken's (USC-Aiken) already vital role in South Carolina. He worked tirelessly with leaders from business, government, and the education communities to forge new avenues of cooperation that benefited USC-Aiken and the people it serves.

Under Dr. Alexander's leadership, USC-Aiken, once a small branch of the University of South Carolina, is now thriving. Enrollment has doubled, and student/faculty ratios are among the lowest within South Carolina's state assisted four year public institutions. Undergraduate degree programs have tripled, and several graduate programs have become a part of the university.

USC-Aiken has seen dramatic improvements in its infrastructure during Dr. Alexander's tenure. Among them are the expansion of the Gregg-Graniteville Library and the Etherredge Center for Fine Arts in 1986, and the Ruth Patrick Science Education Center and the School of Nursing Building in 1999; construction of a state-of-the-art Sciences Building in 1989; the Children's Center and the Ruth Patrick Science Education Center in 1991; the Business Education Building in 1994; the DuPont Planetarium in 1995; the natatorium in 1997; relocation of the historic Pickens-Salley House to the USC-Aiken Campus; and acquisition of Pacer Downs student apartments.

Due in large part to his efforts, the endowment of USC-Aiken is now more than $11 million with 13 endowed faculty chairs. This endowment allows USC-Aiken to offer programs and services not usually found at state-assisted institutions of similar size.

He worked diligently with the US Department of Commerce and the BellSouth Foundation to create the Rural Alliance for Teaching Enhancement. This Alliance significantly enhances the educational opportunities of students in rural public schools in a 10 county area by providing technological support.

Recently USC-Aiken received significant awards from the National Endowment for Humanities, the John Olin Foundation, and the National Science Foundation. These awards will contribute to the operations of the Ruth Patrick Science Education Center and the Economic Enterprise Institute.

Perhaps the most significant legacy of Dr. Alexander is the enhanced regional, state, and national reputation USC-Aiken has developed during his tenure. In 1999, U.S. News and World Report recognized USC-Aiken as one of the top three regional public liberal arts colleges in the Southeast. In their 2000 rankings, USC-Aiken is ranked second. The Southern Association of Colleges and Schools, the National League of Nursing, and the National Council for Accreditation of Teacher Education also recognize the many quality educational programs offered at USC-Aiken.

Dr. Alexander's commitment to the community does not end with the university. He is an honorary member of the USC-Aiken Alumni Association. He also is an active member in the Aiken Rotary Club where he served as a member of the Rotary International District Scholarship Committee and on its board of directors. He also served on the Executive Committee of Security Federal Bank, the Executive Committee for the Economic Development Partnership of Aiken and Edgefield Counties, as a member of the board of trustees for Aiken Regional Medical Centers, on the vestry of St. Thaddeus Episcopal Church, and continues his work with the Diocese of Upper South Carolina's youth programs.

He once served as Chairman of the Savannah River Regional Diversification Initiative created by the US Department of Energy. He served on the board of directors for the Greater Aiken Chamber of Commerce where he was president in 1987, the United Way of Aiken County, and the Business Technology Center. Dr. Alexander held positions on the advisory board of Citizens and Southern National Bank of South Carolina, and the Aiken County Commission on the Future. He is also a past trustee of Hopeland Gardens and a chairman of the Peach Belt Athletic Conference.

He served as the Chairman of the South Carolina Council of State College and University Presidents as well as their representative on the Business Advisory Council of the South Carolina Commission on Higher Education, on the executive committee of South Carolina 2000 where he spearheaded the development of the South Carolina University Research Consortium, as a member of the Commission of the Future of South Carolina, South Carolina Council of Economic Education, Vice President of the Strom Thurmond Foundation, Board of Visitors for the Kanuga Conference Center in Hendersonville, North Carolina. Nationally, Dr. Alexander was appointed to the National Advisory Committee of Student Financial Assistance in 1991 and served as the committee chair from 1995–1997, past chair of the Modernization Task Force of the American Association of State Colleges and Universities, past member of board of director for the Institute for Continuing Education for the National University Continuing Education Association, and past member and institutional representative for the Association for Higher Continuing Education.

Through all of his hard work and determination to make a difference, Dr. Alexander has collected many deserving awards and honors.

In 1999, he received the Earl Kaufftman Award from the USC-Aiken Academy for Lifelong Learning for his commitment to providing educational opportunities for senior citizens. The Student Personnel Association at the University of South Carolina awarded him the Distinguished Alumnus of the Year in 1996. In 1990, the University of South Carolina Black Faculty and Professional Staff Association honored him with an honorable mention award for Affirmative Action. The South Carolina Association of Higher Continuing Education presented him with the Outstanding President's Award in 1987. In 1985, Dr. Alexander was selected as Man of the Year by the Greater Aiken Chamber of Commerce.

He reached the pinnacle of service to the State of South Carolina in May of this year when he was bestowed the Order of the Palmetto, the highest designation the governor awards to an individual.

Dr. Alexander's retirement as Chancellor of USC-Aiken closes a successful chapter in the school's history. He developed the university and its students in every way by surpassing his required duties in all areas. His years of service leave an indelible mark on the institution. Dr. Alexander's accomplishments will benefit countless others in the future, and his legacy will be solidified by the successes of future generations. A leader in the higher education field and a dedicated community citizen, Dr. Alexander will be sorely missed as Chancellor of USC-Aiken.

TRIBUTE TO MAJOR MICHAEL L. MURPHY

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MCINTYRE. Mr. Speaker, today I pay tribute to Major Michael L. Murphy of the United States Marine Corps for his distinguished service and courageous leadership on behalf of the citizens of this great nation.

Major Murphy gave his life in the line of duty on the evening of December 11, 2000. By risking his life to ensure the safety of others, he made the ultimate sacrifice that any citizen of this nation can make. He left behind not only a loving family, but also a community and a country who will forever be grateful for his heroism.

As an aviator in the Marine Corps, Major Murphy had dedicated his career to defending the values this nation holds dear. With over 16 years of experience in the military, he had received the Meritorious Service Medal and the Navy and Marine Corps Achievement Medal with a gold star for his integrity and courage.

Major Murphy's valiant actions and his outstanding service to this nation serve to remind us of the gratitude we all feel toward this brave individual, along with all other servicemen and women who have lost their lives serving as guardians of this great country.

President John F. Kennedy once said, ''For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?''

Major Michael L. Murphy would truthfully have been able to answer each of these questions in the affirmative. He was indeed a man of courage, judgment, integrity, and dedication. May the memory of this brave individual live on in our hearts, and may God's strength and peace always be with his family and friends.

IN RECOGNITION OF MAJOR EDWARD J. MARTY

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, today I honor and pay tribute to a great American, Major Edward J. Marty of Tyler, TX, to whom I had the privilege recently to present the Purple Heart Medal which he earned more than twenty years ago.

Major Edward Marty proudly and courageously served in the U.S. Army for 20 years, 8 months and 16 days. On January 1, 1969, 1st Lieutenant Edward Marty was wounded by a land mine while leading his platoon of the 1st Calvary Division through the marshlands and rice paddies of Vietnam. Due to fractures in his legs and arms and a traumatic eye injury, Lt. Marty was transferred to multiple hospitals and was never presented the Purple Heart Medal, as is traditional. After many months in hospitals, and exactly two years after he was wounded, Lt. Marty was sent back to Vietnam as an advisor to Vietnamese Rangers, but through some unfortunate oversight, he still never received the much-deserved Purple Heart while on active duty in the Army, or any time shortly following his retirement.

It was not until this year that Major Marty finally received his award, and I was honored to make the presentation on November 10, during a Veterans' Day program at John Tyler High School in Tyler, TX, where Major Marty serves as Smith County Assistant District Attorney. It was a moving moment for Major Marty—and myself—and I believe the ceremony had a special impact on students at John Tyler who know about the Vietnam conflict only through textbooks or personal testimony. Certainly, most of the students had never met a distinguished Purple Heart recipient.

As we all know, the Purple Heart is an honor launched by George Washington to recognize those who gave above and beyond the call of duty and who wear the scar of battle. Major Edward Marty is among this elite group of Purple Heart recipients who risked their lives and suffered injuries for the cause of freedom. So it is with great admiration that I recognize Major Marty today, and as we prepare to adjourn the 106th session of Congress, I ask my colleagues to join me in paying tribute to this true American hero—Major Edward Marty.

THE RESPONSIBLE MONITORING ACT OF 2000

HON. CHRIS CANNON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CANNON. Mr. Speaker, I rise today to introduce the ''Responsible Monitoring Act of 2000.'' This bill is intended to make the Internet a better, safer place by encouraging voluntary efforts to detect and stop illegal activities. This legislation would provide real incentives for responsible monitoring by ''E-commerce'' businesses that host consumer-to-consumer transactions on their web sites. Allowing e-companies to monitor their sites and remove illegal goods and services offered for sale by others, is the right approach for a better Internet. Unfortunately, current law actually discourages E-commerce companies from even looking for illegal activity on their sites. Under current law ignorance is bliss, and those companies most active in protecting their users are most at risk. This situation must be changed.

I realize that this bill will not be acted upon in the 106th Congress prior to adjournment, but I believe it is crucial to put the issue before the House now to get members thinking about a solution. As long as e-companies remain under the threat of litigation they will be reluctant to self monitor. I will reintroduce similar legislation in the 107th Congress and request hearings. I am aware, however, that content providers, privacy advocates, and others have concerns about this issue. I would like to invite all concerned parties to work with us in the next Congress to find a workable solution that addresses all concerns and encourages voluntary, responsible monitoring on the Internet.

A TRIBUTE TO TONY RUDY, A GOOD FRIEND AND A TRUE BELIEVER

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DELAY. Mr. Speaker, I rise today to pay tribute to a friend and colleague who, after eight years of service to the House of Representatives, is moving on. Every member of this House knows how important it is to have good staff. These are the people who run this institution from day to day. They are the people who do the grunt work, draft the bills, work long nights—all in service of the American people. And we, as Members of Congress, place our trust and careers in their capable hands every day.

I am very lucky. I have always been blessed with great staff. But every once in a while a truly special person comes along and inspires and energizes an office. I was lucky enough to have one of the best, one of the most committed, one of the brightest staffers on Capitol Hill working for me for the past five and half years. His name is Tony Rudy.

Tony came to work for me in 1995, just as I was beginning my time as Majority Whip in the House of Representatives. Being the Whip is hard work, and a lot of that work falls on my staff. These staffers devote a large part of their lives to making sure we get our work done, pass legislation and make the House of Representatives a livable place for Members of Congress.

And Tony is one of the best. He has held virtually every position in my office as he worked his way up the ladder. He started out as a Press Secretary and moved on to Policy Director and finally Deputy Chief of Staff. And he was superb in each of these positions.

As my Press secretary, Tony's hallmark was his ability to form real friendships with the Washington press corps. The people covering politics and Capitol Hill know that they can call Tony anytime and they can always trust what

he has to say. Tony's authenticity and ability to form relationships has been instrumental to his success.

Next, I put Tony's commitment to the conservative cause to good use by making him my Policy Director. One of the things that I have always admired about Tony is his real commitment to the conservative agenda. He is not in Washington, DC for power or personal gain. He is here because he believes in what he is doing and because of his desire to make America a better place. And his commitment was on display every day as he moved through my office like a whirlwind, pressing staffers to do more, to work harder. He is personally responsible for the passage of much good legislation, but more importantly he was on the lookout for bad legislation.

More than a few bad bills found an early grave because of Tony's vigilance. Finally, Tony served as my Deputy Chief of Staff. In that capacity he became a not just great staffer, but a great friend. He was my gatekeeper and my watch-guard. In many ways, too numerous to list here, he made my life in Washington, DC tolerable.

Now, Tony has decided to move on to greener pastures. For five and half years, Tony was always on call. He worked countless late nights and weekends. Now, he has a beautiful new son and is time for him to step back and spend some time with his family.

Tony's departure is a personal loss for me, but I know that it is the right thing for him to do. I wish him the best in his new career and I wish him and his family all the joy and happiness in the world. After all of Tony's hard work for me and the American people, they truly deserve it.

TRIBUTE TO WILFRID A. GRANQUIST, JR. IN HONOR OF HIS 80TH BIRTHDAY

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a very special husband, father, and grandfather, Mr. Wilfrid A. ''Jay'' Granquist, Jr. who celebrated his 80th birthday on November 22, 2000.

Born to Wilfrid A. Granquist, Sr. and Leona Ellis Granquist on November 22, 1920, young Jay became, by necessity, independent at an early age. Using his own resources, he survived and thrived during his adolescent years. Mr. Granquist served his country in defense of freedom in World War II and fought valiantly in the infantry during the Battle of the Bulge. Upon completing his service to our country, he became a metallurgical engineer of quality control with Westinghouse, which later merged with Bendix Corporation in Kansas City. He retired as a senior metallurgical engineer in 1981 after 21 years of service to the company.

Mr. Granquist met and fell in love with Margaret Lang while roller skating in 1939. During their first encounter, he cut his finger and asked his future bride to kiss it and make it better for him. On September 21, 1940 they were married and celebrated 60 years of matrimony this past September. Jay and Margaret have 3 children—Marilyn Leona Watson, John Lang Granquist, and Joyce G. Holland who will commemorate their father's 80th birthday on November 24 along with his 13 grandchildren and 8 great grandchildren.

One remarkable milestone that should be noted is Jay's 3 half siblings who he was recently reunited with—2 sisters and I brother. His half brother, James, celebrated his 50th birthday in 1999 and his wife, Rhonda, took it upon herself to invite Jay and Margaret to join them. This was most touching and heartwarming for all of the siblings.

Mr. Granquist has spent much of his retirement years volunteering for organizations such as Seton Center, St. Joseph Hospital, and the Red Bridge Lions Club. He has served as a lay minister in his parish, St. Thomas Moore, and is president of his homes association, Klatte Meyer Estates. His volunteer work at St. Joseph Hospital includes driving the Jitney to transport patients and visitors from the parking lot to the hospital. His friendly manner is appreciated, and it is noteworthy that Jay has never met a stranger. Other volunteers who appreciate his myriad skills fondly refer to Mr. Granquist as a ''Jack of All Trades.'' His efforts at Seton Center include collecting and transporting food and bakery items to the Center for distribution to the needy. As part of the ''Share of the Harvest'' program for the Missouri Department of Conservation, Mr. Granquist transports fowl and venison for use by the Center. He is an avid woodworker, building food shelves and other essential construction needs at the Center. He revels in restoring airplanes and is a member of Save a Connie. Mr. Granquist is an advocate for neighborhood concerns and active in local political campaigns in Kansas City. In his spare time he enjoys square dancing with Margaret, refinishing fine furniture, and creating special gifts for family and friends. His generosity is umatched, and his selfless dedication to the greater good continues to motivate him to help his fellow man.

Mr. Speaker, on behalf of Mr. Wilfrid A. Granquist, Jr., his wife Margaret; his children, Marilyn, John, and Joyce, his grandchildren and great grandchildren, please join me in saluting the life of this remarkable gentleman and in wishing him a happy 80th birthday.

Thank you.

IN MEMORY OF JOHNNY CACE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HALL of Texas. Mr. Speaker, today I speak memory of a legendary East Texan, Johnny Cace of Longview, TX, who died recently at the age of 83. Johnny Cace was a household name in East Texas. His restaurant that bears his name is part of the culture of Longview, and Johnny was known as one of Longview's leading ambassadors of good will.

Johnny was devoted to his family, his community, and his church—and he was a friend to so many from all walks of life. Born Jan. 8, 1917, in New Orleans, he grew up working with his father at their oyster camp between school years, where he learned to harvest oysters and catch fish and cook. After graduating from Buras High School in 1933 as salutatorian of his class, he attended Louisiana State University and then moved with his family to Shreveport to open an oyster and seafood market. Johnny volunteered for the U.S. Air Force during World War II and served four years as mess sergeant of officers' mess at Moore Field in McAllen.

Following the War, Johnny married Valerie Savony, now deceased, and moved to Longview in 1949, opening Johnny Cace's Seafood & Steak House. The restaurant moved to its present location in 1964 and expanded several times to its current seating capacity of 450. It is a popular location for various civic luncheons and special events in Longview, and its reputation for excellence has attracted patrons from all over the State of Texas.

Johnny was active and involved in the restaurant until his recent hospitalization. He served as president of the Texas Restaurant Association in 1967 and received the distinguished service award that year. He also served on TRA's State Advisory Council and was a longtime member of the board of directors of the East Texas Chapter of TRA and the state board of TRA. He was chosen as Texas Restaurant Association Man of the Year in 1967, was selected as Outstanding Restaurateur in 1961 by the East Texas Restaurant Association and as Outstanding Restaurateur in the State in 1970. In 1985, Johnny was selected as a member of the Texas Restaurant Association Hall of Honor, the highest honor one can receive in TRA.

Johnny's accomplishments in Longview were just as noteworthy. He was a lifetime member of the Longview Chamber of Commerce, having served as president and two terms on the board of directors. He was a founding member of Junior Achievement of East Texas. He served as district chairman of the Sustaining Membership Drive of Boy Scouts of the East Texas area. He was a past vice president of Longview Civitan Club. He served on the board of directors of Longview Bank & Trust Co., the Good Shepherd Hospital Foundation Board and the Operations Committee of St. Anthony's Catholic Church. As a member of the Longview Council of Knights of Columbus, Johnny was a Past Grand Knight of the Third Degree and Past Faithful Navigator of the Fourth Degree.

Johnny's other honors include the Boy Scouts of America Silver Beaver Award for Distinguished Service to Boyhood; the Headliner Award from the Professional Journalists; Man of the Year award by the Longview Federated Club; the East Texas Heritage Award from the Festival in the Pines; and in 1999, the Longview Partnership Chairman's Award. Johnny was an active member of St. Mary's Catholic Church, the Elks Club, Pinecrest Country Club and the Delta Fishing Club.

He is survived by his wife, Margaret Gregory Cace of Longview; son John III and daughter-in-law Linda of San Antonio; son Gerard and daughter-in-law Cathy of Longview; and son Danny and daughter-in-law Sarah of Tyler; seven grandchildren; a sister, Rose Cace Sanders of Shreveport; and numerous nieces, nephews and cousins.

Johnny Cace genuinely liked people and always had a smile and a kind word to say to those he met. He was a friend to so many from all walks of life—and he was liked by all who knew him. He was truly one of Longview's most influential ''goodwill ambassadors,'' and he leaves a legacy of goodwill that will be remembered for many years to come. He also leaves a powerful family legacy

in his sons, who are carrying on the family restaurant business and will help keep the Cace legend alive. Gerard operates the Longview establishment; Danny operates the restaurant in Tyler, and John operates the restaurant in San Antonio.

Mr. Speaker, it is an honor for me to pay my last respects in the CONGRESSIONAL RECORD to an outstanding American and an exemplary individual who was beloved by his family, friends, and the citizens of Longview, and who will be truly missed—Johnny Cace.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE JULIAN C. DIXON, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 8, 2000

Mr. BERMAN. Mr. Speaker, on Wednesday I had the unwelcome honor of participating in the funeral service for our beloved late colleague, JULIAN DIXON. I submit the remarks I made therein the RECORD.

It is said that grief and mourning are in reality selfish emotions, because we are really overcome by what we have lost. I'm feeling pretty selfish right now because I've lost my closest friend in public office.

It's a sunny morning in November, 1972 as I board the flight to Sacramento to attend freshman orientation for the newly elected members of the State Assembly. As fate would have it, my seatmate is Julian Dixon, whom I've never met before, also newly elected. It is the start of a deep and enduring friendship, an ''odd couple'' relationship between the slightly self-righteous Jewish guy from the San Fernando Valley—who cut his political teeth in the left of center reform wing of our party and the more moderate and wise African-American party regular from Central Los Angeles mentored by the late Speaker Jess Unruh and then State Senator Mervyn Dymally.

Together we went through a traumatic Speakership fight, Assembly leadership positions pioneering and often successful legislative initiatives, a wild and crazy Jerry Brown governorship and developed a relationship where we could share the most intimate of details and in subsequent years wonderful social occasions with our wives, Bettye and Janis.

Thomas Jefferson once wrote ''on matters of style, swim with the current; on matters of principle, stand like a rock.'' He describes our friend.

Julian Dixon had the uncanny ability to stake out his position, detach himself from that position, step into the other person's shoes, subordinate his own ego and shrewdly calculate how to address his advisory's concerns in order to attain his original objective. If it meant taking less credit than he deserved, so be it. He surely holds the record for fewest press conferences by a Member of Congress.

But no one who knew him could mistake his calm demeanor, his thoughtful approach and his remarkable efforts at bipartisanship for a lack of passion or commitment to a progressive pro-civil rights, activist agenda.

One of the remarkable scenes on the House floor was watching this serene and sedate man rise to levels of eloquence and controlled anger at a demagogic attack or a rhetorical cheapshot. The hush that would envelope the chamber when Julian's voice rose was palpable. Be it an effort to override the decision of D.C. voters or its City Council through an amendment to his D.C. appropriations bill or an attack on the all too frequent disaster relief appropriations for Los Angeles, when the voting began Members you could never imagine would flock to his position, deferring to his judgment and moved by his passion.

But this was the unusual occasion. While I've chosen not to even attempt to enumerate them, most of his myriad legislative accomplishments were achieved behind the scenes, with little fanfare.

In the Spring, 1999, Justices Thomas and Souter appeared before his subcommittee to testify for the Supreme Court's budget request. The nearly complete absence of minorities and the under-representation of women as law clerks to the Supreme Court justices deeply disturbed Julian. In typical fashion, Julian did not seek to rectify the situation by crafting an amendment (which would never have passed), nor did he hold a high profile press conference. He did not hurl insults. Rather, with appropriate deference and a deft and direct explanation of just why this was so intolerable, he made his case and thanked them for listening. The Justices expressed their appreciation for the way he chose to deliver his message and lo and behold, in the next term the increase in minority and female clerks was dramatic, if not yet adequate—classic Julian Dixon.

As the Cold War ended, Julian left the foreign assistance subcommittee (where he had fought for foreign aid generally and aid to Israel specifically) and joined the defense appropriations subcommittee. As California slid into recession and unemployment in his own district rose, he worked with Jerry Lewis to fight for California jobs and defense conversion projects. He persuaded his colleagues and the Pentagon to fund joint school district—National Guard mathematics and technology—enrichment programs in high schools throughout Los Angeles. What good is it, he said, to have high tech weapons and inadequate training for the kids who will be using them. He was particularly proud of his success in initiating and funding residential programs for ''at risk'' youth from the inner city. He went where the money was, and produced for the people about whom he cared so much.

This week's Congressional Quarterly headlined its article on Julian's passing—''Remembered for Selflessness, Taking on Thankless Tasks.'' He chaired the Ethics Committee for six years and has been the ranking Democrat on the highly sensitive House Intelligence Committee, where he grappled on a bipartisan basis with our country's critical national security issues. Little publicity, less glory and no fund-raising potential. Add to the ''thankless tasks'' his many years chairing the District of Columbia appropriations subcommittee, where he fought for the city in which he was born and raised, particularly because its residents to this day are denied equal political representation.

Now this latter position did carry some clout. In the mid-1980s, I accompanied Julian to an anti-apartheid demonstration in front of the South African embassy, a sure ticket to jail. When we were booked I remarked the jail looked rather spiffy. Julian indicated that indeed it did, that before the daily demonstrations started he had suggested to key D.C. officials that they might want to give it a new paint job to impress the many Congressmen who would be passing through.

Julian's loyalty to and love for the House was apparent to anyone who knew him. When Minority Leader Dick Gephardt asked me to take a slot on the Ethics Committee, Julian told me I had no choice—it was my obligation to the institution in which I had the honor to serve.

Julian's friends in L.A.—he loved them dearly and they loved him in return. When he first ran for Congress in 1978, he started as a distinct underdog, representing much less of the district than one of his opponents, much less well-known than the other. (Julian had mastered the art of remaining relatively unknown to the general public)—or so I thought until today. His friends came through for him like gangbusters. They set new records for fund-raising within the African-American community, providing the resources and the volunteers to send him to a substantial victory. He never forgot them.

I never met an elected official who was so attentive to people who could do nothing for him politically. He always had time to share a word with the Rayburn subway driver, the elevator operator, the committee secretary. There was always enough time to help the former staffer. He was not one to look over your shoulder to see if someone else in the room had more money, more power, more influence.

One of the true joys of my life in Washington were my frequent dinners with Julian. We glided from House business to local politics to our families effortlessly. From those dinners, Bettye, I know how much you meant to him, how strong you were, how proud he was of your tremendous success in business.

Julian was filled with good advice—but he was not infallible. One evening he indicated that he had begged Johnnie Cochran not to take the O.J. case, there was no way he could win and it would destroy his career.

Julian was a throwback to a different political era, where discourse was civil, where adversaries at work could have a drink together in the evening, where not every interaction was defined by whom was benefitted in the next election.

Perhaps, just perhaps, Julian Dixon's career and life can be instructive to us as we embark on a new Congress with a new President. I think the American people want what Julian offered—true to his beliefs and still able to see the other side, solving problems and working to make our community and country a better place—and even having a little fun while we're doing it. Dr. King once said ''If a man is called to be a streetsweeper, he should sweep the streets even as Michelangelo painted or Beethoven composed music or Shakespeare composed poetry. He should sweep streets so well that the hosts of heaven and earth will pause to say, 'here lived a great streetsweeper who did his job well.'''

Julian—you were a great Congressman, and you did your job well. We'll miss you more than you could have imagined.

H.R. 4868

HON. BILL ARCHER

OF TEXAS

HON. PHILIP M. CRANE

OF ILLINOIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. ARCHER. Mr. Speaker, on behalf of myself, and my colleagues, Mr. CRANE and Mr. RANGEL, we would like to submit the following statement for the RECORD.

It has come to our attention that a clerical error occurred during the preparation of the final version of H.R. 4868, the Tariff Suspension and Trade Act of 2000. H.R. 4868 was enacted as Public Law 106–476 in November of this year.

The error occurred in Section 1425 of the bill. Section 1425 was intended to exempt certain entries of roller chain from additional dumping duties assessed by Commerce more than 2 years after importation. Unfortunately, as passed, a phrase was inadvertently omitted from Section 1425. We therefore wish to clarify for the record Congressional intent.

Section 1425 was intended to direct the U.S. Customs Service to liquidate certain entries of roller chain ''as the rate of duty in effect at the time of entry.'' This phrase, ''at the rate of duty in effect at the time of entry,'' was contained in the original draft of Section 1425. That language was omitted in the final version of the bill due to a clerical error.

In passing this provision, we believed that there would be no benefit to the government to collect these supplemental duties because the particular dumping case on these products has been ''sunset,'' or terminated by the government, for any future imports. It was our intent that the entries at issue in Section 1425 be reliquidated by Customs at the rates of duty in effect at the time of entry.

IN HONOR OF THE LATE JUDGE JOSEPH N. FALBO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MENENDEZ. Mr. Speaker, today I honor Judge Joseph N. Falbo, who passed away on October 27, 2000. Mayor Brian Stack and the Union City Board of Commissioners will hold a memorial service today to honor Judge Falbo and his distinguished career.

Judge Joseph N. Falbo was born and raised in Union City. After graduating from John Marshall Law School, he served in the Army Airforce during World War II. In the 1960s, Judge Falbo served as municipal and county prosecutor, and was appointed to serve as municipal judge in 1969 by Mayor William V. Musto.

At 83 years of age, Judge Falbo was one of the oldest judges in the State of New Jersey. While state judges are required to retire at the age of 70, there is no age restriction for municipal judges.

Judge Falbo served with great honor and integrity. Throughout his career, he continually demonstrated the deepest commitment to the laws of the United States and to the residents of Union City. He was a deeply compassionate man, who understood the differences and challenges faced by the people he served.

Today, I ask my colleagues to join me in honoring the life and career of Judge Joseph N. Falbo. This is a great loss for the community, and he will be deeply missed.

THE FARRI FAMILY

HON. VAN HILLEARY

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. HILLEARY. Mr. Speaker, over three years ago I proudly announced the birth of Richard Vincent Farri, born to my good friend, U.S. Capitol Police Officer Vincent Farri and his wife, Christina. I am especially pleased to announce the birth of their second child, Paul Christopher Farri, on November 13, 2000, at 11:54 AM. Paul Christopher weighed 7 pounds, 15 ounces.

As Vincent, Christina and their toddler, Richard, adjust to the new addition to the family, I want wish them the best. Paul Christopher is a lucky young man. Not only does he have a terrific mother and father raising him, but he has a big brother who will be his lifetime friend.

Sgt. Farri is a valued friend. It gives me pleasure to submit these remarks into the CONGRESSIONAL RECORD recognizing the Farri family.

IMPOSING AMERICA'S VOTING SYSTEM

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I, along with my fellow colleagues, Representatives STEVE ROTHMAN, PATRICK KENNEDY and HEATHER WILSON, are pleased to introduce meaningful, bipartisan legislation to reform the administration of our nation's elections. The Election Reform Act will ensure that our nation's electoral prices is brought up to twenty-first century standards.

The Election Reform Act will establish an Election Administration Commission to study federal, state local voting procedures and election administration and provide grants to update voting systems. The legislation combines the Federal Election Commission's Election Clearinghouse and the Department of Defenses' Office of Voting Assistance, which facilitates voting by American civilians and servicemen overseas, into the Election Administration Commission, creating one permanent commission charged with electoral administration.

The Commission will be comprised of four individuals appointed by the President, with the advice and consent of the Senate. The Commission will conduct an ongoing study and make recommendations on the ''best practices'' relating to voting technology, ballot design and polling place accessibility. Under this legislation, the Commission will recommend ways to improve voter registration, verification of registration, and the maintenance and accuracy of voter rolls.

It is vital that we establish this Commission as a permanent body. Many issues and concerns surrounding elections necessitate a continual review of ever-changing technologies. A permanent Commission will be best suited to facilitate the sharing of information about new, cost-effective technologies that can improve the way we administer elections in America.

COMMITTEE STAFF TRIBUTE

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MCCOLLUM. Mr. Speaker, on December 7, 2000, I gave remarks reflecting on my years of service on the Judiciary, Banking and Intelligence Committees. Specifically, I paid tribute to the many committee staff members who worked tirelessly and made outstanding contributions during my years of service.

In those remarks, I failed to mention a few of those staff members, and wanted to submit a comprehensive list of those who I had the pleasure of working with in Congress. Without their efforts the work I accomplished would not have been possible. The public owes them many thanks.

COMMITTEE STAFF TRIBUTE: (1981–2000)

Doyle Bartlett, Chris Barton, Anita Bedelis, Yosef Bodansky, Mark Brinton, Aerin Dunkle Bryant, Dan Bryant, Audray Clement, Veronica Eligan, Rick Filkins, Carmel Fisk, John Heasley, Charlene Vanlier Heydinger, Gerry Lynam, Paul McNulty, Nicole Nason, Tom Newcomb, Jim Rybicki, Glenn Schmitt, Kara Norris Smith, Carl Thorsen.

HONORING DOMINIC D. DiFRANCESCO FOR FIVE DECADES OF SERVICE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. GEKAS. Mr. Speaker, I rise today to honor Dominic D. DiFrancesco for five decades of service to the United States of America. Dominic served his country as a Korean War veteran and was the past National Commander of the American Legion. He also served as Pennsylvania's National Executive Committeeman.

On the national level of the American Legion, Dominic served as chairman of the Membership and Post Activities Committee and the Legislative Committee. He was also a member of the Public Relations Commission, The National Security Council and the Resolutions Sub-committee. Dominic has been an active participant in veteran affairs in the 17th Congressional District where he has been a strong advocate for the improvement of services to veterans.

Dominic also served as a special representative to Saudi Arabia prior to Desert Storm to gather information about the needs and concerns of U.S. soldiers.

Dominic has recently been honored in my district by having the Dauphin County veterans building named in his honor. The Dominic D. DiFrancesco Veterans Memorial Office Building stands as a testimony of the service of Dominic and the many veterans like him who have given so much to their country.

Dominic, thank you for your service to this great land of ours and to the 17th Congressional District, I know the entire United States House of Representatives joins me in honoring your many accomplishments.

INTRODUCTION OF H.R. 5668, SWEETEST ACT—SACCHARIN WARNING ELIMINATION VIA ENVIRONMENTAL TESTING EMPLOYING SCIENCE AND TECHNOLOGY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. KNOLLENBERG. Mr. Speaker, today I submit legislation that would eliminate needless bureaucratic regulations in the labeling of the sweetener saccharin. I've called it the ''SWEETEST Act'' which stands for Saccharin Warning Elimination via Environmental Testing Employing Science and Technology.

Saccharin was first discovered in 1879 and it has been safely employed as a no-calorie sweetener for over one hundred years now. Concerns over saccharin's safety were first raised twenty years ago after a flawed study that administered huge quantities of the artificial sweetener to laboratory rats produced bladder tumors in rats. New and better scientific research has decisively shown that the earlier rat studies are not at all applicable to humans.

Earlier this year, the National Toxicology Program (NTP) removed saccharin from its 9th Report on Carcinogens. In doing so NTP joined numerous other world health agencies in recognizing the safety of saccharin.

NTP's action negated the need for the current warning label mandated by the Saccharin Study and Labeling Act of 1977 (SSLA) on all products containing saccharin. The Food and Drug Administration recognized that the mandated warning label is inappropriate and agreed to support its repeal.

This legislation removes Section 403, paragraph (o) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 343) and Section 4, paragraph (c) of the Saccharin Study and Labeling Act (P.L. 95–203). Those requirements formed the basis for the unnecessary warning statements found on common packets of sweeteners used every day in thousands of households and restaurants across the nation.

Given saccharin's favorable synergistic properties in combination with other sweeteners and its low cost, many food, beverage, and health care manufacturers are very interested in developing new products utilizing this sweetener.

UKRAINE AT THE DAWN OF THE 21ST CENTURY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. LEVIN. Mr. Speaker, today, as we conclude the work of the 106th Congress, it is appropriate that we mark an important milestone in Ukraine: This afternoon, at 1:16 local time, the Chernobyl nuclear power plant was shut down for good.

On April 26, 1986, Reactor Number Four at the Soviet-designed Chernobyl nuclear facility exploded, releasing more than 100 tons of lethally radioactive material into the environment. The human cost of this disaster is staggering. It is unlikely we will ever know how many deaths can be directly attributed to Chernobyl, but surely the loss of life is measured in the thousands. Hundreds of thousands more were subjected to radiation poisoning.

Nearly 15 years later, the consequences of the world's worst nuclear accident continue to plague Eastern Europe. Ukraine has been especially impacted. Vast tracks of once prime farm land remain dangerously contaminated. Thyroid cancer among children living near Chernobyl has risen to levels 80 times higher than normal. The concrete and steel sarcophagus that encases the ruined Reactor Number Four is leaky and in need of repair. In addition, the loss of Chernobyl's generating capacity exacerbates an already difficult energy shortage in Ukraine, which depends heavily on energy imports, especially during its harsh winters.

It is fitting that the first year of the new century should see the closure of this apparatus from a dangerous past. At the same time, we must be mindful that Chernobyl's legacy remains a heavy burden for the people of Ukraine which does not end with the shutdown of this facility today. The fatally flawed nuclear technology that build Chernobyl was truly a kind of Pandora's Box that, once opened, released lasting harm and grievous sickness into the world. The sole consolation is that we can yet hope to redress the damage.

The final closure of Chernobyl ends a tragic chapter in Ukraine's history, and begins a new one. I call on every member of the House to join with me in remembering the victims of this tragedy. Let us resolve to do our part to help Ukraine build a brighter future.

INTRODUCTION OF UNIFORM POLL CLOSING ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. MARKEY. Mr. Speaker, I am pleased to join today with my colleagues Senator STEVENS and Senator INOUYE, along with Representatives TAUZIN and DINGELL and 20 other Democratic and Republican House and Senate Members to introduce the bipartisan Uniform Poll Closing Act.

Over the years, both the Democratic and Republican parties have been concerned about the fact that the news media frequently projects a particular Presidential candidate to be the victor in key battlegound states before all the polls have closed nationally.

In 1980, many Democrats were outraged when Ronald Reagan was proclaimed the victor of the Presidential race on network television at 5:15 p.m. Pacific time. At that moment, polls were still open in approximately half the states, in every time zone—including many in the eastern and central time zones, and all the polls in the Mountain, Pacific, Alaskan, and Hawaiian time zones. As a result of the networks' decision, many voters felt there was no longer any point in going to the polls, a development which may have affected the outcome of many state and local elections. In 1984 and 1988 many Democrats feared that network's projections in the early evening that the Republican candidate was going to be the overwhelming electoral college winner may have again affected voting in many state and local contests in the west.

This year, many Republicans were angered when the networks projected AL GORE the victor in Florida, prior to the closing of polls in the Florida Panhandle. At the same time, some GOP lawmakers raised concerns that network projections regarding the likely victors in many other key Presidential battleground states in the East or Midwest may have affected voter turnout in other states in which the polls were still open.

I believe that there is a relatively straightforward way to reduce a repeat of these concerns: adoption of a uniform poll closing time for Presidential elections. That is why today, we will introduce legislation which would establish a uniform poll closing time. Under this bill, for Presidential elections, polls in all 50 states would close at 9 p.m. eastern standard time, which is 8 p.m. central standard time and 7 p.m. mountain time. In the Pacific time zone, in Presidential election years only, in order to achieve a 7 p.m. poll closing time, daylight savings time would be extended for two weeks. This will allow the polls on the West Cost to close at 7 p.m. Pacific daylight time.

The House approved identical legislation in 1986, 1987, and 1989, but it was never enacted into law. We have an opportunity now to rectify this situation, establish a uniform poll closing time, and minimize the potential that future premature projections by the television networks regarding the winners of a Presidential election will influence voter behavior in other states.

While the public may be divided over whom they want to see become our next President, both Democratic and Republican votes agree on the need to establish a uniform poll closing time. In fact, a recent CBS poll reports that 71% of the American public would like to see a uniform national poll closing time established. This reflects the public's recognition that standardizing poll closing times for Presidential elections would reduce the likelihood that when the television networks declare a winner in one state, they may depress voter turnout in any remaining precincts in the state in which the polls remain open, or affect voter turnout in other state across the country.

I look forward to working with Senator STEVENS, Representative TAUZIN, DINGELL, and other interested Members to advance this proposal. Over the last several days, I have spoken to Senator STEVENS, who has long been a leader on this issue in the Senate, and who had a strong interest in working out a formulation that would accommodate Alaska and Hawaii. With this bill, we have been able to accomplish that goal by allowing those states to open their polls on Monday afternoon and then bring them into the framework of the nationwide uniform poll closing time we are establishing for election Tuesday at 9:00 p.m. Eastern Standard Time.

In introducing this bill today, we are hoping to begin a debate on this issue by putting onto the table the main proposal that the House has previously approved, and we are open to considering other reasonable alternatives. What we would like to assure, however, is that this time, the Congress acts to reform the rules governing poll closing times in Presidential elections.

UKRAINIAN CARDINAL MYROSLAV LUBACHIVSKY 1914–2000)

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. KAPTUR. Mr. Speaker, Ohioans, particularly those of Ukrainian ancestry, were saddened to hear of the passing yesterday of Cardinal Myroslav Lubachivsky, the head of Ukraine's Greek Catholic Church. Cardinal Lubachivsky was born in 1914 in the town of Dolyna in the Western Ukrainian province of Galicia and died not far from there in the city of Lviv, where he served as Archbishop and Metropolitan for millions of Ukrainian Catholics worldwide, including many in Ohio. Although the Cardinal was born in Western Ukraine and served his people as their spiritual leader until his last days, he spent more than half his life outside his native land, including 33 years in the United States.

Cardinal Lubachivsky left Ukraine in 1938 as a young priest to study in Austria. After the Second World War, he came to America where he spent more than twenty years serving as assistant pastor at Sts. Peter & Paul Ukrainian Catholic Church in Cleveland's Tremont neighborhood. There he celebrated mass, presided over the marriages of happy couples, baptized their newly-born infants and spoke the final words over the graves of thousands of his parishioners. He even drove the school bus for children attending the parish grade school. This scholarly, yet humble man seemed content to serve God and his fellow Ukrainian-Americans in this quiet, unassuming way when unexpectedly he was elevated to be Metropolitan-Archbishop of Philadelphia. In 1980, he moved to the Vatican and in 1984, became worldwide head of the Ukrainian Greek Catholic Church following the death of the saintly Cardinal Joseph Slipy.

Joseph Slipy had become the head of the Ukrainian Greek Catholic Church in 1944 when Western Ukraine was incorporated into the Soviet Union. Prior to that, Western Ukraine had been part of the Austrian Empire and Poland. Almost immediately, the Soviet Secret Police started carrying out Stalin's order to liquidate the Ukrainian Catholic Church. The entire clergy was either arrested or forced to renounce their faith. Most declined to do so and ended up in Siberia or were shot. Archbishop-Metropolitan Slipy spent 17 years in labor camps until Pope John XXIII finally negotiated his release in 1963. As a cardinal of the Catholic Church, Joseph Slipy went to work rebuilding his church in the underground in Ukraine and in places like Cleveland, Ohio where Myroslav Lubachivsky served as assistant pastor.

In 1991 with the collapse of the Soviet Union, His Eminence Myroslav Lubachivsky, a Cardinal and a U.S. citizen, returned in triumph to the city of Lviv to preside over the Ukrainian Catholic Church and its historic St. George's Cathedral. ''This native church of mine was resurrected and rose from the grave,'' he said at the time. Tens of thousands of Ukrainian Catholics, many weeping and singing hymns, lined the streets to greet their Cardinal and Archbishop-Metropolitan.

Cardinal Myroslav Lubachivsky had one of the most extraordinary and fulfilling lives that spanned nearly the entire 20th Century. He served through some of the most difficult periods of that turbulent era and he lived to see his faith and the faith of millions of his parishioners rewarded with the restoration of his church, which not only survived enormous evil, but ultimately prevailed over it. I join in paying tribute to this great man and offer my condolences to all those in Ohio and throughout the world who benefited from his spiritual guidance and leadership and now mourn his passing. With his entire life a prayer, Cardinal Lubachivsky walked in faith and toward the light that now shines over people and leaders that long for a new tomorrow. May he rest in peace.

RECOGNIZING HUGH C. BAILEY OF VALDOSTA, GEORGIA, FOR HIS RETIREMENT FROM VALDOSTA STATE UNIVERSITY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. CHAMBLISS. Mr. Speaker, I would like to honor Dr. Hugh C. Bailey an exceptional citizen from Valdosta, Georgia, on his retirement as President of Valdosta State University.

Dr. Hugh Bailey was first appointed president of Valdosta State University in 1978 and has served admirably for twenty-two years. As a long time educator, Dr. Bailey is currently a member of the American History Association, American Red Cross, the South Georgia Chamber of Commerce, the Georgia Council on Economic Education and has served as the national president of Pi Gamma Nu.

Dr. Bailey was born in Berry, Alabama, and earned his master's and doctoral degrees from the University of Alabama. Furthermore, Dr. Bailey presided over the transformation of Valdosta State College into Valdosta State University and he oversaw the growing of Valdosta State University to be one of Georgia's two regional universities. I am very proud that my daughter, Lia, was in the second of Dr. Bailey's Valdosta State Universities graduating classes.

Mr. Speaker, I am proud to recognize Dr. Bailey for his dedication to the future of our young people. He is an extraordinary citizen, and I am proud of his achievements and accomplishments, which have done so much to improve the lives of so many people in the Valdosta community and throughout Georgia. Dr. Bailey is a very good personal friend and I salute him for his dedicated service to the field of public education in our great state.

AMERICAN DEMOCRACY WAS MUGGED

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Mr. OWENS. Mr. Speaker, the words of William Shakespeare's King Lear are ringing loudly in the ears of many Americans: ''Fool me not to bear it tamely; touch me with noble anger.'' The old trusting king had just been grossly betrayed by two of his daughters. Collectively this nation has reason for an anger comparable to that of King Lear. In America the democratic process has just been mugged by the U.S. Supreme Court.

As loyal citizens we must obey any decision of the court. But we are not required to restrain ourselves from vomiting. Thomas Friedman, on the New York Times Op-Ed page (December 15, 2000) provides a summary of the Supreme Court's election ''fix'' which is as accurate as any that I have seen thus far:

''. . . The five conservative justices essentially ruled that the sanctity of dates, even meaningless ones, mattered more than the sanctity of votes, even meaningful ones. The Rehnquist court now has its legacy: In calendars we trust.''

So much was outrageous about this blatantly partisan decision that it would be unpatriotic if we fail to keep the review and scrutiny of all the factors surrounding this decree alive and active. It is our duty to be conciliatory in going forward with the governance of the nation. It is also our duty to support the peoples ''noble anger''. I submit that the following RAP poem is one of many literary missiles that should be fired at this evil dragon decision into the CONGRESSIONAL RECORD.

ROBBERS IN ROBES

The Florida mob just made a hit—American Democracy mugged; Scalia was the bulldog in the pit.
Call 911, FBI, the CIA, Priceless voting rights, just been snatched away; By robbers wrapped in fine black robes; decent nations must now launch probes.
Achtung! Now hear this! Attack bulldog Scalia, Unarmed but dangerous; Beware of his tenacious bite, Any good truth may attract his sight.
Right over justice thieves vaulted; Struggling patriots got assaulted.
Tell your kids about the Supreme Court, at supper before they eat; Don't let young minds discover, Obscene decisions out on the street.
Our votes were precious gems, Won with faith and sacred hymns.
Call 911, FBI, the CIA, Priceless voting rights, Just been snatched away.
American Democracy mugged!

Daily Digest

HIGHLIGHTS

Senate and House agreed to H.J. Res. 133, Continuing Resolution.

Senate and House agreed to the Conference Report on H.R. 4577, Consolidated Appropriations.

Second Session of the 106th Congress Adjourned Sine Die.

Senate

Chamber Action

Routine Proceedings, pages S11807–S11943

Measures Introduced: Eight bills and seven resolutions were introduced, as follows: S. 3280–3287, S. Res. 388–393, and S. Con. Res. 162.

Pages S11917–18, S11930–31

Measures Reported:

Report to accompany S. 2508, A bill to amend the Colorado Ute Indian Water Rights Settlement Act of 1988 to provide for a final settlement of the claims of the Colorado Ute Indian Tribes, and for other purposes. (S. Rept. No. 106–513). **Page S11917**

Measures Passed:

Lincoln Highway Study Act: Senate passed H.R. 2570, to require the Secretary of the Interior to undertake a study regarding methods to commemorate the national significance of the United States roadways that comprise the Lincoln Highway, clearing the measure for the President. **Page S11822**

Dillonwood Giant Sequoia Park Expansion Act: Senate passed H.R. 4020, to authorize the addition of land to Sequoia National Park, after agreeing to the following amendment proposed thereto:

Page S11822

Domenici (for Murkowski) Amendment No. 4365, in the nature of a substitute. **Page S11822**

Adjournment Resolution: Senate agreed to H. Con. Res. 446, providing for the sine die adjournment of the second session of the One Hundred Sixth Congress. **Page S11829**

Continuing Resolution: Senate passed H.J. Res. 133, making further continuing appropriations for the fiscal year 2001. **Page S11829**

National Institute of Biomedical Imaging and Bioengineering: Senate passed H.R. 1795, to amend the Public Health Service Act to establish the National Institute of Biomedical Imaging and Bioengineering, clearing the measure for the President.

Pages S11850–52

Thanking President Pro Tempore: Senate agreed to S. Res. 388, tendering the thanks of the Senate to the President pro tempore for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate.

Pages S11852, S11931

Thanking Vice President: Senate agreed to S. Res. 389, tendering the thanks of the Senate to the Vice President for the courteous, dignified, and impartial manner in which he has presided over the deliberations of the Senate. **Pages S11852, S11931**

Commending Democratic Leader: Senate agreed to S. Res. 390, to commend the exemplary leadership of the Democratic Leader.

Pages S11852–53, S11931

Commending Majority Leader: Senate agreed to S. Res. 391, to commend the exemplary leadership of the Majority Leader. **Pages S11853, S11931**

Thanking Senate Staff: Senate agreed to S. Res. 392, tendering the thanks of the Senate to the Senate staff for the courteous, dignified, and impartial manner in which they have assisted the deliberations of the Senate. **Pages S11853–54, S11931**

Enrollment Correction: Senate agreed to S. Con. Res. 162, to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577. **Pages S11885–86, S11930–31**

Public Safety Officer Medal of Valor Act: Committee on the Judiciary was discharged from further consideration of H.R. 46, to provide a national

medal for public safety officers who act with extraordinary valor above and beyond the call of duty, to enhance computer crime enforcement and Internet security, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S11886–90

Stevens (for Hatch) Amendment No. 4366, in the nature of a substitute. **Page S11890**

Technical Corrections: Committee on the Judiciary was discharged from further consideration of S. 3276, to make technical corrections to the College Scholarship Fraud Prevention Act of 2000 and certain amendments made by that Act, and the bill was then passed. **Pages S11890–91**

Multiple Sclerosis Awareness: Senate agreed to H. Con. Res. 271, expressing the support of Congress for activities to increase public awareness of multiple sclerosis. **Page S11936**

Hawaiian National Park Language Correction Act: Senate passed S. 939, to correct spelling errors in the statutory designations of Hawaiian National Parks, after agreeing to committee amendments, and the following amendment proposed thereto:

Pages S11936–37

Stevens (for Murkowski) Amendment No. 4367, to add provisions authorizing the Secretary of the Interior to conduct a theme study on the Peopling of America, and to provide further protections for the watershed of the Little Sandy River in Oregon.

Page S11937

Lake Tahoe Basin Land Conveyance: Senate passed H.R. 4656, to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site, clearing the measure for the President. **Page S11939**

Jamestown 400th Commemoration Commission Act: Senate passed H.R. 4907, to establish the Jamestown 400th Commemoration Commission, clearing the measure for the President. **Page S11939**

Guam/Mariana Islands Time Zone Establishment: Senate passed H.R. 3756, to establish a standard time zone for Guam and the Commonwealth of the Northern Mariana Islands, clearing the measure for the President. **Page S11940**

Federal Physicians Comparability Allowance Amendments: Senate passed H.R. 207, to amend title 5, United States Code, to make permanent the authority under which comparability allowances may be paid to Government physicians, and to provide that such allowances be treated as part of basic pay for retirement purposes, clearing the measure for the President. **Page S11940**

Commemorating Gwendolyn Brooks: Senate agreed to S. Res. 393, commemorating the life of Gwendolyn Brooks of Chicago, Illinois, poet laureate of Illinois since 1968. **Pages S11931, S11940**

Installment Tax Correction Act: Senate passed H.R. 3594, to repeal the modification of the installment method, clearing the measure for the President. **Page S11940**

Computer Crime Enforcement Act: Senate passed H.R. 2816, to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes, clearing the measure for the President. **Page S11942**

Consolidated Appropriations: Senate agreed to the conference report on H.R. 4577, making consolidated appropriations for fiscal year ending September 30, 2001. **Pages S11855–85**

California Trail Interpretive Act: Senate concurred in the amendments of the House to S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States, clearing the measure for the President.

Pages S11937–39

Lower Rio Grande Valley Water Resources Conservation and Improvement Act: Senate concurred in the amendment of the House to S. 1761, to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley, clearing the measure for the President. **Pages S11939–40**

Internet False Identification Prevention Act: Senate concurred in the amendment of the House to S. 2924, to strengthen the enforcement of Federal statutes relating to false identification, clearing the measure for the President. **Pages S11941–42**

Appointment:

Advisory Committee on Forest Counties Payments: The Chair, on behalf of the President pro tempore, pursuant to Public Law 106–291, announced the appointment of the following individuals to the Advisory Committee on Forest Counties Payments: Tim Creal, of South Dakota, and Doug Robertson, of Oregon. **Page S11940**

Authority To Sign Enrolled Bills: A unanimous-consent agreement was reached providing that the Majority Leader or Senator Abraham be authorized to sign all duly enrolled bills and resolutions following the sine die adjournment. **Page S11940**

Authority To Make Appointments: A unanimous-consent agreement was reached providing that notwithstanding the sine die adjournment of the Senate,

the President of the Senate, the President of the Senate pro tempore, and the Majority and Minority Leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate. **Pages S11940–41**

Nominations Confirmed: Senate confirmed the following nominations:

David W. Ogden, of Virginia, to be an Assistant Attorney General.

Randolph D. Moss, of Maryland, to be an Assistant Attorney General.

Eric D. Eberhard, of Washington, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship & Excellence in National Environmental Policy Foundation for a term expiring October 6, 2002.

Luis J. Lauredo, of Florida, to be Permanent Representative of the United States to the Organization of American States, with the rank of Ambassador.

Rust Macpherson Deming, of Maryland, to be Ambassador to the Republic of Tunisia.

Ronald D. Godard, of Texas, to be Ambassador to the Co-operative Republic of Guyana.

Michael J. Senko, of the District of Columbia, to be Ambassador to the Republic of the Marshall Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Kiribati.

Howard Franklin Jeter, of South Carolina, to be Ambassador to the Federal Republic of Nigeria.

Loretta E. Lynch, of New York, to be United States Attorney for the Eastern District of New York for the term of four years vice Zachary W. Carter, resigned.

Daniel Marcus, of Maryland, to be Associate Attorney General.

Lawrence George Rossin, of California, to be Ambassador to the Republic of Croatia.

Arthur C. Campbell, of Tennessee, to be Assistant Secretary of Commerce for Economic Development. (New Position)

Ella Wong-Rusinko, of Virginia, to be Alternate Federal Cochairman of the Appalachian Regional Commission.

Gordon S. Heddell, of Virginia, to be Inspector General, Department of Labor.

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Brian Dean Curran, of Florida, to be Ambassador to the Republic of Haiti.

Mark D. Gearan, of Massachusetts, to be a Member of the Board of Directors of the Corporation for National and Community Service for a term of two years. (New Position)

Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Mark S. Wrighton, of Missouri, to be a Member of the National Science Board, National Science Foundation, for a term expiring May 10, 2006.

Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice.

Robert S. LaRussa, of Maryland, to be Under Secretary of Commerce for International Trade.

Marc E. Leland, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Harriet M. Zimmerman, of Florida, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

Donald J. Sutherland, of New York, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring August 11, 2002. (Reappointment)

Lisa Gayle Ross, of the District of Columbia, to be an Assistant Secretary of the Treasury.

Lisa Gayle Ross, of the District of Columbia, to be Chief Financial Officer, Department of the Treasury.

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Richard A. Boucher, of Maryland, to be an Assistant Secretary of State (Public Affairs), vice James P. Rubin.

Ruth Martha Thomas, of the District of Columbia, to be a Deputy Under Secretary of the Treasury.

Everett L. Mosley, of Virginia, to be Inspector General, Agency for International Development.

Marjory E. Searing, of Maryland, to be Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service.

Leslie Beth Kramerich, of Virginia, to be an Assistant Secretary of Labor.

Seymour Martin Lipset, of Virginia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003. (Reappointment)

Jonathan Talisman, of Maryland, to be an Assistant Secretary of the Treasury.

Margrethe Lundsager, of Virginia, to be United States Alternate Executive Director of the International Monetary fund for a term of two years.

Frederick G. Slabach, of California, to be a Member of the Board of Trustees of the Harry S Truman

Scholarship Foundation for a term expiring December 10, 2005.

Michael Prescott Goldwater, of Arizona, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring October 13, 2005.

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001. (New Position)

Betty F. Bumpers, of Arkansas, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Barbara W. Snelling, of Vermont, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Holly J. Burkhalter, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

John M. Reich, of Virginia, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2001.

Mora L. McLean, of New York, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2005. (Reappointment)

Claude A. Allen, of Virginia, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005.

Willie Grace Campbell, of California, to be a Member of the Board of Directors of the African Development Foundation for a term expiring September 22, 2005. (Reappointment)

Maria Otero, of the District of Columbia, to be a Member of the Board of Directors of the United States Institute of Peace for a term expiring January 19, 2003.

Routine lists in the Foreign Service.

Pages S11832–33, S11943

Nominations Received: Senate received the following nominations:

Islam A. Siddiqui, of California, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

Edwin A. Levine, of Florida, to be an Assistant Administrator of the Environmental Protection Agency.

Sarah McCracken Fox, of New York, to be a Member of the Occupational Safety and Health Review Commission for a term expiring April 27, 2005.

Julie E. Samuels, of Virginia, to be Director of the National Institute of Justice. **Page S11942**

Nominations Withdrawn: Senate received notification of the withdrawal of the following nomination:

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission, which was sent to the Senate on February 3, 2000.

Stuart E. Weisberg, of Maryland, to be a Member of the Occupational Safety and Health Review Commission, which was sent to the Senate on February 3, 2000, which was sent to the Senate on May 11, 1999. **Page S11943**

Messages From the House: **Pages S11912–13**

Communications: **Pages S11913–17**

Petitions: **Page S11917**

Statements on Introduced Bills: **Pages S11918–30**

Additional Cosponsors: **Page S11930**

Amendments Submitted: **Pages S11931–36**

Additional Statements: **Pages S11904–12**

Adjournment Sine Die: Senate met at 12 noon, and, in accordance with H. Con. Res. 446, adjourned sine die at 8:03 p.m. until 12 noon, on Wednesday, January 3, 2001. **Page S11942**

Committee Meetings

No committee meetings were held.

House of Representatives

Chamber Action

Bills Introduced: 16 public bills, H.R. 5666–5681; and 6 resolutions, H. Con. Res. 446–447, and H. Res. 677–680 were introduced. **Pages H12531–32**

Reports Filed: Reports were filed today as follows:

Conference report on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001 (H. Rept. 106–1033). **Pages H12100–H12439, H12531**

Suspension—Installment Tax Correction Act of 2000: The House agreed to suspend the rules and pass H.R. 3594, to repeal the modification of the installment method. **Pages H12097–H12100**

Recess: The House recessed at 10:25 a.m. and reconvened at 4:47 p.m. **Page H12100**

Sine Die Adjournment of the Second Session of the One Hundred Sixth Session: The House agreed to H. Con. Res. 446, providing for the sine die adjournment of the second session of the One Hundred Sixth Congress. **Page H12441**

Making Further Continuing Appropriations: The House passed H.J. Res. 133, making further continuing appropriations for the fiscal year 2001. Earlier, agreed by unanimous consent that the Committee on Appropriations be discharged from further consideration of the joint resolution to the end that the joint resolution be hereby passed; and that a motion to reconsider be hereby laid on the table. **Page H12441**

Consolidated Appropriations Act, 2001: The House agreed to the conference report on H.R. 4577, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001 by a yea and nay vote of 292 yeas to 60 nays, Roll No. 603. **Pages H12100–12439, H12442–H12502**

The conference report was considered pursuant to a unanimous consent request made earlier by Chairman Young of Florida. **Pages H12441–42**

Enrollment Correction: The House agreed to S. Con. Res. 162, to direct the Clerk of the House of Representatives to make a correction in the enrollment of H.R. 4577, Consolidated Appropriations Act, 2001. **Page H12529**

Revised Edition of the Rules and Manual of the House of Representatives: The House agreed to H. Res. 678, providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Seventh Congress. **Pages H12502–03**

Committee to Notify the President: The House agreed to H. Res. 679, providing for a committee of two Members to be appointed by the House to join a similar committee appointed by the Senate, to wait upon the President of the United States and inform him that the two Houses have completed their business of the session and are ready to adjourn, unless the President has some other communication to make to them. Subsequently, the Chair announced the appointment of Representatives Armey and Gephardt to the committee. **Page H12503**

Resignations—Appointments: Agreed that notwithstanding any adjournment of the House until Monday, December 4, 2000, the Speaker, Majority Leader and Minority Leader be authorized to accept resignations and to make appointments authorized by law or by the House. **Page H12503**

Extension of Remarks—Chairmen and Ranking Members: Agreed that the Chairman and Ranking Minority Member of each standing committee and each subcommittee be permitted to extend their remarks in the record, up to and including the record's last publication, and to include a summary of the work of that committee or subcommittee. **Page H12503**

Extension of Remarks: Agreed that Members may have until publication of the last edition of the Congressional Record authorized for the second session by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the second session sine die. **Page H12503**

Expressing Support for President-Elect Bush: The House agreed to H. Res. 677, expressing the commitment of the Members of the House of Representatives to fostering a productive and collegial partnership with the 43rd President. **Pages H12503–04**

Speaker pro Tempore: Read a letter from the Speaker wherein he appointed Representative Wolf to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Sixth Congress. **Page H12504**

Malaria Control: Agreed to the Senate amendment to the House amendments to S. 2943, to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis clearing the measure for the President. **Pages H12504–08**

Annual Day of Peace and Sharing: The House agreed to S. Con. Res. 138, expressing the sense of Congress that a day of peace and sharing should be established at the beginning of each year. **Pages H12508–09**

American POW Slave Labor in Japan During World War II: The House agreed to S. Con. Res. 158, expressing the sense of Congress regarding appropriate actions of the United States Government to facilitate the settlement of claims of former members of the Armed Forces against Japanese companies that profited from the slave labor that those personnel were forced to perform for those companies as prisoners of war of Japan during World War II. **Page H12509**

Computer Crime Grant Program: The House passed H.R. 2816, to establish a grant program to assist State and local law enforcement in deterring, investigating, and prosecuting computer crimes. Agreed to the amendment offered by Representative McCollum. **Pages H12509–10**

AMVETS Charter Amendment: The House passed H.R. 604, to amend the charter of the AMVETS organization. Agreed to the amendment offered by Representative McCollum. **Pages H12510–11**

Internet False Identification Protection: The House passed S. 2924, to strengthen the enforcement of Federal statutes relating to false identification. Agreed to the amendment in the nature of a substitute offered by Representative McCollum. **Pages H12511–13**

Multidistrict Litigation: The House passed H.R. 5562, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial. Agreed to the amendment offered by Representative McCollum. **Pages H12513–14**

Dillonwood Giant Sequoia Grove: Agreed to the Senate amendment to H.R. 4020, to authorize an expansion of the boundaries of Sequoia National Park to include Dillonwood Giant Sequoia Grove—clearing the measure for the President. **Page H12514**

Wolf Trap National Park for the Performing Arts: The House passed H.R. 2049, to rename Wolf Trap Farm Park for the Performing Arts as "Wolf Trap National Park for the Performing Arts." Agreed to the amendment in the nature of a substitute offered by Representative Radanovich. **Page H12514**

Honoring the Late Honorable Henry B. Gonzalez: The House agreed to H. Con. Res. 445, in honor of Henry B. Gonzalez. **Pages H12514–15**

Support for Mentoring Programs: The House agreed to H. Res. 552, urging the House to support mentoring programs such as Saturday Academy at the Oregon Graduate Institute of Science and Technology. Agreed to the amendments offered by Representative Goodling to the text and preamble. Agreed to amend the title. **Pages H12515–16**

Pat King Post Office Building, Long Branch, New Jersey: The House passed H.R. 3488, to designate the United States Post Office located at 60 Third Avenue in Long Branch, New Jersey, as the "Pat King Post Office Building." **Pages H12516–17**

Resolutions Laid on the Table: Agreed that H. Res. 674, 675, and 676 be laid on the table. **Page H12517**

National Moment of Remembrance: The House passed S. 3181, to establish the White House Commission on the National Moment of Remembrance—clearing the measure for the President. **Pages H12517–19**

Commending Army Nurse Corps: The House agreed to H. Res. 476, commending the present Army Nurse Corps for extending equal opportunities to men and women, and recognizing the brave and honorable service during and before 1955 of men who served as Army hospital corpsmen and women who served in the Army Nurse Corps. **Page H12520**

Honoring Members of the Marine Corps who died on December 12: The House agreed to H. Res. 673, honoring the four members of the United States Marine Corps who died on December 11,

2000, and extending the condolences of the House of Representatives on their deaths. **Pages H12520–21**

Senate Messages: Messages received from the Senate today appear on pages H12502, H12503, H12528–29.

Re-referrals: H.R. 420 and H.R. 4694 were re-referred to the Committee on the budget and H.R. 167 was re-referred to the Committee on the Budget and in addition, the Committee on Ways and Means. **Page H12504**

Quorum Calls—Votes: One yea-and-nay vote developed during the proceedings of the House today. There were no quorum calls. **Page H12502**

Adjournment: The House met at 10 a.m. and at 8:41 p.m., in accordance with the provisions of H. Con. Res. 446, the Second Session of the One Hundred Sixth Congress adjourned sine die.

Committee Meetings

No committee meetings were held.

Next Meeting of the SENATE

12 noon, Wednesday, January 3

Senate Chamber

Program for Wednesday: Convening of the first session of the 107th Congress.

Next Meeting of the HOUSE OF REPRESENTATIVES

12 noon, Wednesday, January 3

House Chamber

Program for Wednesday: Convening the first session of the 107th Congress.

Extensions of Remarks, as inserted in this issue

HOUSE

Aderholt, Robert B., Ala., E2231
Archer, Bill, Tex., E2235
Barcia, James A., Mich., E2230
Bereuter, Doug, Nebr., E2210
Berkley, Shelley, Nev., E2221
Berman, Howard L., Calif., E2235
Boyd, Allen, Fla., E2215
Burton, Dan, Ind., E2230
Cannon, Chris, Utah, E2233
Chambliss, Saxby, Ga., E2238
Christensen, Donna MC, The Virgin Islands, E2209, E2212
Clay, William (Bill), Mo., E2214
Conyers, John, Jr., Mich., E2205, E2209, E2211, E2219, E2220, E2223
Crane, Philip M., Ill., E2235
Davis, Danny K., Ill., E2213
Davis, Thomas M., Va., E2236
DeGette, Diana, Colo., E2220
Delahunt, William D., Mass., E2227
DeLay, Tom, Tex., E2233
Duncan, John J., Jr., Tenn., E2222
Ehrlich, Robert L., Jr., Md., E2228
Gekas, George W., Pa., E2236
Gilman, Benjamin A., N.Y., E2208, E2217
Graham, Lindsey O., S.C., E2232
Green, Mark, Wisc., E2214
Hall, Ralph M., Tex., E2231, E2233, E2234
Hilleary, Van, Tenn., E2236
Holt, Rush, D., N.J., E2228
Hoyer, Steny H., Md., E2224
Johnson, Eddie Bernice, Tex., E2218
Kaptur, Marcy, Ohio, E2220, E2238
Kasich, John R., Ohio, E2215
Kind, Ron, Wisc., E2231
Knollenberg, Joe, Mich., E2237
Lantos, Tom, Calif., E2214
Leach, James A., Iowa, E2216
Lee, Barbara, Calif., E2217
Levin, Sander M., Mich., E2237
McCarthy, Karen, Mo., E2234
McCollum, Bill, Fla., E2236
McIntyre, Mike, N.C., E2233
Markey, Edward J., Mass., E2237
Menendez, Robert, N.J., E2236
Mink, Patsy T., Hawaii, E2229
Owens, Major R., N.Y., E2238
Pascrell, Bill, Jr., N.J., E2210, E2212, E2213
Pelosi, Nancy, Calif., E2228
Rangel, Charles B., N.Y., E2235
Rothman, Steven R., N.J., E2219
Roybal-Allard, Lucille, Calif., E2217
Salmon, Matt, Ariz., E2224
Sanchez, Loretta, Calif., E2221
Smith, Christopher H., N.J., E2216
Spence, Floyd, S.C., E2218
Stupak, Bart, Mich., E2215
Upton, Fred, Mich., E2229
Walden, Greg, Ore., E2226
Walsh, James T., N.Y., E2213
Watkins, Wes, Okla., E2216
Waxman, Henry A., Calif., E2207, E2210
Wolf, Frank R., Va., E2206
Wu, David, Ore., E2229

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