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House of Representatives

The House met at 10 a.m.

Rabbi Ronald D. Gerson, Congregation Children of Israel, Athens, Georgia, offered the following prayer:

O Lord, Ruler of our Nation and all nations, gathered in this hallowed Chamber, the indomitable spirit of Columbus, remembered this week, should move both legislators and constituents. It reminds us how the quality of exploration has crowned our country's past and emboldened its future with hope, enriched by the monumental vision of our Founding Fathers who were inspired by Thy holy word.

May we in this land continue our exploration. May we continue to reach new destinations of justice and peace in our Nation and in the world.

Heavenly Father, as we strive to new horizons in our country's glory, guide us through the admonition of the prophet Mica to do justly, to love mercy, and to walk humbly with our God.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. LAMPSON led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. There will be 15 one-minutes on each side.

WELCOMING RABBI RONALD D. GERSON, GUEST CHAPLAIN

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

Mr. LINDER. Mr. Speaker, the prayer this morning was offered by Rabbi Ronald D. Gerson, who comes to us today from my district in Athens, Georgia, the largest city in the Eleventh District of Georgia. Rabbi Gerson has been a rabbi for a quarter of a century and now serves at Congregation Children of Israel in Athens, Georgia. I am delighted to introduce him to the House of Representatives and thank him for his inspiring words of prayer for today's session.

Rabbi Gerson has devoted his life to public and spiritual service, and I was honored to first meet Rabbi Gerson when I visited his congregation a couple of years ago. I want to also recognize his wife and daughter and brother-in-law who are visiting today also, and I have been informed that Rabbi Gerson's mother, who lives in California, is probably watching her son at the early hour of 7 a.m. on the West Coast.

His knowledge of the tradition of faith and his ability to share his understanding of it with others has found an appreciative audience in Georgia and today across the country and the world as he carries the eternal message to others. I am proud to share the floor with Rabbi Gerson because of his religious convictions, his commitment to the service of others, and his faithful devotion to his congregation. I join all my colleagues in the House in thanking our distinguished guest chaplain for bringing us an inspirational message to commence this day of the House session.

SAVE AMERICA'S SCHOOLS FROM VIOLENCE

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

Mr. GILMAN. Mr. Speaker, all of us are duly concerned about the alarming rise in school violence, and I am pleased to report that the American Medical Association Alliance in conjunction with the New York State Medical Society is resolved to do something important about it. Today, communities throughout our Nation are joining in announcing this new program, Save America's Schools From Violence, which recognizes that guns in the playground are only a part of the problem. Solutions such as turning off violent television programs, ignoring music with violent or provocative lyrics, avoiding violent videos and computer games and engaging in constructive play will be encouraged throughout this 1-year initiative.

School violence takes many forms, from name calling, to pushing, to bullying. Over 3 million crimes were committed against teenagers in schools in 1996 including robbery, theft, vandalism, rape, sexual battery, and physical attacks. The American Medical Association Alliance's goal is to make our schools a safe place for our children to learn to play and grow by sending the positive message that violence in our schools is unacceptable.

COMMENDATION OF DR. BERNARD MILSTEIN

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

Mr. LAMPSON. Mr. Speaker, 20 years ago a person of vision saw a way to improve the sight of many residents. With his foresight and dedication the Gulf Coast branch of Prevent Blindness

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Texas was formed and began its mission. Tonight, the Gulf Coast branch will proudly celebrate its 20th anniversary with a gala event, and on this occasion the founder of the Gulf Coast branch of Prevent Blindness, Dr. Bernard Milstein, will be honored as this year's person of vision. I commend Dr. Milstein on this wonderful honor.

Prevent Blindness Texas is the largest voluntary health organization in Texas that takes proactive measures in the prevention of blindness. Over the years Prevent Blindness Texas has provided free vision screening to almost one million Texas preschoolers and screened well over 650,000 adults for blinding glaucoma. The Gulf Coast branch alone screened nearly 2,100 adults and children during the last fiscal year. Nearly 500 Galveston residents were provided free eye exams and glasses from this branch last year, almost doubling the prior year.

This organization exists without government funding or United Way funding because of the generosity of people who share in its vision of saving sight. Funds are raised locally and work locally. My heartiest congratulations to Dr. Bernard Milstein and to Prevent Blindness Texas.

PRESIDENT'S COMMITMENT JUST AS EMPTY AS H.R. 1

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

Mr. SHAW. Mr. Speaker, it has been now 10 months since the White House Conference on Social Security. During that conference we pulled together, the President pulled together, much to his credit, leadership from both sides of the aisle, the leadership in both parties. The chairman and the ranking member on the Committee on Ways and Means came together. I was there as a chairman of the Subcommittee on Social Security, and we promised to work together in order to save Social Security.

The President at that point made a commitment to us that he wanted to take the lead and that he would be sending us legislation. Mr. Speaker, today that commitment is just as empty as H.R. 1, which was reserved by the Speaker of this House to place the President's Social Security bill, the Social Security reform bill, in place in order to save Social Security for this country. We have been reaching out in a bipartisan way to the Democrat side in order to do that.

Mr. Speaker, it is time now for the President to come forward and give the leadership that this country needs to save Social Security.

SAVE TODAY

(Mrs. CAPPS asked and was given permission to address the House for 1 minute.)

Mrs. CAPPS. Mr. Speaker, Congress may be struggling to fight against violence affecting our young people, but our communities are doing something about it. Today in San Luis Obispo, California, and around this Nation, the American Medical Association Alliance is kicking off its save schools program.

SAVE, which stands for Stop America's Violence Everywhere, began in 1995. This year the AMA alliance will focus its efforts directly on our schools. In my district, the San Luis Obispo Medical Society Alliance will team up with the local high school students and a local homeless shelter. Dedicated teenagers will mentor younger children in need and help them learn to resolve their conflicts peacefully.

Mr. Speaker, I am especially proud that the national president of the AMA Alliance, Ann Hansen, lives in my district. I join Ann in offering this rallying cry in the fight against school violence. Save today.

PRESIDENT'S SCHEME TO RESTRICT ACCESS TO PUBLIC LANDS

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

Mr. GIBBONS. Mr. Speaker, America's public lands are vital to the future of this Nation, and I have very serious concerns about the President's new scheme to restrict access to these public lands. Most Americans recognize the value that public lands hold for its natural resources as well as the use and development of those natural resources for the quality of life we all enjoy, and no one can deny the opportunity that public lands hold for recreation.

Since these lands are in the public domain, individual costs are low and the lands are generally open for all of us to use and enjoy. Now we are seeing a fundamental shift in how our lands are managed for our access. Historically, we have allowed the public to access our lands in the public domain, but unfortunately it appears the President is setting a trend toward keeping our public lands closed unless posted open. This scheme is completely unacceptable to all Americans who use our public lands. To say the public cannot access their lands unless the Federal Government gives them permission is fundamentally opposite to the freedoms our country was founded upon.

I yield back, Mr. Speaker, the balance of the time I have and any access America has to its public lands.

DAIMLER-BENZ, A GERMAN COMPANY?

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

Mr. TRAFICANT. Mr. Speaker, in the 1970s Congress bailed out Chrysler, and last year Chrysler merged with Daimler-Benz. Chrysler is now a German corporation, and upon merging they said Americans will always have a strong voice in the new company's leadership.

So much for the tooth fairy, Mr. Speaker. The three top American executives were replaced, and now the German company announced they will invest $28 billion, all of it in Germany.

What is next, Mr. Speaker? Mercedes-Benz limousines for our White House?

Beam me up.

I yield back the billions of dollars that Congress invested into what is now a German company.

NO TAX INCREASES OR RAIDS ON THE SOCIAL SECURITY TRUST FUND

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

Mr. CHABOT. Mr. Speaker, notwithstanding the unwavering opposition of President Clinton and his free-spending allies in this Congress, American taxpayers are now enjoying a budget surplus for the first time in a generation. One might think that the President would be willing to share some of that surplus with working American families. After all, they created the surplus with their hard work and their tax dollars.

Tax relief perhaps? Not a chance. Incredibly the White House instead proposes either, A, more taxes or, B, a raid on the Social Security Trust Fund to pay for yet more government spending programs.

Mr. Speaker, this is one Member of Congress who is more than willing to stay here until Christmas if that is what it takes to stave off another tax grab by the Clinton administration or a raid on the Social Security Trust Fund. American families are taxed more than enough. Leave them alone, Mr. President, and keep your hands off their Social Security. Stop the raid.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). The Chair advises all Members to address their remarks to the Chair and not to the President.

EXPANDED INTERNET ACCESS IN WESTERN MASSACHUSETTS

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

Mr. NEAL of Massachusetts. Mr. Speaker, the natural beauty of western Massachusetts is hardly a well-kept secret. We are attracting more people each day who seek the quality of life that is offered. However, there is something that we need in western Massachusetts that would make our lives even better, and what we want is the

high-speed Internet connections that our friends down the pike and in the Cape Cod area already have.

Our businesses, employers, and households have a serious interest in the Internet to win contracts, coordinate production and distribution, export entertainment, enhance education, and both to teach and learn at the best medical centers. Right now there are too few capacity Internet data trunks that make the trek from Boston to western Massachusetts. When we get a few high-capacity Internet trunks or backbones, as they are called, we can take it from there.

□ 1015

We already have excellent fiberoptics within my district. This is why I support legislation that provides an incentive that is needed for expanded investment in the Internet backbone into rural areas. Having a better choice provides those who seek it stronger data links that will make Western Massachusetts an even better place to live.

THE CAN SPAM ACT OF 1999

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

Mr. GARY MILLER of California. Mr. Speaker, I come to the floor today to address my bill, H.R. 2162, the Can Spam Act. Spam are the millions of unsolicited commercial e-mail messages clogging up computer networks and the entire information superhighway. Thirty percent of sample is pornography. Another 30 percent is get-rich-quick schemes, and much of that is targeted towards senior citizens.

In effect, spam levies a tax on all Internet consumers by causing ISPs to spend money on additional bandwidth, hardware, as well as time and staff to deal with the bulk commercial e-mails. The increased costs are passed on to consumers.

America Online estimates that 30 percent of their costs are associated with spam. This cost is passed onto consumers. That is like getting a postage due letter that you do not want and being forced to pay for it.

To combat this problem, I have introduced the Can Spam Act. This bill gives ISPs a civil right of action against spammers who violate their published policy prohibiting spam. They can litigate for $50 per message, up to $25,000 per day for damages. That would also levy penalties on spammers who hijack another person's domain name for the purpose of sending out unsolicited commercial e-mail.

We need to defend our constituents and the businesses in our districts from commercial advertising.

HIGH MATERNAL DEATH RATE AMONG AMERICA'S BLACK WOMEN

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

Ms. MCKINNEY. Mr. Speaker, black women who are pregnant are dying at an alarming rate. Maternal death rates among black women are four times those of whites. This represents the largest racial disparity in all public health. We need to know why. We need to get data and improve standards of care.

A report released by the Centers for Disease Control and Prevention shows that for minority women, motherhood is deadly. The discrepancy of maternal mortality rates between black and white women is bordering on a crisis. Despite tremendous advances in the last 20 years, we have failed to make progress on maternal mortality.

I have joined the bipartisan effort to close the gap of maternal mortality rates between black and white women by cosponsoring the Safe Motherhood Monitoring and Prevention Research Act. Women have joined hands across the aisle to support this bill.

This legislation is the cornerstone of our effort to promote better health and to educate women about their pregnancies. Let us work to promote safe motherhood.

NATIONAL BREAST CANCER AWARENESS MONTH, AND THE RACE FOR THE CURE IN MIAMI

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

Ms. ROS-LEHTINEN. Mr. Speaker, every 3 minutes a woman is diagnosed with breast cancer, and astonishingly, 80 percent of these women will have no known risk factors. Mr. Speaker, these numbers can be simply translated to say that every woman is at risk of developing breast cancer at some point throughout her lifetime.

We know that the key to defeating breast cancer is early detection through self-exams, mammographies, and clinical tests. However, none of these components can be beneficial if they are not regularly practiced. This month we celebrate national breast cancer awareness, where breast cancer survivors and supporters will share information and raise funds to cure this disease.

This Saturday, the YWCA of greater Miami will host race for the cure, Miami 99, to benefit the Susan G. Komen Foundation, a national organization dedicated to the eradication of breast cancer. This year's race is dedicated to the memory of Nancy Bossard, a Miami Dade County public school teacher who, sadly, lost her life to breast cancer.

Up to 75 percent of the race's proceeds will stay in our community to support local breast cancer programs and to provide detection to equip women in their battle against this deadly disease.

THE RED SOX, THE FINAL MAJOR LEAGUE BASEBALL WORLD CHAMPION OF THE MILLENIUM

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

Mr. MARKEY. Mr. Speaker, the baseball gods are smiling down upon Red Sox Nation. The hardball heroes of Boston are in the process of lifting one of the most vexing curses of all time, the curse of the Bambino. For the Fenway faithful, the curse has taken on mythic proportions. It is Shakespearean, epical, Biblical, in the same league as the curse of Macbeth, the curse of King Tut's tomb, or the curse of the Tower of Babel.

Mr. Speaker, today I join with the millions of Red Sox fans who are saying, wait until next year, no more. How will Pedro, Nomar, and the rest of Olde Towne Team meet this daunting challenge? They will blast away at the Bronx Bombers in the House that Ruth built. They will swarm the stadium and swat the sultans' spell. They will crush the curse of the Bambino.

Mr. Speaker, this year is our year. The Red Sox are about to have their millenium moment. The Indians could not stop them, the Yankees cannot stop them, and neither the Mets nor the Braves will be able to stop them as they become the final Major League Baseball world champions of the millennium. The Sox in six, Mr. Speaker. This year we win the World Series.

THE NEW YORK TIMES RECOGNIZES REPUBLICANS' ROLE IN SAVING SOCIAL SECURITY TRUST FUND

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

Mr. BALLENGER. Mr. Speaker, I would like to quote from today's New York Times:

''Surplus social security funds have functioned as money under the mattress for Congress for four decades. When general government revenues to run the Federal agencies run out, Congress taps into the retirement funds. Some outside experts say that social security surpluses has had no effect on its benefits.

''Republicans have been vowing almost daily never again to spend the money. Speaker J. DENNIS HASTERT again promised today 'never to return to the days when Democrats raided social security.''' This is from the New York Times, of all things.

THE HATE CRIMES PREVENTION ACT OF 1999

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

Mr. CROWLEY. Mr. Speaker, I am proud to rise today and speak in favor

of the Hate Crimes Prevention Act of 1999, which is cosponsored by myself and 184 of my colleagues.

Recently our country was shocked once again when a gunman entered a Jewish community center in Los Angeles, California, shooting at innocent children and workers with the intent of sending a message by killing Jews.

Last year in Laramie, Wyoming, a young man was killed only because he was gay. In Texas, an innocent man was murdered and dragged through the streets of Jasper just because he was an African-American. All of these incidents are hate crimes, and these do not just affect the group that was killed, but they affect all Americans.

I believe the Hate Crimes Prevention Act of 1999 is a constructive and measured response to a problem that continues to plague our Nation, violence motivated by prejudice.

I know some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough. I answer with the most recent figure from 1997, when 8,049 hate crimes were reported in the United States.

REPUBLICANS BALANCE THE BUDGET WITHOUT RAIDING SOCIAL SECURITY

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

Mr. HAYWORTH. Mr. Speaker, I would echo the comments of my colleague, the gentleman from North Carolina, and would call to the attention of this House, and by extension, the American people, the headline which appears in the New York Times today. I quote it: ''Budget Balances Without Customary Raid on Social Security.''

Granted, Mr. Speaker, the Times tried to bury this on page A–18, but even the writer of the article says that this is enormous, this is of enormous import. Here is the reason why, Mr. Speaker. For the first time in 40 years, this Congress has balanced the budget without using social security funds. Indeed, there is a surplus of $1 billion.

Now, Mr. Speaker, let us take a walk down memory lane. For those 40 years, we had four Republicans in the White House and four Democrats, but also, for those 40 years, we had the liberals in control who spent 100 percent of the social security surplus on an annual basis and drove us further into debt.

Mr. Speaker, this is enormous news. We have balanced the budget, we have generated a surplus, and we have stopped the raid on social security trust funds.

WE NEED TO PUT AMERICA'S CHILDREN FIRST INSTEAD OF LAST

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

Mr. WU. Mr. Speaker, school has been in session from anywhere from 1½ months to 2 months, and we have got anywhere from 2 weeks to 2 months to bring this budget cycle to a close. It is time to put America's children first instead of last.

I have been working hard to reduce class size by putting 100,000 teachers into classrooms across America. We clearly need smaller class sizes in my congressional district. Some of the newest schools have overcrowding problems already, even though they have only been open for a year or two.

At other facilities, they either have trailers in the parking lot and in the schoolyard, or else there has not been any new construction since 1927, in some of the rural communities in my congressional district.

We need the ability to build classrooms where classrooms are needed. We need the ability to put additional qualified teachers into those classrooms. We need to put America's children first, instead of last. We need to get that taken care of in the next 30 to 60 days in this Congress.

REDUCING BLOATED FEDERAL GOVERNMENT WILL KEEP SOCIAL SECURITY TRUST FUND SAFE

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

Mr. TIAHRT. Mr. Speaker, how sweet it is. This year the Republican Congress will balance the budget without spending the social security trust fund. This is the second year in a row. Most people are surprised to find that out. It has not been easy. We have made some tough choices. We have taken some harsh criticism from our opponents, from the media, and even from our friends.

Yes, it has been tough, and it is not over this year. The administration has a different idea. The President says we can spend more money. All we have to do is dip into social security, like a bear dips into a jar of honey. It is easy, and if we do not like that, well, we will just raise taxes.

Mr. Speaker, that would be a bitter pill. We do not need to dip into the jar of honey and we do not need to take a bitter pill to stop the raid on the social security trust fund. All we need to do is put our overweight Federal Government on a diet and reduce its consumption. Then we will stop the raid on the social security trust fund, take care of those truly in need, and balance the Federal budget. How sweet it is, Mr. Speaker.

THE INSURANCE INDUSTRY, HMOS, AND THE REPUBLICANS WORK TO UNDERMINE THE PATIENTS' BILL OF RIGHTS

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

Ms. DELAURO. Mr. Speaker, last week we passed a historic piece of legislation giving patients strong protections against HMO wrongdoing. We put medical decisions back where they belong, in the hands of doctors and patients.

But the glow of our victory has quickly faded. Today the insurance industry, HMOs, and the Republican leadership are garnering their forces to undermine the Patients' Bill of Rights. The chairman of the Committee on Commerce said yesterday that the bill, and I quote, ''will never reach the President's desk.'' Plans are underway to bend, tear, and spindle these basic patient rights.

Families with loved ones who are sick need the Patients' Bill of Rights. They need it now. We should begin work immediately to reconcile our bill with the other Chamber's, and give patients the ability to choose their own doctors, guaranteed access to emergency and specialty care, the right to make health decisions with their doctors, and the ability to hold HMOs accountable.

Last week's victory was one battle in the war for strong patient protections. The American people deserve the Patients' Bill of Rights, and they deserve it now.

SOCIAL SECURITY LOCKBOX BILL HELD HOSTAGE BY FILIBUSTERS

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

Mr. PITTS. Mr. Speaker, on May 6 of this year, 139 days ago, I joined with 415 of my colleagues here in the House in supporting H.R. 1259, the social security lockbox bill.

The fight to stop the raid on social security in this year's budget debate offers the best possible reason for passing the social security lockbox bill. If the lockbox were in place this year, the big spenders would have to think twice before trying to go after the funds that rightly should be set aside for the seniors of today and tomorrow. We must stop balancing the Federal budget on the backs of our seniors and our social security trust fund.

Unfortunately, Members of the minority in the other body refuse to allow this bill to be brought to the floor for a vote. Six times there has been an effort to end the filibuster. Six times that effort has failed. The social security lockbox bill has been held hostage for 139 days. One hundred and thirty-nine days is long enough. It is time for the other body to act.

RURAL AMERICA AND THE POOR REMAIN LEFT OUT OF HIGH-SPEED DIGITAL INTERNET ACCESS

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

minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker, a study here in Washington by Legg-Mason recently reported that we are about to become a Nation of haves and have-nots in the worst way. That report says that as long as 3 years into the next millenium, one-half of America will still be deprived of high-speed digital Internet access.

That means that for half of America, our families, our businesses, will not have access to the Information Age, while the other half of America will have good, competitive service. Guess who is left out? Rural America, the poor, the impoverished parts of our country. It means that for half of America, they will either have a single monopoly provider or no provider at all.

Why? Because of old laws that still exist on the books to regulate long-distance and local phone companies. Those old laws restricting competition in those areas are going to hold back the deployment of high speed to half of America.

Members should try to explain to a business in their district, if they live in rural America, like I do, that has to shut down because it cannot get access to the Internet. Explain to a family that cannot get their children educated that they did not do anything about it.

It is time to change those old laws and to end this system of haves and have-nots in America.

□ 1030

WE HAVE REACHED THE PROMISED LAND, FOR NOW

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

Mr. STEARNS. Mr. Speaker, we have reached the promised land for now. The Federal Government, for the first time, the first time since 1960, balanced its budget in the just-ended year without tapping Social Security. The Congressional Budget Office reported that yesterday.

Now, this is very, very important. Those people who paid their money into Social Security in the form of taxes now can realize that they are protected, they are secure. Quote, ''We stopped the raid on Social Security. There is no going back,'' end quote. That is what our leader, the gentleman from Texas (Mr. ARMEY), said. And this is what Robert Reischauer of the Brookings Institution said, ''In a sense what we have done is we have reached the promised land and it will become an issue of who lost the promised land.''

Republicans are committed. Stop the raid on Social Security.

WHEN WILL H.R. 1 BE DELIVERED TO THE HOUSE?

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

Mr. OSE. Mr. Speaker, I rise today to inquire when are we going to get H.R. 1 delivered to this House? When I arrived here in January, one of the things we did out of respect for the administration was reserve H.R. 1 for the President's plan on Social Security. It is now the middle of October, and the President's plan is still absent.

When can we expect the delivery of H.R. 1 from the administration?

FIRST EVER CLEAN AUDIT OPINION OF U.S. HOUSE FINANCIAL RECORDS

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

Mr. SMITH of Michigan. Mr. Speaker, when we drafted the Contract with America in 1994, we promised to conduct public audits of the House books and records, but in 1995 PricewaterhouseCoopers could not even render an opinion. The records, and I should say the lack of records, were deplorable. Millions of dollars were tracked on handwritten ledgers with numbers scratched out and written in different ink colors. Supplies and equipment were purchased without competitive bidding. There was $14 million in over-budget spending. There were problems with the post office and the House bank.

After a great deal of work to clean up the mess and start keeping records under the guidelines of general accounting principles, this fall we received a totally clean bill of financial health. For the first time ever, the House books are clean, open to the public, and follow those principles.

We are committed to the highest standards of integrity and full accountability to taxpayers, including balancing the budget without using the Social Security trust fund surplus.

CONFERENCE REPORT ON H.R. 2561, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 326, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 326

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

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

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

Mr. Speaker, yesterday the Committee on Rules met and granted a normal conference report rule for H.R. 2561, the Fiscal Year 2000 Department of Defense Appropriations Act. The rule waives all points of order against the conference report and against its consideration. In addition, the rule provides that the conference report shall be considered as read.

This should not be a controversial rule. It is a type of rule that we grant for every conference report that we consider in the House.

Mr. Speaker, yesterday's military coup in Pakistan was a reminder to all of us that we live in an unstable world. We cannot ignore national defense. This appropriations bill, as well as the defense authorization bill which the President recently signed into law, is a strong step forward as we work to take care of our military personnel and provide for our national defense.

We have a long way to go, but H.R. 2561 fully funds a 4.6 percent military pay raise so that we can get some of our enlisted men and their families off of food stamps. It provides $1.1 billion more than the President requested for the purchase of weapons and equipment and it sets aside funding for a national missile defense system so that we can protect ourselves from terrorist nations.

This is a good bill. I urge my colleagues to support the rule and to support the underlying conference report, because now more than ever we must improve our national security.

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

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

Mr. Speaker, I rise in support of this rule and this conference report; but, first and foremost, I rise in support of the men and women who serve the Nation faithfully, as well as members of our armed services. They are the ones who, when called upon, will be required to sacrifice their lives so that we may continue to live in freedom; and this conference report, Mr. Speaker, fulfills a commitment to them which I am proud to support.

Mr. Speaker, this conference report contains a package of pay and retirement improvements which keeps faith with our men and women in uniform. This conference report contains the largest military pay raise in 18 years, as well as funding for a change in pay scales and a series of pay and bonus incentives. These pay increases, bonuses, and other incentives prove our commitment to a better quality of life for our military personnel and their families.

As an editorial in the Fort Worth Star Telegram noted on Monday, when the President signed the National Defense Authorization Act last week, he said the excellence of our military is the direct product of the excellence of our men and women in uniform. This bill invests in that excellence.

I believe, Mr. Speaker, the same holds true for this conference report. The conferees are to be commended for ensuring that quality of life, benefits and training for the soldiers, sailors, airmen, and Marines, upon whom we depend for our national security, are squarely addressed. There is much left to do, but I believe the provision of the 4.8 percent pay increase is a solid beginning. Incentives to retain our most skilled military personnel are also in the bill; but, again, there is still much to do to ensure that we not continue to lose men and women who have the skills and experience that are so critical to maintaining a fighting force that can quickly and effectively respond to any emergency or who can sustain a long-term effort.

The ranking member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), early this year called 1999 the Year of the Troops. This bill lives up to the commitments we as a body made earlier this year; but this is not the end of the story, Mr. Speaker, because there is still much to be done. In spite of the constraints on our budget, we must all make a commitment to continue to improve the quality of life for our military personnel and their families. Considering how much we ask of them, this is the least that we can do.

The conference agreement also provides for those weapons systems that our military men and women will man and operate, and in particular this bill reflects a workable compromise on the future of the F–22 stealth fighter. While I would certainly have preferred that full funding for production of the first six F–22 fighters be included in this bill, the agreement does provide $750 million for the development of a test aircraft which will be subjected to rigorous tests prior to going forward with full scale acquisition. Also included is $277 million for the purchase of components for advanced procurement of ten F–22s if the test aircraft meets the test thresholds established in the conference agreement and provides the $1.2 billion requested by the President for further research and development of the aircraft.

Mr. Speaker, production of this aircraft is the number one modernization priority of the Air Force. This program has received the unqualified endorsement of the entire Joint Chiefs, as well as all 10 war fighting commanders in chief.

The Secretary of Defense has called the F–22 the cornerstone of our Nation's global air power in the 21st Century. Mr. Speaker, no other aircraft in our current arsenal will be able to fulfill the role that the F–22 is designed to fill in the next century, and the conference agreement is a vast improvement over the zero funding that was in the House-passed bill. The conference agreement also provides for $246 million to build ten F–16–C fighters, as well as $283 million for F–16 modifications and upgrades. The bill also provides $302 million for upgrades for the B–2 bomber fleet and $856 million for the acquisition of 12 V–22 Osprey tiltrotor aircraft and $183 million for additional research and development on the V–22.

The conference agreement provides for a total of $267.8 billion for the Department of Defense in the first fiscal year of the new century. The conferees have done the best with the funds available to them but, Mr. Speaker, we have found ourselves in the unenviable position of making trade-offs and delaying the funding for needed modernization programs while at the same time the needs of our military continue to grow as our obligations as the world's only superpower continue to expand. This bill is a good bill as far as it goes, but I believe that in future years the Congress must make every effort to continue to fund the needed programs that will ensure our national security.

Mr. Speaker, I urge the House to adopt this rule and to adopt the conference report. This bill is good for our country and deserves our support.

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

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I rise in opposition to the rule, and I do this based on a provision that is in the bill, section 8160, which makes the statement, ''Notwithstanding any other provision of law, all military construction projects for which funds were appropriated in Public Law 106–52 are hereby authorized.''

In other words, in an appropriations bill they are saying that anything we want to do is okay to do and we will assume that they were authorized. Now, this is not unusual. We do this often in bills. In fact, there are many committees who do not do an authorization bill and then an appropriations bill, but that is not the case with defense. We work very hard to do an authorization bill. We struggle with that. We have endless hours of hearings with that. We come up with a bipartisan, it is almost always a unanimous, vote. Certainly in my committee it is always a unanimous vote on the authorization process. Then we go to the full committee, and it is almost always a unanimous vote.

So we have struggled with these things, trying to authorize the things that really do make sense, that are good public policy.

Then we go through the conference process, and we struggle with the Senate, and we come out, and we have an authorization bill. Now, many times the appropriations bill is out ahead of the authorizations bill, and so they can accept statements like this because they are out ahead, but that is not the case this year. The authorization bill is first. It has been signed by the President. The Committee on Rules, I asked in the Committee on Rules that they make these authorizations subject to a point of order so that we could at least get to these things and determine whether or not we want to do them or not. The Committee on Rules did not do that.

This is bad policy. This is a bad way to do our business here on the House Floor. It raises the question of whether or not we need an authorization committee and a Committee on Appropriations if the Committee on Appropriations is going to do it all.

So, Mr. Speaker, I would request that we would reject this rule and come back with a rule that would give us an opportunity to deal with this blanket authorization which is being done in an appropriations bill.

□ 1045

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, first of all, I want to congratulate the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) for doing their dead-level best to bring new thinking to this bill.

They tried mightily, for instance, on the issue of the F–22, because they recognized that, if we are putting all of our money in that basket, we do not have enough money to provide other high priority needs that our defense posture very badly needs.

They have been partially successful, and I congratulate them for that. I recognize that they could not go as far as they needed to go because of constraints imposed upon them by the leadership of this House. I regret that. I think we should have gone further.

But I want to take the time of the House today to give my colleagues a more basic reason for my concern about this bill. I am not going to vote for this bill in the end because I do not believe in supporting legislation which in the end conveys a falsehood to the American people.

When we had President Reagan ram his budget through here in 1981 and beyond, I opposed those budgets in very large part because they promised something that they could not deliver. They promised that they would balance the budget in 4 years. Instead, they produced the largest deficits in the history of the country.

When we had the budget agreement in 1997, which was signed by the President and pushed through the Congress by then Speaker Gingrich, I did not support it and called it a public lie, because, in my view, it promised things that would never take place. In fact, time has demonstrated that the doubts about that bill were correct.

Now, we have a new situation. We have the Republican majority telling the country that they do not want to sit down in an omnibus negotiation with the President on all remaining bills because, if they did, they say we will wind up just like last year where we had some $21 billion in emergency spending rammed into last year's omnibus appropriation bill.

First of all, that misreads history, because, in fact, that number was driven up substantially by then Speaker Gingrich who insisted that, whatever increases we had on the domestic side be matched on the military and intelligence side, whether we needed them or not. So they wound up spending $21 billion on emergencies.

But, ironically, this year, this Republican House has already spent $24.2 billion and designated them as emergencies. They spent $8.7 billion on agriculture and declared it an emergency. They spent $7.2 billion in this bill on defense, declared it emergency. They spent $4.5 billion on the census. They declared it an emergency. Low-income heating assistance, which has only been around for 24 years, they declared that an emergency at $1.1 billion. They declared $2.5 billion in FEMA as an emergency. They declared half a billion dollars in bioterrorism as an emergency for a grand total of $24.2 billion.

So they have already spent more in emergencies than we spent last year. Yet, they claim the reason they do not want to negotiate with the President is to avoid that which they have already done. That strange logic makes sense only, I guess, on this floor.

I would also point out that, in this bill, this bill pretends to spend $249 billion in outlays. In fact, when we take into account all of the gimmicks, it spends $271 billion in outlays. They have $21 billion worth of gimmicks in order to pretend that the bill is spending less than it actually spends.

It has an emergency designation of $7.2 billion in budget authority and $5.5 billion in outlays. It pretends we are going to make $2.6 billion through spectrum sales. We know that is not going to happen. It has an advance appropriation of $1.8 billion.

Then it simply directs the Congressional Budget Office to pretend that the spend-out rate for this bill is going to be $10.5 billion less than it will actually be, and they simply tell the Congressional Budget Office to ignore reality. That hides another $10.5 billion. Then they delay payments to contractors for a few days to save $1.25 billion.

So we have overall total gimmicks of $21.6 billion. That is not a good recommendation for passing this bill.

One thing we ought to do, no matter what our political differences are, no matter what our philosophical differences are, we at least ought to level with people about what we are doing. Yet, we are engaged in this ridiculous fiction that we are not above the caps and that this Congress has not already spent Social Security money for the coming year, by engaging in all of these phony accounting gimmicks.

That is happening, no question about it, at the direct direction of the leadership of this House. I think it brings discredit to the entire process. It brings discredit to this institution.

Whatever we pass ought to be on the level. This bill is as far from being on the level in terms of being honest with budget numbers as any I have seen in a long time. This and the Departments of Labor, Health and Human Services, and Education and Related Agencies appropriations bill, which has all kinds of similar gimmicks, are two reasons which demonstrate that, when it comes to telling the truth, this House gets a flunking grade.

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

Mr. PALLONE. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time.

Mr. Speaker, I do intend to support the rule and the conference report, but I wanted to express my concerns about some particular provisions concerning U.S. policy in South Asia.

The conference report language that would give the President authority to waive certain sanctions against India and Pakistan, including the prohibition on U.S. military assistance to Pakistan mandated by the Pressler Amendment, as well as other arms transfer controls.

While I have long supported lifting the economic sanctions against India and Pakistan, which the conference report also addresses, I am concerned the provisions in the conference report would result in a renewal of U.S. arms transfers to Pakistan.

Mr. Speaker, yesterday we were reminded in a stunning and very disturbing way about the potential problems associated with renewing our military ties with Pakistan. The Pakistani Army Chief of Staff, in a nationally televised address, confirmed that a military coup has taken place.

Prime Minister Sharif has been dismissed and placed under house arrest. Troops took over state-run TV and radio stations and closed the major airports. Pakistan's army has ruled the country for 25 of its 52-year history, so Army takeovers have been a relatively common occurrence. But this time, the subversion of civilian government means that Pakistan's nuclear arsenal is under direct control of the military leaders, the same hard-line forces who precipitated Pakistan's incursion into India or onto India's side of the Line of Control in Kashmir earlier this year, greatly heightened tensions in that region.

I believe the provision in the Defense authorization conference report to grant waiver authority for the Pressler amendment essentially on a permanent basis is a grave mistake. Combined with expanded waiver authority on other provisions of the Arms Export Control Act, this opens the door for the administration to renew the U.S. Pakistan military relationship.

Although the Arms Export Control Act waivers would theoretically apply both to India and Pakistan, with congressional notification, I am concerned that that goal is to renew military assistance to Pakistan. I hope that the administration would not help Pakistan militarily thereby putting India at risk. Likewise, I hope that any steps against Pakistan would not be matched by corresponding actions against India.

The conference report also provides for extended waiver authority of the Glenn Amendment economic sanctions. I have lobbied for a suspension, if not an outright appeal, of the Glenn amendment.

I am glad that the conference took action on the Glenn sanctions. Extending the waiver is a positive step, but I just think we could have gone a little further.

I also want to thank the conferees for another positive provision, a sense of the Congress resolution that the broad application of export controls to nearly 300 Indian and Pakistani entities listed on the so-called Entities List, which is adopted by the Bureau of Export Administration, is inconsistent with the specific national security interest of the U.S., and that this list requires refinement.

There is also language that these export controls should be applied only to those entities that make direct and material contributions to weapons of mass destruction and missile programs and only to those items that so contribute.

The BXA went way too far in blacklisting entities with little or no connection to nuclear or missile programs.

So, Mr. Speaker, again, I urge that we adopt the conference report and the rule, but I am very concerned about the repeal, essentially, of the Pressler Amendment.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LEWIS of California. Mr. Speaker, pursuant to House Resolution 326, I call up the conference report on the bill (H.R. 2561) making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 8, 1999, at page H9651).

The SPEAKER pro tempore. The gentleman from California (Mr. LEWIS) and

the gentleman from Pennsylvania (Mr. MURTHA) each will control 30 minutes.

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

GENERAL LEAVE

Mr. LEWIS. 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. 2561, and that I may include tabular and extraneous material.

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

There was no objection.

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first rise to ask the membership for their support for this very important bill. It involves the national defense of our country. In doing so, Mr. Speaker, I would like to express my personal appreciation to my colleagues on both sides of the aisle who have been, not just cooperative, but who have been truly professional in the best possible sense in presenting their viewpoints regarding a number of items that are very important, which we will consider as we go forward with this debate today.

In particular, I would like to express my appreciation to the gentleman from Florida (Mr. YOUNG), the chairman of the full committee. He has been essentially my trainer since I assumed this job, for he chaired the committee before I did. The gentleman from Florida (Mr. YOUNG) is not just a great leader of the full Committee on Appropriations, but, for his entire career, he has provided the kind of leadership that has allowed us to make certain that America is the strongest country in the world, as we play a role in leadership for peace in that world.

Mr. Speaker, speaking just for a moment about the bill, this legislation does provide for $267.7 billion in discretionary spending authority for fiscal year 2000. It meets all budget authority and outlay limits set in the subcommittee's 302(b) allocation.

This bill provides for $17.3 billion more than was appropriated in fiscal year 1999 and is $4.5 billion above the administration's 2000 budget request.

Let me take just a moment to outline some of the highlights of the bill. This legislation provides $73.9 billion to meet the most critical personnel needs of our military. One of our top priorities has been to improve the training, benefits, and quality of life, to ensure that the armed services retain their most valuable asset, that asset being the men and women who serve the country in uniform.

There are essentially 2.25 million men and women serving in the Armed Forces, the reserves, and the National Guard. These personnel, as well as our colleagues, will be pleased to know that this bill fully funds the 4.8 percent pay raise that we have discussed previously.

Mr. Speaker, with those brief comments outlining the highlights of the bill, I reserve the balance of my time.

Mr. MURTHA. Mr. Speaker, I yield 5½ minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman from Pennsylvania for the time.

Mr. Speaker, a minute ago, I talked about the gimmicks that were in this bill that hide its true spending levels. I would like to continue on that theme and put it in context by walking the House through what the gimmicks are in all of the appropriations bills that we are expected to try to pass.

First of all, with respect to this bill itself, one of the gimmicks in this bill, I guess I would call it the Government Deadbeat Amendment for the year. It simply says that the government is going to delay payment to defense contractors on the bills that we owe from 12 days to 17 days, thereby saving $1.2 billion by squeezing that money into the next fiscal year.

□ 1100

I would like to point out when we do that, we are not only affecting the cash flow of the United States Government, we are affecting the cash flow of thousands of U.S. businesses, and we are affecting their balance sheets for the quarter in question and for the entire fiscal year. And I think that what that really does is to increase the cost of doing business with Uncle Sam.

So what is the response of these contractors likely to be? The response is likely to be that they will factor in that problem the next time they write a contract with Uncle Sam. The net effect is it will raise the cost of those contracts down the line and, in the end, the taxpayers will pay for this foolishness.

This is just one example of one of the problems in the bill. And as I say, I make no criticisms to the gentleman from California (Mr. LEWIS) or the gentleman from Pennsylvania (Mr. MURTHA) when I cite this, because they had no choice but to include gimmicks like this because everybody in this House is under orders from the leadership to hide the true levels of spending. And it is not just happening on this bill. It is happening on all of them.

On agriculture we had just in directed scoring alone, not counting the emergency designation, just in directed scoring alone, which means that they pretend that they are going to spend less than they are actually going to spend, they hide $163 million that way.

In the Commerce-Justice bill, they hide $5.4 billion through a series of budgetary gimmicks. In this bill, as I said earlier, they hide $21.5 billion in spending that way. In the Energy and Water bill that passed, they hide $103 million. In the Foreign Operations bill, they hide $159 million. Interior, the House-passed bill, hides $159 million, as well.

Then in the Labor Health bill, which was reported by the committee, we will have $12.1 billion in assorted gimmicks, some of which their own leading presidential contender has denounced as being unfair because they balanced the budget on the backs of the poor.

In Transportation we have $1.4 billion worth of these gimmicks that hide the true nature of congressional spending. In Treasury-Post Office they hide $151 million. In the VA–HUD bill, which is going to come to the floor yet this week, they hide $1.5 billion through what I would call these hidden card tricks in a magic show.

The problem is that it is not just a few suckers paying a quarter who are fooled, the entire American public is deceived in the process. That means that government-wide, in all of the appropriations bills that we are supposed to consider this year, we have over $43 billion in gimmicks. When we subtract $14 billion from that, which represents the amount of the non-Social Security surplus that we have for the coming year on that we are expected to have, that means we have bills $29 billion over the spending caps in real terms when we do not count the gimmicks.

Now, I want to make clear some of this has happened before. This is not unprecedented. But what is unprecedented is the huge amount of game playing that is going on.

I would just suggest, in the end, both parties would be better off if we level with the American people and if we simply tell them what the true effects are. I know the gentleman from Florida (Mr. YOUNG) tried to avoid this. He tried to bring a series of bills out of committee which were bipartisan in nature and which were a whole lot more honest than the bills that we are running to the floor today, but he was cut off at the pass by people in his caucus who thought they knew better.

The result is that the level of consumer fraud in this House has reached record levels, and I think that is unfortunate for the country and the institution.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. YOUNG), the chairman of our full committee.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me the time, and I rise in support of this conference report on our appropriations bill for our national security and our intelligence programs.

The gentleman from California (Chairman LEWIS) deserves a tremendous amount of credit for the hard work that he has done in getting this bill to the floor.

Having had many years of experience as a member of this subcommittee, this was probably the most difficult year to go to conference on this bill that any of us have seen. The gentleman from California (Chairman LEWIS) has done a really outstanding job and especially since this was his first year in that important position as Subcommittee Chairman, and I cannot say enough

good words about the outstanding work that he has done.

Also, the gentleman from Pennsylvania (Mr. MURTHA), who is the ranking member and the former chairman of this subcommittee, as usual has worked with the gentleman from California (Mr. LEWIS) to keep this bill and any matters relating to national defense or intelligence totally nonpolitical, nonpartisan, which is as it should be. Our defense issues and our intelligence issues should not be political in any way.

One of the problems that they faced as they produced this bill this year and went to conference with the Senate was a 13-year reduction in our investment in our national defense. However, at the same time we were making these reductions, we were sending our troops to excessive deployments in all parts of the world. Many of them, as all of our Members know, are still deployed today in places like Bosnia and Kosovo and plus the permanent deployments in Europe, Korea, and other places like that.

We have tried to reduce the pressure of these excessive deployments, without much success, because the administration believes that anyplace in the world that there is an opportunity to send American troops they ought to do it. And they do it, and then they send us the bill after they spend the money.

The air war in Kosovo, for example, was a very expensive air war. That air war was basically an American air war. We provided the airplanes. We provided the pilots. We provided the fuel. We provided the munitions. And despite the fact it was a NATO decision to go into that war, it was a U.S. war, and we basically paid for it.

With this bill we are replacing a lot of the munitions, we are fixing a lot of the worn out equipment, we are trying to get a decent quality of life for those men and women who serve in our military by providing them a pay raise. And it is not really enough, but at least it is a significant step towards a commitment that some of us have made to get our men and women in the military up to a livable wage.

It is really a shame when we still have to report that there are still several thousand Americans in uniform who have to rely on food stamps to feed their family.

So we have to give some recognition to those people, and we have done that in this bill in addition to changing the retirement system. This is a good bill. And again I say, in my many years of experience on this subcommittee, this was the toughest conference meeting; and the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) deserve just a tremendous amount of credit in what they have been able to do to bring this conference report to the floor today.

Mr. LEWIS of California. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I thank the gentleman from California (Mr. LEWIS) for yielding me the time.

Mr. Speaker, I rise in great reluctance to oppose the conference report to accompany H.R. 2561, the Department of Defense appropriations act for the year 2000. I oppose the legislation because it contains numerous provisions which taken together represent an erosion of the prerogatives of the authorization process and actually raise the question of do we need an appropriations process and an authorization process if the Committee on Appropriations is going to do both in their bill.

I am not usually down here opposing a defense appropriations bill. I always have been and I continue to support a strong national defense.

Let me tell my colleagues, there is a lot of good in this bill. The gentleman from Florida (Mr. YOUNG) pointed out many of the items. There is a lot of good in this bill. The gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA) should be commended on the bill that they have produced and for getting this out of the conference report.

But since I have became chairman of the subcommittee on military installations and facilities over 4 years ago, I have worked closely with Members of both sides of the aisle to find additional resources needed to improve and enhance our military housing and infrastructure. I have always done so in cooperation with the Committee on Appropriations.

In fact, the military authorization bill on military facilities and construction and the appropriations bill on military construction in these last 4-plus years have been mirrors of each other because we worked so closely together. That is the way it should be. That is not the way it is this year.

That is why it is especially troubling to me to review the conference report and see that there are so many provisions that violate the necessary and reasonable boundaries between the authorizations and the appropriations process.

First, section 8160 provides a blanket authorization for all military construction projects for which funds are appropriated pursuant to the Military Construction Appropriation Act, 2000. The legislation contained funding or additional funding for 18 military construction projects amounting to $110.5 million for which no authorization of appropriations was provided in the National Defense Authorization Act for Fiscal Year 2000.

Mr. Speaker, I will include a list of these military construction projects at issue following my remarks.

Mr. Speaker, sometimes the appropriations bill is out ahead of the authorization bill; and when that happens, a provision like this may need to be done, but it is usually done with the idea that we are appropriating this subject to the authorization of these projects, which we then look at the next year and we get done.

That is not the case this year. The authorization bill did not provide authority for these military construction projects because there was a consensus among House and Senate conferees on that bill to not break scope to add large number of new projects, given the limited resources available to us.

While these projects may have legitimate military utility, none, in my judgment, represent an urgent requirement that could not be evaluated during next year's authorization review. It is not unusual for an occasional construction project to be appropriated without authorization. But, as I said, we do that the following year.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. HEFLEY. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Speaker, I appreciate my colleague yielding.

Let me say this: the questions that he is raising in his statement are very legitimate questions, and I must say that the gentleman has been more than professional in his dealings with me. I, too, feel that we need to work very hard to make sure that we eliminate conflicts between the authorizing process where they may exist and the appropriations process.

In this case, I guess the gentleman and I working together would probably agree regarding most of the projects that may have been authorized. Sometimes elements at a different level than that of the gentleman and mine and the House get involved between us. So, in connection with that, let me say to the gentleman that I commit to him that he and I will work very closely to try to eliminate this kind of problem in the future dealing with our leadership and otherwise.

And with that, while the gentleman is expressing very well his concern about this matter, recognizing the broad base of values in this bill, I would hope in the final analysis even with this protest I would have the vote of this gentleman.

Mr. HEFLEY. Mr. Speaker, I appreciate that. The gentleman from California (Mr. LEWIS) and I have worked together; but we have been friends and colleagues and worked well together for darn near 15 years, and that is not going to change because of this bill this year. And we have talked about next year and future years and how this ought to be done, and we intend to do it differently. I appreciate his comments.

Second, section 8167 provide new appropriations and authorization for an Army Aviation Support facility to support the Army National Guard at West Bend, Wisconsin. This MILCON project was not included in either the House or the Senate version of the defense authorization bill or in the House or Senate version of the military construction appropriations bill. It is an entirely new $10 million project that is

not even included in the Future Years Defense Plan, what is called the FYDP, meaning that it is not part of the current Army National Guard planning until well after the year 2005.

That is not the way we do business. The urgency of this project escapes me. Its inclusion in the general appropriations bill to support the Department of Defense is simply wrong and compounds the troubling precedent presented by section 8160.

Third, section 8163 provides authority for the Secretary of the Air Force to accept up to $13 million in contributions from the State of New York for the purpose of combining those funds with $12.8 million in appropriated funds to consolidate and expand facilities at Rome Research Site at New York.

□ 1115

It sounds like a good deal for the Air Force. The trouble is that the Air Force does not support it.

The President's budget request for the coming fiscal year contained a requirement for a $12.8 million facility at the Rome Research Site. The conference agreements on the defense authorization bill and the military construction appropriations bill both provided the funding necessary for the validated MILCON requirement. However, the proposal for broader authority to permit the State of New York to contribute funding for additional facility improvements was rejected by the conferees on the defense authorization bill. While the Department of the Air Force fully supported the requirement contained in the President's budget, the Secretary of the Air Force declined to support the broader facility improvement plan. In a letter dated August 6, 1999, the Secretary stated that ''The Air Force currently has no additional phased consolidation projects for the Rome Research Site in the Future Years Defense Plan and does not have options for funding any future phases.''

Finally, section 8168 contains extensive new authorities for the Secretary of the Air Force to conduct a ''pilot project'' at Brooks Air Force Base, Texas. These authorities fundamentally change the nature of installation management. Although the provision was slightly modified for the version contained in the Senate-passed defense appropriations bill, this is a matter which deserves review by the authorization committee, even if it is just a ''pilot project.''

Mr. Speaker, as I said, I know the gentleman from California (Mr. LEWIS) and other members resisted the inclusion of many of these provisions and I appreciate their efforts. Regretfully, the conferees on H.R. 2561 could not withstand the significant pressures to depart from the well-established pattern of comity that has governed the authorization and appropriations process for military construction in recent years. I simply cannot support legislation that in the end significantly undermines the authority of the Committee on Armed Services.

Mr. Speaker, I include the following for the RECORD:

MILITARY CONSTRUCTION PROJECTS AUTHORIZED BY SECTION 8160 OF THE DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000

State	Service	Location	Project	Amount in thousands
Arizona	Army	Fort Huachuca	Wastewater Treatment Plant, Phase 1	6,000
California	Navy	NAS Lemoore	Gymnasium	16,000
District of Columbia	Navy	8th & I Barracks	Site Improvements	4,000
Florida	Navy	Blount Island (Jacksonville)	Land Acquisition, Phase 1	5,000
Florida	Air Force	MacDill AFB	Mission Planning Center, Phase 1	10,000
Massachusetts	Army National Guard	Barnes ANGB	Army Aviation Support Facility	3,933
Michigan	Air National Guard	Selfridge ANGB	Replace Fire Crash/Rescue Station	7,400
Minnesota	Air Force Reserve	Minneapolis/St. Paul ARS	Consolidated Lodging Facility, Phase 2	8,140
Montana	Army National Guard	Great Falls	Readiness Center	4,700
New Jersey	Army	Picatinny Arsenal	Armament Software Engineering Center, Phase 1	9,900
New Jersey	Navy	NWS Earle	Security Improvements	1,250
Ohio	Air National Guard	Mansfield Lahm Airport	Replace Security Forces Complex	2,700
Ohio	Air National Guard	Toledo Express Airport	Upgrade Maintenance Complex	8,400
Ohio	Air Force Reserve	Youngstown ARS	Apron Runoff/Storm Water/Deicing Collection System	3,400
Pennsylvania	Army National Guard	Connellsville	Readiness Center	1,700
South Carolina	Navy	NWS Charleston	Child Development Center	3,614
Washington	Army	Yakima Training Center	Tank Trail Erosion Mitigation, Phase 5	12,000
Korea	Army	Camp Kyle	Physical Fitness Center	4,350
Subtotal				112,487
Offset for Authorization of Appropriations (P.L. 106–65)				(2,000)
Total				110,487

Note: Public Law 106–65, the National Defense Authorization Act for Fiscal Year 2000 provided authorization of appropriations for Military Construction, Army in the amount of $2,000,000 for tank trail erosion mitigation at Yakima Training Center, Washington.

Mr. LEWIS of California. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I rise in support of the conference report. I want to commend the gentleman from California, the chairman, along with the gentleman from Pennsylvania, the ranking member, for putting together what I think is a good quality bill.

As the gentlemen know, I was not particularly pleased with the direction at which we started out with respect to the F–22, but I want to say to each of the gentlemen, they have been very straightforward in the debate, the dialogue we have had, they have been honest in their beliefs and honest with me. I appreciate them working hard to make sure that we came up with a fair resolution for the continued research and ultimate procurement of a very valued weapons system. It is going to be necessary for this system to be purchased if we are going to maintain air superiority in the future, and we have seen just most recently in the Balkans how critical that is.

I also want to commend them on the direction in which we are continuing to go with respect to the C–17. The C–17 is a very valuable airlift mobility asset. I think that we ought to continue to look at what we are doing with the C–17 as a model for the purchase of future weapons systems. A multiyear buy not only provides our armed forces with the best weapons systems available but it also saves the taxpayers money, and that is what we are ultimately here and all about. We are operating in an entirely different era now from what we have operated in in past years because we simply do not have the money to buy anything we want in the quantities that we want to buy them.

I am a little disappointed in where we are going, the direction, with the 130s. The Marine Corps asked for a total of four and we were not able to provide those. But I know that the gentlemen are going to work hard to see if we cannot improve that next year. We are going to put the burden back on the Air Force, that if they want these weapons systems, they are not going to be able to depend on add-ons in future years. They have got to come ask for them. That is the way it ought to be.

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

Mr. CHAMBLISS. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Speaker, I want to compliment the gentleman on his statement, particularly on his comments regarding the C–17. I am very pleased and I want to compliment the gentleman from Pennsylvania (Mr. MURTHA) and the gentleman from California (Mr. LEWIS) for putting in the multiyear language for the C–17. Frankly, I do not think 120 of these planes is enough. I think we are going to need more than that, simply because we do not have enough aircraft for the airlift and deployability issue.

Just yesterday, General Shinseki has come up with this new program for the

Army which is basically heavily reliant on deployability and having all this new equipment be able to fit into those C–130s that the gentleman mentioned. I look forward to working with him in the days ahead, and I appreciate his statement.

Mr. Speaker, I rise in support of this conference report. This year's defense appropriations bill provides funding for many critical military needs. Chairman LEWIS and Ranking Member MURTHA have ensured that the Congress is addressing problems with recruiting and retention and the readiness of our Armed Forces. I thank them for their leadership on this bill.

H.R. 2561 includes the final portion of a 4.8 percent pay raise for military and defense civilian personnel. This pay raise will address the pay gap between those at the Defense Department and comparable jobs in the private sector. The bill includes critical funding for Navy ship maintenance, an area where increasing backlogs have built up. This year's bill includes over $360 million more for ship maintenance activities than the appropriations bill for FY 99. And this bill has found a critical balance for the modernization priorities of all the services. In particular, I am pleased that the conferees were able to restore much of the funding in the President's Request for the F–22, air dominance fighter. Funding included in the bill will allow work to move forward on the F–22 while also providing for additional testing.

The conferees also approved multiyear procurement authority for the FA–18 E&F and the C–17. This will allow us to purchase 222 F–18s for the price of 200, a significant savings. And it will allow us to take advantage of an unsolicited proposal by Boeing to provide 60 more C–17s at an average price that is 25 percent lower than the current model. These planes will address critical airlift needs revealed in Kosovo.

The committee has also ensured that the weaponization of our bomber force will continue. Earlier this year, the Air Force provided Congress with a bomber road map laying out their plan to weaponize the bomber force. It was totally inadequate. Congress has provided an additional $100 million for weaponization of the B–2 bomber. These funds will allow for the purchase of deployable shelters for the B–2 so that when necessary it can deploy closer to the theater of combat. We further integrate the B–2 into the larger air campaign by adding Link 16 connectivity to the B–2 along with the most advanced displays for situational awareness. We improve the in-flight replanning capability of the B–2's on-board computer systems. At the Air Force's request, we pay for the integration of the EGBU 28 bomb in the B–2's bomb bay. And we start the process of developing further improvements to the B–2's stealth.

The conferees also provided funding for improvements to B–52's situational awareness systems, and for additional conventional bomb modules for the B–1B. These investments will ensure that our bomber force can continue to be as effective in the future as it was during the recent Kosovo conflict.

Again, I would like to thank the Chairman and Ranking Member, and urge support of the conference report.

Mr. CHAMBLISS. I thank the gentleman for those comments.

Lastly, just let me say that I appreciate the efforts that we have made on the quality of life issues. As I go around and talk to enlisted personnel all across the world, I am very impressed with the quality of those folks, and the provisions that the gentlemen have made with respect to quality of life are going to help those young men and women out there.

Mr. LEWIS of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. GRANGER).

Ms. GRANGER. Mr. Speaker, I rise in strong support of the Department of Defense conference report, legislation that deserves overwhelming support in this House.

I want to begin by acknowledging the budgetary challenges that the gentleman from California and the Subcommittee on Defense faced in assembling this conference report. Yet I also want to thank this Congress and acknowledge that the Federal Government has no more important responsibility than national defense. This bill is a step in the right direction. I commend the gentleman from California for his leadership.

I have been an advocate for a stronger military for many years, but it was not until I arrived in Congress that I realized how hollow our military has become and how important high-tech weapons are to the future of our national security.

I want to commend the gentleman for his scrutiny of the F–22 Raptor program. This is an honorable compromise that does not compromise our national security. The F–22 will continue to be developed. That is bad news for America's enemies, but it is good news for America's security.

This conference report also funds other programs critical to our national defense, including the V–22 Osprey, the F–16 Falcon, and the 4BW–4BN, H–1 upgrade programs. I thank the gentleman for his work on these priorities.

In closing, I would like to remind my colleagues that our national security can be preserved only when we match our greatest asset, which is our troops, with the greatest weapons possible. This bill acknowledges that when it comes to national security, it is better to be safe than sorry. For that reason, I am proud to support this legislation.

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

Mr. Speaker, the bill speaks for itself. All the members have done a marvelous job: the gentleman from Virginia (Mr. MORAN) and the gentleman from Washington (Mr. DICKS) have been in the trenches; the gentleman from Minnesota (Mr. SABO) did a tremendous job; the gentleman from California (Mr. LEWIS) in a very difficult situation. This bill is carefully crafted, articulately done.

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

Mr. LEWIS of California. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. LEWIS of California. Mr. Speaker, a very brief comment in closing. I would be remiss if I did not just take a moment to express my deep appreciation to the gentleman from Pennsylvania (Mr. MURTHA) who is not just a pro at this business but who has been a great leader on behalf of national defense for a long, long time. Within our subcommittee, he has been the driving force that has allowed us to create an environment that is literally nonpartisan as it relates to national defense. No bill is more important to the national government, to America and indeed to the world than this one. The gentleman from Pennsylvania has played a key role in making this year's effort such a success.

Beyond that, I would also like to express my appreciation to Greg Dahlberg, his fine staff assistant who has worked so closely with us this year, Kevin Roper, my staff director, and I must say my own personal staff as well as our Appropriations Committee staff. Mr. Speaker, I do not know where or how we find such fabulous young people who are willing to work endless hours, endless days. They do not know weekends. They have done a fantastic job this year to create an extraordinary bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
MILITARY PERSONNEL						
Military Personnel, Army	20,841,687	22,006,632	21,475,732	22,041,094	22,006,361	+1,164,674
Pay increase provided in P.L. 106-31			(559,533)			
Military Personnel, Navy	16,570,754	17,207,481	16,737,072	17,236,001	17,258,823	+688,069
Pay increase provided in P.L. 106-31			(436,773)			
Military Personnel, Marine Corps 2/	6,263,387	6,544,682	6,353,622	6,562,336	6,555,403	+292,016
Pay increase provided in P.L. 106-31			(177,980)			
Military Personnel, Air Force	17,211,987	17,899,685	17,565,811	17,873,759	17,861,803	+649,816
Pay increase provided in P.L. 106-31			(471,892)			
Reserve Personnel, Army	2,167,052	2,270,964	2,235,055	2,278,696	2,289,996	+122,944
Pay increase provided in P.L. 106-31			(40,574)			
Reserve Personnel, Navy	1,426,663	1,446,339	1,425,210	1,450,788	1,473,388	+46,725
Pay increase provided in P.L. 106-31			(29,833)			
Reserve Personnel, Marine Corps	406,616	409,189	403,822	410,650	412,650	+6,034
Pay increase provided in P.L. 106-31			(7,820)			
Reserve Personnel, Air Force	852,324	881,170	872,978	884,794	892,594	+40,270
Pay increase provided in P.L. 106-31			(13,143)			
National Guard Personnel, Army	3,489,987	3,570,639	3,486,427	3,622,479	3,610,479	+120,492
Pay increase provided in P.L. 106-31			(70,416)			
National Guard Personnel, Air Force	1,377,109	1,486,512	1,456,248	1,494,496	1,533,196	+156,087
Pay increase provided in P.L. 106-31			(30,462)			
Total, title I, Military Personnel 4/	70,607,566	73,723,293	72,011,977	73,855,093	73,894,693	+3,287,127
Pay increase provided in P.L. 106-31			(1,838,426)			
Total funding available	70,607,566	73,723,293	73,850,403	73,855,093	73,894,693	+3,287,127
TITLE II						
OPERATION AND MAINTENANCE						
Operation and Maintenance, Army	17,185,623	18,610,994	19,629,019	19,161,852	19,256,152	+2,070,529
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
(By transfer - Pentagon Renovation Transfer Fund)	(-96,000)					(+96,000)
Operation and Maintenance, Navy	21,872,399	22,188,715	23,029,584	22,841,510	22,958,784	+1,086,385
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
(By transfer - Pentagon Renovation Transfer Fund)	(-32,087)					(+32,087)
Operation and Maintenance, Marine Corps	2,578,718	2,558,929	2,822,004	2,758,139	2,808,354	+229,636
(By transfer - Pentagon Renovation Transfer Fund)	(-9,513)					(+9,513)
Operation and Maintenance, Air Force	19,021,045	20,313,203	21,641,099	20,760,429	20,896,959	+1,875,914
(By transfer - National Defense Stockpile)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	
(By transfer - Pentagon Renovation Transfer Fund)	(-52,200)					(+52,200)
Operation and Maintenance, Defense-Wide	10,914,076	11,419,233	11,402,733	11,537,333	11,489,483	+575,407
(By transfer - Pentagon Renovation Transfer Fund)	(-90,020)					(+90,020)
Operation and Maintenance, Army Reserve	1,202,622	1,369,213	1,513,076	1,438,776	1,469,176	+266,554
Operation and Maintenance, Navy Reserve	957,239	917,647	969,478	946,478	958,978	+1,739
Operation and Maintenance, Marine Corps Reserve	117,893	123,266	143,911	126,711	138,911	+21,018
Operation and Maintenance, Air Force Reserve	1,747,696	1,728,437	1,788,091	1,760,591	1,782,591	+34,895
Operation and Maintenance, Army National Guard	2,678,015	2,903,549	3,103,642	3,156,378	3,161,378	+483,363
Operation and Maintenance, Air National Guard	3,106,933	3,099,618	3,239,438	3,229,638	3,241,138	+134,205
Overseas Contingency Operations Transfer Fund	439,400	2,387,600	1,812,600	2,087,600	1,722,600	+1,283,200
United States Court of Appeals for the Armed Forces	7,324	7,621	7,621	7,621	7,621	+297
Environmental Restoration, Army	370,640	378,170	378,170	378,170	378,170	+7,530
Environmental Restoration, Navy	274,600	284,000	284,000	284,000	284,000	+9,400
Environmental Restoration, Air Force	372,100	376,800	376,800	376,800	376,800	+4,700
Environmental Restoration, Defense-Wide	26,091	25,370	25,370	25,370	25,370	-721
Environmental Restoration, Formerly Used Defense Sites	225,000	199,214	209,214	239,214	239,214	+14,214
Overseas Humanitarian, Disaster, and Civic Aid	50,000	55,800	55,800	55,800	55,800	+5,800
Former Soviet Union Threat Reduction	440,400	475,500	456,100	475,500	460,500	+20,100
Pentagon Renovation Transfer Fund				246,439	222,800	+222,800
(By transfer)	(279,820)					(-279,820)
Quality of Life Enhancements, Defense 3/	455,000	1,845,370	800,000		300,000	-155,000
Total, title II, Operation and maintenance	84,042,814	91,268,249	93,687,750	91,894,349	92,234,779	+8,191,965
(By transfer)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE III						
PROCUREMENT						
Aircraft Procurement, Army	1,388,268	1,229,888	1,590,488	1,440,788	1,451,688	+63,420
Missile Procurement, Army	1,226,335	1,358,104	1,272,798	1,267,698	1,322,305	+95,970
Procurement of Weapons and Tracked Combat Vehicles, Army	1,548,340	1,416,765	1,556,665	1,526,265	1,586,490	+38,150
Procurement of Ammunition, Army	1,065,955	1,140,816	1,228,770	1,145,566	1,204,120	+138,165
Other Procurement, Army	3,339,486	3,423,870	3,604,751	3,658,070	3,738,934	+399,448
Aircraft Procurement, Navy	7,541,709	8,228,655	9,168,405	8,558,684	8,662,655	+1,120,946
Weapons Procurement, Navy	1,211,419	1,357,400	1,334,800	1,423,713	1,383,413	+171,994
Procurement of Ammunition, Navy and Marine Corps	484,203	484,900	537,600	510,300	525,200	+40,997
Shipbuilding and Conversion, Navy	6,035,752	6,678,454	6,656,554	7,178,454	7,053,454	+1,017,702
Other Procurement, Navy	4,072,662	4,100,091	4,252,191	4,184,891	4,320,238	+247,576
Procurement, Marine Corps	874,216	1,137,220	1,333,120	1,236,620	1,300,920	+426,704
Aircraft Procurement, Air Force	8,095,507	9,302,086	8,298,313	9,918,333	8,228,630	+133,123
Missile Procurement, Air Force	2,069,827	2,359,608	2,329,510	2,338,505	2,211,407	+141,580
Procurement of Ammunition, Air Force	379,425	419,537	481,837	427,537	442,537	+63,112
Other Procurement, Air Force	6,960,483	7,085,177	6,958,227	7,198,627	7,146,157	+185,674
Procurement, Defense-Wide	1,944,833	2,128,967	2,286,368	2,327,965	2,249,566	+304,733
National Guard and Reserve Equipment	352,000	.....	130,000	250,000	150,000	-202,000
Defense Production Act Purchases	.....	.....	5,000	.....	3,000	+3,000
Total, title III, Procurement	48,590,420	51,851,538	53,025,397	54,592,016	52,980,714	+4,390,294
TITLE IV						
RESEARCH, DEVELOPMENT, TEST AND EVALUATION						
Research, Development, Test and Evaluation, Army	5,031,788	4,426,194	5,148,093	4,914,294	5,266,601	+234,813
Research, Development, Test and Evaluation, Navy	8,636,649	7,984,016	9,080,580	8,421,976	9,110,326	+473,677
Research, Development, Test and Evaluation, Air Force	13,758,811	13,077,829	13,709,233	13,489,909	13,674,537	-84,274
Research, Development, Test and Evaluation, Defense-Wide	9,036,551	8,609,289	8,935,149	9,327,155	9,256,705	+220,154
Developmental Test and Evaluation, Defense	258,606	253,457	271,957	251,957	265,957	+7,351
Operational Test and Evaluation, Defense	34,245	24,434	29,434	34,434	31,434	-2,811
Total, title IV, Research, Development, Test and Evaluation	36,756,650	34,375,219	37,174,446	36,439,725	37,605,560	+848,910
TITLE V						
REVOLVING AND MANAGEMENT FUNDS						
Defense Working Capital Funds	94,500	90,344	90,344	90,344	90,344	-4,156
Transfer stockpile balances to working capital fund	.....	67,000	.....	.....	.....	.....
National Defense Sealift Fund:						
Ready Reserve Force	311,266	257,000	257,000	257,000	257,000	-54,266
Acquisition	397,100	97,700	472,700	97,700	460,200	+63,100
(Transfer out)	(-28,800)	.....	.....	.....	.....	(+28,800)
Total	708,366	354,700	729,700	354,700	717,200	+8,834
Total, title V, Revolving and Management Funds	802,866	512,044	820,044	445,044	807,544	+4,678
TITLE VI						
OTHER DEPARTMENT OF DEFENSE PROGRAMS						
Defense Health Program:						
Operation and maintenance	9,727,985	10,477,687	10,471,447	10,527,887	10,522,647	+794,662
Procurement	402,387	356,970	356,970	356,970	356,970	-45,417
Research and development	19,500	.....	250,000	300,000	275,000	+255,500
Total, Defense Health Program	10,149,872	10,834,657	11,078,417	11,184,857	11,154,617	+1,004,745
Armed Forces Retirement Homes	.....	.....	.....	68,295	.....	.....
Chemical Agents & Munitions Destruction, Army: 1/						
Operation and maintenance	491,700	593,500	492,000	543,500	543,500	+51,800
Procurement	115,670	241,500	116,000	191,500	191,500	+75,830
Research, development, test, and evaluation	172,780	334,000	173,000	294,000	294,000	+121,220
Total, Chemical Agents	780,150	1,169,000	781,000	1,029,000	1,029,000	+248,850
Drug Interdiction and Counter-Drug Activities, Defense	735,582	788,100	883,700	842,300	847,800	+112,218
Office of the Inspector General	132,064	140,844	140,844	137,544	137,544	+5,480
Total, title VI, Other Department of Defense Programs	11,797,668	12,932,601	12,883,961	13,261,996	13,168,961	+1,371,293

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE VII						
RELATED AGENCIES						
Central Intelligence Agency Retirement and Disability System Fund	201,500	209,100	209,100	209,100	209,100	+7,600
Intelligence Community Management Account	129,123	149,415	144,415	149,415	158,015	+28,892
Transfer to Dept of Justice	(27,000)	(27,000)	(27,000)	(27,000)	(27,000)	
Payment to Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Fund	25,000	15,000	15,000	35,000	35,000	+10,000
National Security Education Trust Fund	3,000	8,000	8,000	8,000	8,000	+5,000
Total, title VII, Related agencies	358,623	381,515	376,515	401,515	410,115	+51,492
TITLE VIII						
GENERAL PROVISIONS						
Ship Transfers (FY99 with FY2000 carryover)	-636,850	-170,000	-170,000	-170,000	-170,000	+466,850
FFRDC's/consultants	-62,000					+62,000
Defense reform initiative (DRI) Title II savings	-70,000					+70,000
National Defense stockpile transaction fund asset sale credit	-100,000					+100,000
Ellsworth AFB claims sup general provision	8,000					-8,000
Fisher Houses	1,000					-1,000
Division B - omnibus general provision (sec. 104)	2,000					-2,000
Procurement reductions	-142,100					+142,100
FY 1999 Procurement inflation Savings	-400,600			-285,600		+400,600
FY 1999 RDT&E inflation savings				-166,500		
FY 1999 Appropriations General Reduction				-3,100,000		
Information Assurance			150,000			
Guard Disaster Response			20,000			
Fuel Repricing	-502,000			-250,307		+502,000
Division B - omnibus general provision (sec. 105)	-67,000					+67,000
Additional transfer authority (sec. 8005)	(1,650,000)	(2,000,000)	(2,000,000)	(2,000,000)	(1,600,000)	(-50,000)
Indian Financing Act incentives (sec. 8024)	8,000		8,000	8,000	8,000	
Disposal & lease of DOD real property (sec. 8040)	25,000	32,200	32,200	32,200	32,200	+7,200
Overseas Military Fac Investment Recovery (sec. 8044)	38,000	4,300	4,300	4,300	4,300	-33,700
Rescissions (sec. 8058)	-415,909		-612,987	-53,405	-350,180	+65,729
Lapsed rescission	67,000					-67,000
FY 1999 Economic Adjustment (rescission) (sec. 8090)			-452,100		-452,100	-452,100
Women in Service for America Memorial (sec. 8097)			5,000		5,000	+5,000
Civilian personnel under execution (sec. 8100)				-209,300	-123,200	-123,200
Foreign Currency Fluctuations (sec. 8101)	-193,600		-171,000	-206,600	-171,000	+22,600
A-76 Studies (sec. 8108)			-100,000		-100,000	-100,000
WMD consequence management (sec. 8111)			50,000		35,000	+35,000
Travel Cards (sec. 8119)	5,000	5,000	5,000	5,000	5,000	
Recovery of DoD admin expenses from FMS (sec. 8123)			-87,000		-87,000	-87,000
Advance pay appropriation (sec. 8129)				-1,838,426	-1,838,426	-1,838,426
Transfer to Department of Transportation (sec. 8131)				(5,000)	(5,000)	(+5,000)
Aircraft leasing (sec. 8133)				11,000	19,000	+19,000
Munitions/Readiness (sec. 8134)					-100,000	-100,000
Red Cross (sec. 8137)				23,000	5,000	+5,000
United Service Organizations (sec. 8143)					5,000	+5,000
F-22 Program Transfer Account (sec. 8146)					1,000,000	+1,000,000
F-22 Program Termination Liability (sec. 8147)					300,000	+300,000
Performance Based Academic Model (sec. 8148)					5,500	+5,500
Seattle Conveyance (sec. 8153)					1,000	+1,000
Eisenhower Memorial Commission (sec. 8162)					300	+300
Rome Labs (sec. 8163)					13,000	+13,000
Aviation Support Facility (sec. 8167)					10,000	+10,000
Depot Maintenance (sec. 8169)					-400,000	-400,000
Spares (sec. 8170)					-550,000	-550,000
Base Operations (sec. 8171)					-100,000	-100,000
Munitions (sec. 8172)					-356,400	-356,400
O&M general reduction (sec. 8173)					-7,200,000	-7,200,000
O&M contingent emergency (sec. 8173)					7,200,000	+7,200,000
Total, title VIII	-2,436,059	-128,500	-1,318,587	-6,196,638	-3,350,006	-913,947
DOD-WIDE SAVINGS		-1,650,000				

DEPARTMENT OF DEFENSE APPROPRIATIONS BILL, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE IX						
Waiver of certain sanctions against India and Pakistan	.....	.....	.....	.....	43,000	+43,000
Grand total (before emergency funding for FY99)	250,520,548	263,265,959	268,661,503	264,693,100	267,795,360	+17,274,812
EMERGENCY FUNDING FY99						
Emergency funding (P.L. 105-277):						
Title I - Readiness	5,893,053	.....	.....	.....	.....	-5,893,053
Title II - Antiterrorism	528,927	.....	.....	.....	.....	-528,927
Title III - Y2K conversion	1,100,000	.....	.....	.....	.....	-1,100,000
Supplemental (H.R. 1141)	8,573,969	.....	.....	.....	.....	-8,573,969
Total, Emergency funding for FY99	16,095,949	.....	.....	.....	.....	-16,095,949
Adjusted total (including emergency funding for FY99)	266,616,497	263,265,959	268,661,503	264,693,100	267,795,360	+1,178,863
CONGRESSIONAL BUDGET RECAP						
Scorekeeping adjustments:						
Adjustment for unapprop'd balance transfer (Stockpile)	150,000	150,000	150,000	150,000	150,000	.....
Stockpile collections (unappropriated)	-150,000	-150,000	-150,000	-150,000	-150,000	.....
Emergency funding	-7,521,980	.....	.....	.....	.....	+7,521,980
Emergency funding	-8,573,969	.....	.....	.....	.....	+8,573,969
Spectrum auction (sec. 8124)	.....	.....	-2,600,000	-2,600,000	-2,600,000	-2,600,000
Subtotal	-16,095,949	.....	-2,600,000	-2,600,000	-2,600,000	+13,495,949
Advance pay appropriation (P.L. 106-31)	.....	.....	1,838,426	1,838,426	1,838,426	+1,838,426
Total adjustments	-16,095,949	.....	-761,574	-761,574	-761,574	+15,334,375
Adjusted total (including scorekeeping adjustments)	250,520,548	263,265,959	267,899,929	263,931,526	267,033,786	+16,513,238
Appropriations	(250,869,457)	(263,265,959)	(268,965,016)	(263,984,931)	(267,836,066)	(+16,966,609)
Rescissions	(-348,909)	.....	(-1,065,087)	(-53,405)	(-802,280)	(-453,371)
RECAPITULATION						
Title I - Military Personnel	70,607,566	73,723,293	72,011,977	73,855,093	73,894,693	+3,287,127
Title II - Operation and Maintenance	84,042,814	91,268,249	93,687,750	91,894,349	92,234,779	+8,191,965
(By transfer)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	.....
Title III - Procurement	48,590,420	51,851,538	53,025,397	54,592,016	52,980,714	+4,390,294
Title IV - Research, Development, Test and Evaluation	36,756,650	34,375,219	37,174,446	36,439,725	37,605,560	+848,910
Title V - Revolving and Management Funds	802,866	512,044	820,044	445,044	807,544	+4,678
Title VI - Other Department of Defense Programs	11,797,668	12,932,601	12,883,961	13,261,996	13,168,961	+1,371,293
Title VII - Related agencies	358,623	381,515	376,515	401,515	410,115	+51,492
Title VIII - General provisions	-2,436,059	-128,500	-1,318,587	-6,196,638	-3,350,006	-913,947
DoD-wide savings	.....	-1,650,000	.....	.....	.....	.....
Total, Department of Defense (in this bill)	250,520,548	263,265,959	268,661,503	264,693,100	267,752,360	+17,231,812
Funds provided in Supplemental Acts	16,095,949	.....	1,838,426	1,838,426	1,838,426	-14,257,523
Total DoD funding available	266,616,497	263,265,959	270,499,929	266,531,526	269,590,786	+2,974,289
Title IX - India and Pakistan waiver of sanctions	.....	.....	.....	.....	43,000	+43,000
Other scorekeeping adjustments	-16,095,949	.....	-2,600,000	-2,600,000	-2,600,000	+13,495,949
Total mandatory and discretionary	250,520,548	263,265,959	267,899,929	263,931,526	267,033,786	+16,513,238
RECAP BY FUNCTION						
Mandatory	201,500	209,100	209,100	209,100	209,100	+7,600
Discretionary	250,319,048	263,056,859	267,690,829	263,722,426	266,824,686	+16,505,638

1/ Included in Budget under Procurement title.

2/ FY 2000 budget request was increased by $3,000,000 for a mistake in the budget appendix.

3/ FY 2000 budget amendment added $1,845,370,000.

4/ The total recommended for Title I was reduced by $1,838,426,000, the amount provided in the FY 1999 Supplemental for advance funding of pay and retirement reform initiatives.

Mr. MORAN of Virginia. Mr. Speaker, I rise in support of the conference agreement to H.R. 2561, making FY 2000 appropriations to the Department of Defense.

As a Member of the Defense Appropriations Subcommittee, I would like to take this opportunity to recognize the strong bipartisan leadership exhibited by Chairman LEWIS and Congressman MURTHA in developing this conference report.

Confronted with the difficult task of negotiating an agreement between two vastly different bills, their bipartisan approach should serve as a model of how this entire body should work.

We have produced a strong bill that makes a number of critical investments in our nation's military, most especially the people who serve our country.

This bill funds a 4.8 percent pay increase for our military personnel and an additional $399 million to support DOD's recruiting and retention efforts such as elimination of the so-called REDUX policy.

After many long hours of negotiation, we reached a compromise on the F–22 program that will require further testing of the F–22 aircraft and make procurement of the aircraft contingent on the F–22 passing certain performance tests.

This action sends a signal to the entire defense establishment that, given the demands on today's military forces, we cannot back away from some difficult choices concerning our weapons modernization programs.

This bill carefully balances all facets of our military budget in order to sufficiently invest in hardware without shortchanging our military personnel.

For this reason, we should exercise every opportunity to demand excellence and efficiency from the money we appropriate.

I am optimistic that the outcome of this conference will set a precedent for how our subcommittees must balance our nation's defense spending priorities in today's post-Cold War era.

We have undertaken a serious debate on how to develop and procure the best weapons technology and military equipment available today without shortchanging readiness and quality-of-life issues that are equally critical to the men and women who serve in our military.

I would also like to commend the staff from both subcommittees for their assistance to my office and, most especially, their tireless work in developing this conference agreement. Their professionalism throughout this process is to be highly commended.

I have benefitted from the tremendous expertise and institutional knowledge my esteemed colleagues who sit on this Subcommittee and am proud to support this conference report.

I urge my colleagues to vote for this agreement and promptly send it to the President for this signature which I trust it will secure.

Mr. VENTO. Mr. Speaker, I rise in strong opposition to this Defense bill. I am concerned that this bill does not fit within existing priorities and will make it extraordinarily difficult to address budget reality. This measure appropriates $267 billion—$4.5 billion over the Administration request and $8 billion when all aspects of 2000 spending are calculated. Moreover, $5 billion has been added to advance previous 1999 emergency bills. Overall, this bill easily represents a $20 billion increase in defense spending for 2000—a year when the overall category is supposed to decrease under the caps by some $25–30 billion and collectively translates into a $50 billion reduction from other programs in the budget!

H.R. 2561 relies heavily upon budget gimmicks. The GOP uses over $10 billion in budget slight of hand, suggesting that spending is reduced by $1 billion by simply delaying defense contracts, declaring $7.2 billion in emergency spending to beat the budget caps and claiming over $2 billion credit for sale of the electromagnetic spectrum. These actions defy common sense and the net effect will result clearly in higher spending and this House ought to acknowledge the impact rather than invest in scapegoats.

Surprisingly, the Republicans opted to undermine peacekeeping efforts in the Balkans by not providing any funds for the ongoing operations in Kosovo. By such action, the GOP has turned their backs on the U.S. role in NATO and our involvement within the Balkans. It is imperative that this Congress continue to maintain our commitment in this troubled region by supporting the important peacekeeping mission in Kosovo. No doubt a supplemental spending bill will appear in the near future to fund this and other short changed commitments.

How can we justify appropriating a whopping $4 billion to a national missile defense system that is out of line with the 1972 Anti-Ballistic Missile Treaty and which on technical grounds has failed to perform? This flawed policy at its worst will invite a new arms race, thus trashing a treaty for a missile defense system of dubious performance. Nonetheless, the Republican led House has found a way to waste federal resources on a budget busting and ineffective missile defense when reports suggest that soldiers are living in substandard housing and quitting in droves.

This Conference Agreement provides over billions for aircraft not requested. Specifically, the funding for the KC 130J Hercules alone is $600 million and the National Defense Sealift is $717 million, representing $320 million over the Administrations request. Others collectively include bombers, fighters and helicopters which well exceed $1.1 billion beyond the Presidents request and numerous other procurement programs that go off the deep end.

The most controversial aircraft in this bill is the F–22. This Air Force modernization project was constructed to counter the soviet Union and is estimated to cost well over $40 billion, or $14–$18 billion a year, greater than the cumulative budget of several Federal Departments combined a year, when in full production for one aircraft program. Fortunately, common sense and reality limited funding for such in this bill. However, this measure does provide $1 billion to research and develop ''test'' aircraft. No doubt the advocates of the F–22 will live to fight another day and will be well fed during the interim.

Congress should keep in mind that we just don't need smart weapons, but smart soldiers and sailors. Our priorities should concentrate on investing in the men and women in the Armed Forces. Such paramount investment constitutes health care and education opportunities for our soldiers and future generations long before they put on a uniform Unfortunately, this bill and its distorted priorities precludes possible investment in people in other parts of the budget. This represents the classic slogan—''guns vs. butter''. We can't have both. This measure takes us down the path of investment in hardware, not personnel.

I agree with the important and much needed military pay and pension increases and health care for our military personal, but not the pension changes. This increased military spending brings big budget problems for tomorrow and years ahead. It is my hope that this Republican led Congress will face up to the inflated costs inherent in the policy blueprint of this measure and get their heads out of clouds and feet back on the ground of the real world.

This measure set us on a policy path where expensive weapon systems and hardware costs soak up all the available funds committing us to a faulty military policy and short changing key people programs. Such people programs are essential to our nation's security both economic and militarily.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 2561, the Defense Appropriations bill for Fiscal Year 2000. Spending on the F–22 is only a small portion of an already bloated Defense Appropriations bill. The House of Representatives will vote today on spending $267.8 billion for the Department of Defense. The GOP is unable to come up with adequate funding for Labor-HHS, yet they have mysteriously come up with $267.8 billion for defense spending. I have a suggestion for the leadership—cut wasteful defense programs.

The Air Force can expect to receive approximately $1 billion to develop ''test'' F–22 aircraft and $1.2 billion for research and development on the plane. Lockheed Martin's K Street lobbyists are certain to get a bonus in their stocking at Christmas. Thanks to Lockheed's relentless lobbying efforts and shrewd production prowess, the company was able to convince House and Senate conferees that the program really is worthwhile.

The Department of Defense has spent $18 billion on the F–22 since the mid-1980's. The project is too expensive and simply not needed. The program was initiated in 1981 to meet the threat of next generation Soviet aircraft. However, that threat no longer exists. The war in Kosovo is the perfect example of why the U.S. does not need the F–22. The current fleet of F–15s and F–16s demonstrated U.S. dominance in the air in Kosovo. Proponents of the F–22 claim that the aircraft is far superior than the F–15 in air to air combat. This may be true, but we never had air to air combat in Kosovo and we don't need anything superior. The Yugoslav Air Force never engaged the U.s. in air to air combat because they would have faced defeat much sooner. No nation in the world comes close to challenging U.S. air dominance. But there are many nations whose children's elementary and secondary school aptitude tests far exceed those of the U.S.

We must ask ourselves, where are our priorities? When is classroom size reduction, providing health insurance to 11 million children and full prescription drug coverage to 40 million elderly going to be a priority for this Congress? It is deplorable and shameful that the wealthiest industrial nation cannot afford quality health care or adequate education. Yet at the same time, our nation is able to boast of its air dominance and insist on more.

I urge my colleagues to join me in saying, ''enough is enough.'' I urge a no vote on H.R. 2561.

Mr. MOORE. Mr. Speaker, I rise today in support of H.R. 2561, the defense appropriations conference report, but with reservations. I voted for this conference report because I believe in a strong national defense and I support the men and women who risk their lives to defend our nation. I am, however, strongly opposed to the manner in which this conference report funds these important functions. I believe in a strong defense, not the budget gimmicks that the majority uses to hide the actual amount of spending in the bill.

I voted in favor of a 4.8 percent pay increase for military personnel who risk their lives for this country, not an agreement that shifts spending of an estimated $10.5 billion our of fiscal year 2000 and pushes personnel payments into the next fiscal year. I voted in favor of our commitment to providing the strongest defense in the world, not delaying over $1.3 billion in payments to defense contractors. I voted in favor of new defense technologies that will save lives, not for projects like the F–22 that my colleague from California, the Chairman of the Defense Appropriations Subcommittee says, ''has become a burden on the rest of the military.''

Mr. Speaker, I am offended by the manner in which this Congress is proceeding with its fiscal duties. Shifting $10.5 billion of FY 2000 dollars to FY 2001, delaying contractor payments into the next fiscal year and declaring a $7.2 billion in ''emergency'' is not being fiscally responsible and it is not being honest with the American people about adherence to budget caps.

On September 29th, the non-partisan Congressional Budget Office released a letter stating that Congress has already broken the budget caps and has already consumed over $18 billion of the Social Security surplus. Mr. Speaker, as we move forward in the appropriations process, I hope both parties will work together to preserve and protect Social Security and Medicare, while providing for our country's basic needs. I hope the leadership will choose to keep faith with Americans and stop resorting to these kinds of budget gimmicks, which only seek to deceive people about the federal budget.

Mr. BENTSEN. Mr. Speaker, I rise today in support of H.R. 2561, the Fiscal Year 2000 Department of Defense Appropriations bill. This bill will provide $267 billion for defense programs which is sufficient to meet the needs of today's military. However, I am concerned that $18 billion of this bill has been designated as ''emergency spending'' and would therefore not be subject to the budgetary caps included in the Balanced Budget Act of 1997. I support providing additional resources to the Department of Defense, but I believe that we must be honest with the American people in reconciling our need for additional defense spending with our ability to do so under the existing budget caps.

I would like to highlight an important project included in this bill that would provide $10 million for the Disaster Relief and Emergency Medical Services (DREAMS) program. This is the third installment on funding for DREAMS that would help to save lives and reduce health care costs. In 1997, Congress provided $8 million for DREAMS and in 1999, $10 million for DREAMS. These federal funds have been leveraged with State of Texas funding, financial support from the National Institutes of Health and the ANA and philantrophic sources.

DREAMS is a joint Army research project with the University of Texas Houston Health Science Center and Texas A&M University System. The DREAMS project will demonstrate in both civilian and military terms how to attend to wounded soldiers from remote locations during emergency situations. The project will fund three different research projects, including Emergency Medical Services (EMS), diagnostic methods and therapies for shock injuries, and chemical as well as biological warfare defense.

The EMS program will use emergency helicopters to fly directly to injured persons and treat these individuals after a trauma injury. Using the fiber-optic traffic monitoring system already being used in Houston, the DREAMS project will help helicopters to reach their victims faster. The second part of this EMS program is to collect real-time patient data and relate this information back to trauma physicians to make immediate diagnosis and recommended treatments.

The chemical and biological warfare program will help to develop chemical sensor tests to treat victims on toxic substances. In addition, DREAMS in developing mechanisms for the biological decontamination and detoxification of these chemical agents. The City of Houston is an ideal location for these tests because of that large number of petrochemical and industrial facilities located in our area.

The diagnostic methods and therapies program will determine possible applications to treat patients during the ''golden hour'' following a traumatic injury. These methods will include mechanisms to treat the decreased blood flow that is common in many trauma patients. This project is also exploring how to prevent cell death as a result of traumatic injury. The DREAMS project will yield new results and procedures to help patients become stabilized before sending them to trauma centers.

I am pleased that Congress has included this vitally important research funding and urge my colleagues to support this measure.

Mr. BLUMENAUER. Mr. Speaker, I rise today in opposition to the conference report for Defense Appropriations for Fiscal Year 2000. This bill is replete with budget gimmicks that seek to mask the true cost of funding the Department of Defense, such as declaring billions of spending to be an arbitrary ''emergency'' and delaying payments to defense contractors. Unfortunately, those gimmicks cannot hide the fact that this bill exceeds the Pentagon's request by $8 billion, with much of that money spent on unnecessary and even unrequested projects such as $264.3 million for the C–130 airplane and $375 million to build the LHD–8 ship in Mississippi. This bill also does not meet our commitments to fund current peacekeeping operations or reconstruction in Kosovo. This sends a disturbing message to the rest of the world that we are not willing to keep our promises to our allies in times of crisis. For these reasons, among others, I am voting against this conference report.

Mr. HOLT. Mr. Speaker, I rise today in support of H.R. 2561, the FY 2000 Defense Appropriations Bill.

There are a number of good things in the bill and I applaud the Members of the Subcommittee for their efforts. I applaud the inclusion of $165 million to boost the military pay raise to 4.8 percent, increasing the 4.4 percent raise that was funded in the FY 1999 emergency supplemental.

While I intend to vote for the package today, I remain extremely concerned about the manner in which this bill fits into the overall budget picture and about the number of budgetary gimmicks included in the legislation.

The bill is $3.8 billion over the President's request. The bill provides $267.1 billion for various defense programs in FY2000, $269.7 billion if spectrum asset sales are excluded. Of this amount, $7.2 billion of routine Operation and Maintenance appropriations are designated as ''emergency'' for budget scoring purposes, and an additional $10.5 billion in outlays are not counted under the budget caps due to ''directed scoring'' to the CBO by House leadership.

While it is not clear if the President will sign this bill, I am hopeful that he will examine this legislation in the context of the important needs our government has left to fund for the next fiscal year.

Mr. SPRATT. Mr. Speaker, when combined with defense appropriations in the Military Construction and Energy and Water bills, the Defense Appropriations Conference Report for FY 2000 brings total defense funding to $289 billion, $7.4 billion more than the President requested. This level of spending is above the ceiling imposed by the Balanced Budget Act of 1997; and since the on-budget surplus of $14.4 billion in FY 2000 has been committed already by other appropriations bills, this spending level could lead to borrowing from the Social Security surplus in FY 2000.

To avoid the appearance of being over the caps and into Social Security, the conference report resorts to a number of ''gimmicks.'' It classifies $9 billion in new budget authority as ''emergency spending.'' It directs that outlays in FY 2000 be scored at $10.5 billion less than CBO estimates. As an offset to extra spending, it includes non-germane provisions that direct spectrum sales in FY 2000, although CBO deems them improbable, and it scores the proceeds of the spectrum sales at $2.6 billion, although CBO disputes any proceeds in FY 2000.

I support most of the defense spending in this agreement, but not the ''gimmicks.'' This is no way to budget. This report allows ''spending caps'' and ''emergency spending'' to mean whatever the majority says they mean. It disregards CBO's scorekeeping, despite its track record for accuracy, and by fiat inserts outlay estimates of its own. These rules, disciplines, and procedures have helped us achieve the first budget surpluses in thirty years. If we treat these rules in the cavalier way this report treats them, our on-budget surpluses are not destined to last long, and we may soon find ourselves borrowing again from Social Security.

This conference agreement provides $269.4 billion in discretionary budget authority (BA) for defense in FY 2000. This includes $9.0 billion in emergency funding and $2.6 billion in funding that is ''offset'' by spectrum sales (more details below). Of the $9.0 billion in emergency funding, $1.8 billion was previously appropriated in the Kosovo Emergency Supplemental bill for military pay raises. In conference, $7.2 billion in Operations and Maintenance (O&M) funding already included in the House bill was designated as an emergency. The purpose of this increase was not to increase the total amount of defense funding

(the conferees actually cut the House bill). Rather, it was to raise the caps and create room for an increase to the allocations of other subcommittees, such as Labor-HHS-Education.

According to the Appropriations Committee's press release, the gross total of the bill (including emergencies) is almost $900 million less in BA (and $3.3 billion less in outlays) than the House-passed version of the bill, but $17.3 billion more in BA than the 1999 appropriated level excluding emergencies. According to the press release, the following accounts were increased. (Figures are dollar increases compared to President's request except Military Personnel.):

O&M—$1.0 billion.

Procurement—$1.1 billion.

R&D—$3.2 billion.

Military Personnel—4.8% pay raise vs. 4.4% pay raise.

BUDGET GIMMICKS IN THE BILL

Emergency Declaration: Besides the $1.8 billion for ''emergency pay'' contained in the Kosovo Supplemental, the conference report declares $7.2 billion BA for routine O&M activities to be an emergency even though these activities were not declared emergencies in either the original House or Senate bills. This gimmick is intended to help other subcommittees, not the defense subcommittee, because the emergency will increase the total caps, and money is fungible. To facilitate this kind of chicanery, the Senate has adopted a new rule, which requires 60 votes to declare a non-defense emergency, but only a simple majority to declare a defense emergency.

Delaying Contractor Payments: The conference report included two provisions, sections 8175 and 8176, not found in either the original House or Senate bills, that relax the time table for Pentagon payments to defense contractors by an extra amount of time ranging from five to seven days longer than current practice, depending on the type of payment. This will result in slipping about $1.250 billion in outlays from FY 2000 into FY 2001.

Scoring Adjustments: Several adjustments have been made to CBO's scoring of appropriations bills that contain defense funding:

(1) Outlay ''plugs'' or ''directed scorekeeping'' total $10.533 billion. As explained below, this consists of $9.7 billion in general scorekeeping of outlays and $833 million related to contingent emergencies.

(2) $2.6 billion has been added as a ''credit'' for provisions that direct the Federal Communications Commission to conduct a spectrum auction.

CBO does not believe that the spectrum auction of television frequencies can be completed in 2000, and scores its revenue potential at zero for FY 2000. If the spectrum sales were to occur on a more reasonable schedule, CBO believes they would only raise $1.9 billion, not $2.6 billion. The $9.7 billion plug is supposed to represent the difference between OMB and CBO scoring of the President's budget, but that figure includes the difference in contingent emergencies between OMB and CBO. Nevertheless, CBO is ordered to count contingent emergencies twice for a total of $10.533 billion in ''plugged outlays,'' $833 million more than the discrepancy between CBO and OMB.

SUMMARY OF GIMMICKS

[In billions of dollars]

	BA	Outlays
Directed scorekeeping or plugs	0.000	10.533
Spectrum sales	2.600	2.600
New ''emergencies''	9.038	6.591
Delayed contractor payments	0.000	1.250
Total	11.638	20.974

BUDGET VARIANCE REPORT

The following table compares current defense spending levels with levels specified in the Balanced Budget Act of 1997:

COMPARING DEFENSE PLANS: BBA VS. PRESIDENT'S CURRENT PLAN VS. REPUBLICAN RESOLUTION

[In billions of dollars]

	2000	2001	2002	2000–2002 total
Balanced Budget Agreement of 1997 (BBA):				
Budget authority	277.3	281.9	289.7	848.8
Outlays	275.7	272.8	273.9	822.4
President's current plan:				
Budget authority	283.4	301.3	303.2	888.0
Outlays	280.3	284.4	293.3	858.0
Republican FY 2000 budget resolution:				
Budget authority	291.8	304.8	309.3	905.9
Outlays	283.4	288.9	293.4	865.7
President above/below BBA (squeeze on NDD):				
Budget authority	6.2	19.4	13.5	39.1
Outlays	4.6	11.6	19.4	35.6
Republican above/below BBA (squeeze on NDD):				
Budget authority	14.6	22.9	19.6	57.1
Outlays	7.7	16.1	19.5	43.3
Republican above/below President (squeeze on NDD):				
Budget authority	8.4	3.5	6.1	18.0
Outlays	3.1	4.5	0.1	7.7

Notes: (1) The BBA has been adjusted for emergencies, both released and anticipated to be released. (2) The President's plan is from the June Mid-Session Review and includes emergencies, both released and anticipated to be released. (3) the Republican Budget Resolution has been adjusted for emergencies, both released and anticipated to be released. (4) the 1998 and 1999 levels in both the President's plan and the Republican plan are per OMB, actual for 1998 and estimated for 1999. (5) All emergencies are per OMB estimates.

This bill departs from the Balanced Budget Act of 1997, and leaves in its wake a lot of budget problems. For instance, in August 2000, when CBO and OMB do their reviews of the budget, outlays could easily be tracking CBO's projections, in which case outlays would be $11.6 billion greater than the estimates plugged into this report. Or consider the next fiscal year, FY 2001. The discretionary spending cap will be coming down in FY 2001 while defense spending will be going up, up by $22.9 billion in BA and $16.1 billion in outlays above the Balanced Budget Act ceilings. Gimmicks may get this bill over the threshold, but they may not last the full fiscal year, and may make budgeting in the next fiscal year far more difficult. This is the wrong way to run a budget.

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

The SPEAKER pro tempore (Mr. LAHOOD). 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 372, nays 55, not voting 7, as follows:

[Roll No. 494]

YEAS—372

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush

Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—55

Ackerman
Baldwin
Barrett (WI)
Blumenauer
Boswell
Brown (OH)
Capuano
Conyers
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Doggett
Ehlers
Eshoo
Fattah
Filner
Ganske
Green (WI)
Hefley
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Luther
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Miller, George
Minge
Nadler
Oberstar
Obey
Olver
Owens
Paul
Payne
Peterson (MN)
Rangel
Rivers
Sanders
Schakowsky
Shays
Stark
Upton
Velazquez
Vento
Waters
Watt (NC)
Waxman

NOT VOTING—7

Carson
Danner
Jefferson
Kennedy
McCarthy (NY)
Scarborough
Wise

□ 1146

Messrs. DAVIS of Illinois, RANGEL, and OLVER, and Ms. MCKINNEY changed their vote from ''yea'' to ''nay.''

Mrs. MEEK of Florida and Mr. UDALL of Colorado changed their vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KENNEDY of Rhode Island. Mr. Speaker, on rollcall No. 494, the conference report on H.R. 2561, the Defense Appropriation Act of FY 2000, had I been present, I would have voted "yea."

Mrs. McCARTHY of New York. Mr. Speaker, due to circumstances beyond my control, I was unable to vote on the Defense Appropriations Conference Report. Had I been present, I would have voted ''yes'' on rollcall vote No. 494.

EXPORT ENHANCEMENT ACT OF 1999

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 327 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 327

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the bill modified by the amendments recommended by the Committee on International Relations now printed in the bill. Each section of that amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 327 is a modified, open rule providing for the consideration of H.R. 1993, the Export Enhancement Act of 1999. The rule provides for one hour of general debate, equally divided between the chairman and the ranking minority member of the Committee on International Relations.

The rule makes in order the Committee on International Relations amendment in the nature of a substitute as an original bill for the purpose of amendment.

Further, the rule provides for the consideration of only pro forma amendments and those amendments preprinted in the CONGRESSIONAL RECORD prior to their consideration, which may be offered only by the Member who preprinted it or by his designee, and shall be considered as read.

As has become standard practice, the rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on postponed questions if the vote follows a 15 minute vote.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I believe this is an appropriate rule for the consideration of this legislation. It is legislation to reauthorize several very important United States investment trade promotion programs, including the Overseas Private Investment Corporation known as OPIC, the Trade and Development Agency and the export functions of the International Trade Administration of the Department of Commerce.

OPIC's authority to operate lapsed on September 30, but it was extended by the continuing resolution on an emergency basis for only a few days more. This bill must pass the House and the Senate, as you know, in identical forms and be signed by the President in a very short time frame if these programs are to be able to continue uninterrupted. Therefore, I think that the preprinting requirement in this rule is an appropriate manner to allow interested Members to offer amendments while expediting the bill's consideration.

H.R. 1993, the underlying legislation, reauthorizes most commercial export promotion programs that involve the United States Government. OPIC is authorized for 4 years and continuing under this bill will be able to continue its self-sustaining operations without raising its liability ceiling, which is an improvement and a significant change over the bill that was considered in the 104th Congress.

In addition, H.R. 1993, the underlying legislation, codifies the cost-sharing and success fees of the Trade and Development Agency and provides the Agency with $48 million, the amount requested by the President. It also provides funding for all and reauthorizes three programs of the International Trade Administration in the Commerce Department, $202 million for the U.S. and Foreign Commercial Service, $68 million for the Trade Development Program, and $4 million for the Market Access and Compliance Program.

I am encouraged that the bill directs the Department of Commerce to create a special initiative to promote trade opportunities and remove market barriers in sub-Saharan Africa and in Latin America. Obviously, Latin America is a tremendous export market for

the United States and very important to the United States economy.

I believe that this is a fair rule and it brings forth a very good underlying bill. I commend my colleagues, the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations; the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from Illinois (Mr. MANZULLO) and the others who have worked very hard on this legislation for advancing the bill. I certainly share their support for this important piece of legislation.

Mr. Speaker, House Resolution 327 is a fair rule. I would urge, and I do urge its adoption.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume. I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me this time.

This rule will allow for consideration of H.R. 1993, which is the Export Enhancement Act of 1999.

As my colleague from Florida has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the Chairman and ranking minority member of the Committee on International Relations. Under this rule, only amendments which have been preprinted in the CONGRESSIONAL RECORD will be in order.

The bill reauthorizes the Overseas Private Investment Corporation. It also authorizes appropriations for the Trade and Development Agency and the International Trade Administration of the Commerce Department.

Foreign trade is a critical element of our national economy. An estimated 12 million American jobs are directly tied to U.S. exports. The Overseas Private Investment Corporation is an important part of our government's efforts to increase exports and create American jobs; and in the past 25 years, the corporation has generated about 237,000 jobs and $58 billion in exports. This is done through self-generating revenues, not with taxpayer-supported dollars.

This bill contains important initiatives. The Overseas Private Investment Corporation is directed to increase support for small businesses. The Commercial Service is required to station employees in at least 10 countries in sub-Saharan Africa. The International Trade Administration is required to develop an outreach program to increase exports for minority-owned businesses.

Mr. Speaker, this is a good bipartisan bill. It appears to have strong support on both sides of the aisle. Unfortunately, the rule does permit only amendments that have been preprinted in the CONGRESSIONAL RECORD. This restriction is unnecessary.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, and at the same time commend him once again for his hard work on this legislation.

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

□ 1200

Mr. GILMAN. Mr. Speaker, I rise in support of the rule governs the consideration of the Export Enhancement Act of 1999, H.R. 1993. This bill reauthorizes several important U.S. investment trade promotion programs, including the Overseas Private Investment Corporation, OPIC; the Trade and Development Agency, the TDA; and the export functions of the International Trade Administration, ITA, of the Department of Commerce.

OPIC's authority to operate lapsed on September 30, but it has been extended by the continuing resolution on an emergency basis. The stop-gap funding measure will keep this important agency in operation only through the next 10 days. It is vitally important that we consider the Export Enhancement Act as soon as possible, and that we forward this bill to the President for his signature.

Reconciling its provisions with the Senate counterpart OPIC authorization will take additional time, a commodity in increasingly short supply as we approach of the end of our legislative session.

This rule, Mr. Speaker, would provide the best prospects for its prompt enactment, a goal which will boost our exports and level the competitive playing field for our companies that are facing stiff competition and exclusionary practices around the world.

For exporters, OPIC, TDA, and the ITA programs all provide practical assistance in their fight to win export sales in highly competitive overseas markets.

The act reauthorizes OPIC for 4 years, continuing its self-sustaining operations without raising OPIC's liability ceiling. OPIC provides our American companies political risk insurance and project financing for U.S. investments in developing nations and emerging economies. It has undertaken new initiatives in Africa, in Central America, in the Caribbean, and the Caspian Basin, and has stepped up efforts to help more small businesses enter the global economy.

Mr. Speaker, over the past 2½ decades OPIC has generated some 237,000 jobs and $58 billion in exports. Producing a net income of $139 million just in fiscal year 1998 alone, its reserves reached a record level of $3.3 billion. It is anticipated that the OPIC agency will contribute $204 million in fiscal year 2000 to support all the other activities and programs in the international affairs budget.

According to a September, 1997, GAO report to our committee, and I quote, ''Historically, OPIC's combined finance and insurance programs have been profitable and self-sustaining, including costs due to credit reform and administration.''

With 12 million American jobs now directly tied to U.S. exports, there could be little doubt that the trade promotion agencies authorized in this legislation play a critically important role in our economy. Recently announced trade statistics showing declining U.S. exports underscores the urgency of promptly enacting this measure.

Mr. Speaker, according to the most recent Commerce Department reports, in 1998 U.S. exports actually declined below their level from the preceding year for the first time in over a decade. That decline, together with steadily rising imports, has contributed to a 1998 U.S. trade deficit of $169 billion, nearly $60 billion higher than in 1997. In current trends, this deficit is expected to top $200 billion later on this year.

Accordingly, Mr. Speaker, I urge the adoption of this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. TRAFICANT).

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

Mr. TRAFICANT. Mr. Speaker, Japan continues to violate market access commitments in the form of denying rice imports from American farmers. India denies market access to the United States motion picture industry. The European Union denies market access in so many areas it is now legend.

The gentleman from New York (Chairman GILMAN) talked about a $167 trade deficit. Let me upgrade that for the projection for next year. The last quarter of 3 months was $87 billion. If that is annualized, we are talking about $340-some billion in trade deficits in 1 year, more than a third of a trillion dollars. It is unbelievable.

I have an amendment for this bill that changes section 6(d). The bill calls for a report on violations on those trade agreements we have. The Traficant amendment maintains that, but requires that report to be made to Congress. But also it requires the International Trade Administration to also tell us what is the market access of every country, and it stipulates a set of criteria specifying those countries with trade surpluses with America, and telling us what products we could be selling there, what market access is being denied, and what would that impact be on American jobs.

I know we have a lot of different trade reports, a lot of different legislation. I have talked with the respective chairmen. They may want to, at the proper time or in conference, move this into the reporting mechanism so it is not as duplicative, if it is.

However, the market access information is most important. I want the Congress to know when this amendment comes up, it does not only deal with the report to Congress on those countries that are violating our trade

agreements, but also for the International Trade Administration to tell us what is available in those countries if we opened up and got those free markets.

With that, I am hoping that the committee will look favorably upon the amendment. I am willing to tailor any language necessary to conform it with the final goals.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that the rule is fair. The underlying legislation is obviously extraordinarily important. Mr. Speaker, I would urge support not only for the rule but for the underlying legislation.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of H.R. 1993, the Export Enhancement Act, and specifically in support of the Overseas Private Investment Corporation. Since 1971, OPIC has worked with U.S. investors who do business overseas by supporting projects where private financing and insurance are unavailable or insufficient.

OPIC provides insurance against political risk, financing assistance through loans and loan guarantees, and financing for private investment funds that provide equity to businesses overseas.

OPIC also acts as an important advocate for American businesses in foreign countries. The facilitation of private investments overseas provides benefits for the American economy. Since 1971, OPIC has paved the way for upwards of $58 billion in exports and the creation of over 200,000 jobs.

Today OPIC supports U.S. businesses in 140 countries. Perhaps, most importantly, this successful program is self-sustaining and operating at no cost to the American taxpayer. An important part of OPIC's work is focusing on and helping small businesses. I look forward to voting in favor of this legislation, not only the rule but the underlying bill, that will reauthorize the program through 2003. I urge my colleagues to do the same.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. MENENDEZ).

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

As one of the cosponsors with the gentleman from Illinois (Mr. MANZULLO) on this legislation, I want to rise to support the rule and also support the legislation. This is one of those pieces of legislation that has been worked on in a bipartisan effort. It has many Democrat cosponsors on it. It is one that brings us together on the issue of trade because it is about creating American jobs at home and making sure that America is competitive abroad.

I know that during the debate we will hear different views of that, but the fact of the matter is that this is an agency that gives money to the Federal Treasury, that ultimately promotes American interests abroad, that creates jobs at home, and at the end of the day, also serves America's national foreign policy interests by having our entrepreneurs abroad engage in those economies.

So for all of those reasons, I urge adoption of the rule, and I urge adoption of the underlying legislation.

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

Mr. DIAZ-BALART. Mr. Speaker, again supporting the rule, supporting the underlying legislation, I also yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 327 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, (H.R. 1993).

□ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from New Jersey (Mr. MENENDEZ) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

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

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

Mr. GILMAN. Mr. Chairman, I rise in support of the Export Enhancement Act of 1999, H.R. 1993, and I would like to commend the gentleman from Illinois (Mr. MANZULLO), the author of this important legislation, and the ranking minority member, the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from New Jersey (Mr. MENENDEZ) for their support.

This bill reauthorizes several U.S. investment and trade promotion programs, including the Overseas Private Investment Corporation, OPIC; the Trade and Development Agency, TDA; and the export functions of the International Trade Administration, ITA, all of the Department of Commerce.

OPIC's authority to operate lapsed September 30, but it has been extended by the continuing resolution on an emergency basis. That stopgap funding measure will keep this important measure in operation only through the next 10 days, until October 22. It is vitally important that we consider the Export Enhancement Act as expeditiously as possible and that we submit this bill to the President for his signature. Reconciling its provisions with the Senate counterpart OPIC authorization will take additional time, a commodity that is in increasingly short supply as we approach the end of our legislative session.

For exporters, OPIC, TDA, and ITA programs all provide practical assistance in their fight to win export sales in highly competitive overseas markets. The administration fully supports enactment of this measure, and has just released a statement of administration position pointing out its substantial benefits for our American workers.

The Act reauthorizes OPIC for 4 years, continuing its self-sustaining operations without raising OPIC's liability ceiling. OPIC provides American companies political risk insurance and project financing for U.S. investments in developing nations and in an emerging economies. It has undertaken new initiatives in Africa, in Central America, and in the Caribbean and the Caspian Basin, and has stepped up our efforts to help more small businesses enter the global economy.

Over the past 2½ decades, OPIC has generated some 237,000 jobs and $58 million in exports. Producing a net income of $139 million just in the last fiscal year of 1998, its reserves have now reached a record level of $3.3 billion. It is anticipated that the OPIC agency will contribute over $200 million in fiscal year 2000 to support all the other activities and programs in the international affairs budget.

According to a September 1997 GAO report to our committee, ''Historically, OPIC's combined finance and insurance programs have been profitable and self-sustaining, including cost due to credit reform and administration.''

Over its 28-year history, the OPIC agency generated some $14 billion in U.S. exports generated by New York State companies.

□ 1215

It has supported more than 55,000 American jobs created by New York State projects alone. In the last 5 years, OPIC has identified $672 million in foods and services that they will buy from New York State suppliers, 57 percent of which are small New York businesses.

These alone will create more than 2,000 local jobs for New Yorkers. New York businesses are seeking possible

OPIC support for some 151 future projects, representing a potential $12 billion of investment, and all of these for just one State, not to mention all the other States that are being benefited by this program.

For those Members concerned about how OPIC operates overseas, permit me to point out that OPIC operates a comprehensive program to monitor every project that it assists for impact on our U.S. economy, on our environment, on workers' rights and on host company development. Each year, each investor must complete detailed information about the actual financial flows associated with the project, information on financial issues and host country development aspects of the project.

OPIC has criteria for detailed, on-site project monitoring for all projects that impact potentially sensitive U.S. economic sectors, all environmentally sensitive projects and a group selected through random sampling theory. Each project that receives an on-site visit is evaluated for impact on the United States and host country economies and employment, impact on the environment and conformance with internationally recognized workers' rights.

With 12 million American jobs now directly tied to U.S. exports, there can be little doubt, Mr. Chairman, that the trade promotion agencies authorized in this legislation do play a critically important role in our Nation's economy. Recently announced trade statistics showing declining U.S. exports underscores the urgency of promptly enacting this kind of a measure. According to the most recent Commerce Department reports, in 1998 U.S. exports actually declined below their level from the preceding year for the first time in a decade. That decline, together with steadily rising imports, has contributed to a 1998 U.S. trade deficit of $169 billion, nearly $60 billion higher than the deficit in 1997. At current trends, this trade deficit is expected to top $200 billion later this year.

During the general debate, I will also ask the gentleman from Illinois (Mr. MANZULLO) to offer a technical and perfecting amendment on my behalf. It takes into account the concerns of my committee colleagues about the provisions of the Urban Initiative of the International Trade Administration. Accordingly, Mr. Chairman, I urge my colleagues to support this important legislation.

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

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

Mr. Chairman, today we are taking a very important step to help reverse the trade deficit and support American companies by reauthorizing the Overseas Private Investment Corporation, the Trade Development Agency, and the International Trade Administration programs. I want to take a moment to thank the distinguished chairman of the full committee, the gentleman from New York (Mr. GILMAN), for his work and his support, as well as my ranking Democrat on the committee, the gentleman from Connecticut (Mr. GEJDENSON), for his encouragement and support in bringing us through the committee and to the floor today, and my coauthor of the legislation, the gentleman from Illinois (Mr. MANZULLO). Working together, we have fashioned a bipartisan bill that promotes America's interests at home and abroad.

With the U.S. trade deficit reaching record highs, $24.6 billion in June, America needs to take immediate steps to reverse the deficit by helping American companies to export American products. This bill begins that process by reauthorizing these agencies and by looking at new ways in which we can help American companies, small, medium and large, to harness the opportunities of emerging markets throughout the world, particularly in Africa and Latin America.

At a time when the Congress is striving to adhere to the constraints of a balanced budget, when we talk about the reauthorization of OPIC, it stands apart as a revenue-earning program. OPIC's budgetary contributions are returned to the Function 150 or the International Affairs account and help offset the deep cuts that have been made to our foreign aid and development programs. That is a fitting relationship, as OPIC was created by President Nixon to complement our foreign aid programs. OPIC not only complements our foreign aid programs, it is helping to sustain them while simultaneously providing a much needed service and market opportunity to American businesses.

Let me give an example. In my home State of New Jersey, OPIC has provided more than a billion dollars in financing and insurance, generating $3 billion in U.S. exports, items that were created here, manufactured here, and exporting them abroad, and created over 10,288 jobs. From Newark to Camden to Princeton, OPIC has supported New Jersey companies and their suppliers, and that is only one small example of the many places across the country for which that is a reality as well.

Turning to the International Trade Administration, among the branches of the International Trade Administration is the U.S. and foreign commercial services. These offices overseas and at home provide real hands-on assistance to small- and medium-sized companies that need help getting started in the export arena. We have to face it, we are living in a global trading economy. The fact of the matter is, we want to engage more of our companies in the opportunities to be able to export their products and services abroad. The U.S. foreign commercial service helps us do that.

TDA is also an important complement to ITA and OPIC's efforts. TDA is often the crucial factor between a project going to an American company or to a foreign company. By funding feasibility studies, orientation visits, specialized training grants, business workshops and various forms of technical assistance, TDA enables American businesses to compete for infrastructure and industrial projects in middle income and developing countries.

So when we are there creating the standard and helping to create that standard, the reality is we are creating an American standard and in creating an American standard we create the opportunity for American companies to succeed abroad.

So as we seek to address our trade deficit and maintain our competitive edge in the global market, we need to look to programs like these which yield big benefits for small costs. We need to understand that American exports mean American jobs here at home, and that the U.S. exports of goods and services are estimated to support more than 12 million domestic jobs. Each one billion in dollars in U.S. goods and services exports supports some 13,000 U.S. jobs. We want to increase those. We want to create more jobs at home. We want to improve the profitability of American companies. We ultimately receive revenues from that and everybody prospers.

So I urge Members to support the bill. These programs are not corporate welfare. They are opportunities for American firms to compete on a level playing field with our global competitors, and their success means a lower American trade deficit and more American jobs. That is ultimately what this bill is all about.

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

Mr. MANZULLO. Mr. Chairman, I yield myself 6 minutes.

Mr. Chairman, I rise in support of the Export Enhancement Act. We are reaching the point where we are at an all-time historic high of a trade deficit, and even the free trade economists such as Alan Greenspan are concerned about the implications of such massive trade deficits.

The trade deficit is extremely important to narrow in order to assure a robust American economy. U.S. exports are barely keeping even with last year's level. It is encouraging that the number of small companies that have entered the export area have grown dramatically from 1987 to 1997, as shown by this chart.

In addition, nearly two-thirds of all U.S. exporters had less than 20 employees, as is evidenced on this chart here, so we can see that more and more small businesses are becoming involved in exporting. Most small businesses are only casual exporters, that is, they export to just a handful of countries as opposed to several countries, and thus broaden the base of the small business exporting community. Nearly two-thirds of small exporters sold just to one foreign market and posted total exports of less than $1 million. If more

casual small business exporters became active exporters, our exports could go up by $40 billion, according to the Commerce Department estimates.

Yes, any large reductions in the trade deficit will come from macroeconomic forces. Yet our government's export promotion programs and services should reinforce these larger trends in order to increase exports and reduce the trade deficit. The Export Enhancement Act before us today takes this direction.

The legislation is comprised of four main elements: reauthorization of the Overseas Private Investment Corporation, OPIC, for 4 years, without exposing taxpayers to further risk by not changing the ceiling on OPIC's maximum contingent reliability; two, reauthorization of the Training Development Agency; three, reauthorization and reforming of the export promotion functions of the International Trade Administration at the Department of Commerce; and, four, refection in the most efficient ways possible the efforts of the trade promotion coordinating committee.

Let me talk just about OPIC. OPIC sells political risk insurance and project finance for U.S. overseas investments. Where U.S. overseas investments go, U.S. exports usually follow. Between one-fourth and one-third of our exports go to overseas subsidiaries of U.S. companies.

OPIC makes money for our Government. $204 million is expected for 1999 from the premiums and fees it charges U.S. companies for the use of its services. This is unique. This is a Government agency that actually makes money for the taxpayers.

OPIC projects contributed $58 billion in U.S. exports and 237,000 jobs since its creation in 1971.

OPIC competes, and this is very important, OPIC competes against 37 other foreign equivalents to the Overseas Private Investment Corporation. OPIC contributes to our foreign policy goals by helping countries move up the development ladder. OPIC is not perfect. There are some areas in need of improvement, particularly in the area of helping more small businesses.

OPIC is making progress towards this goal, and H.R. 1993 will make sure that OPIC keeps on target.

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

Mr. MENENDEZ. Mr. Chairman, I yield 6 minutes to the gentleman from Connecticut (Mr. GEJDENSON), the distinguished ranking Democrat of the full committee.

Mr. GEJDENSON. Mr. Chairman, let me first commend the gentleman from Illinois (Mr. MANZULLO) and the gentleman from New Jersey (Mr. MENENDEZ) for the fine work they have done on this and so many other pieces of legislation in their committee. So often there seems to be a partisan divide that is solely political in its nature in the debate here; and it is clear that in this instance there are differences, but they are not based on a political orientation. It is a philosophical orientation. I think that is the way the debate actually ought to run here, and particularly in this case the work is hard and we have two excellent people leading the effort here, my good friend, the gentleman from New Jersey (Mr. MENENDEZ), and the gentleman from Illinois (Mr. MANZULLO).

The gentleman from New Jersey (Mr. MENENDEZ) has done an excellent job on this subcommittee working with the gentleman from Illinois (Mr. MANZULLO), and I have a particular affinity for this subcommittee in that I used to chair it at an earlier time.

It is easy often to get caught up in the rhetoric and forget about our goal here. Our goals here are very simple. Our goal is to make sure that American economic and foreign policy interests are met and that American workers are not disadvantaged. We have seen that in so many places, where competing with the French, the Japanese, the Germans, that their corporate and government cooperation puts Americans at a great disadvantage. Time and time again, we see their regulatory authorities coming in trying to choke out American business.

I think we have just had a great success where the European Union tried to block American jet engines, not based on the decibel level. They said it was a noise issue, and if they were really concerned about noise, of course, they would set a decibel standard, but what they did was they talked about the manufacturing process, trying to give European-made engines an advantage.

□ 1130

To that end, I offered, and we were able to pass in committee an amendment that adds additional personnel in the EU to make sure we watch the regulatory process.

The Trade and Development Agency that is also authorized in this legislation is critical. The Europeans are starting to beat us worldwide because they now have over 300 million of the wealthiest people on the planet, and they have got a single standard.

Now, they established that standard trying to give European industry an advantage. Whether it is telecommunications or electricity or almost any field, they try to use the European standard to, not just provide health and safety or efficiency or confidence in the equipment, but really to block American products.

What does TDA do? TDA provides the funding that takes a look at the needs of the project and really gives Americans a fair shot at that project.

Now, OPIC has made money, billions of dollars for the American Treasury. It is really a cash cow in many ways. But that is not its primary goal. Its primary goal, and it has been successful at this, is to make sure that American industry can compete successfully.

Now, we think a private insurance program would threaten the private insurers. To the contrary, the program has been so effectively designed that it is complementary to the private insurance that companies can get.

I will give my colleagues some of the examples where we have used OPIC, especially as emerging democracies have come out of years of oppression. We have used OPIC, instead of taxpayer money, we have used this fund generated from the fees paid by private corporations to help American products be sold into these countries.

It does several things. If an American company is building a facility, they tend to buy American generators, American parts. That means long-term American products are sent there. Replacement parts are American. That gives us the edge.

Oftentimes, as these countries are developing, the first companies in end up controlling the technology. So if we were even to shut OPIC down for a short period of time, we might lose entire countries to European competition. Now, we have the strongest economy in the world. But we also have a massive trade deficit.

I want to again commend both gentlemen for their focus on the fact that this is one of the tools we have to compete with our European competitors and our Asian competitors. These people are allies, but they are very tough competitors.

I had a company in my district come in and tell me that the Japanese, in a number of instances, had come in and offered an outright cash grant in order to secure a contract for one of the companies in their country. We do not use taxpayer money. We use the power of OPIC to make sure that we can be successful for American workers.

Oftentimes, it is hard to separate the rhetoric from the reality. But when it comes to OPIC, not only can we take a look at its tremendous reserves in excess of $3 billion, but we can focus on the jobs it has created.

It has $2.7 billion in reserves it has created as a result of its exports, and it has facilitated 225,000 jobs in the country. In my State alone, it has helped 15,000 jobs. People that go to work every day in each of our communities are working today because of the work that has been done by OPIC and TDA. With the passage of this bipartisan bill, it will make it even better.

I plan to offer later today legislation to toughen the environmental standards to make sure that American policy furthers international environmental standards.

I want to commend the gentlewoman from California (Ms. LEE) for the great work we have done together. I understand there is an additional amendment by the gentleman from California (Mr. ROHRABACHER) which will seek the same goals. I think that it is important that we marry these issues together.

Mr. MANZULLO. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I rise in opposition to this authorization bill. We have heard over and over

again repeated in this debate that OPIC is in some way responsible for these number of thousands of jobs being created and this amount of competitiveness for America in relationship to its competitors overseas. I have only three things to say about that analysis, and it is called baloney, baloney, baloney.

There is no other institution that so blatantly is corporate welfare at the expense of the well-being and expense of the taxpayers than OPIC. The bottom line is that, if OPIC can operate as a private organization and is not costing the taxpayers any money, so be it. Let them operate in the private sector as a private operation.

Why do we need to have congressional backing behind OPIC? Well, let me point out what OPIC does, and then my colleagues will see why it has to be part of the government. Because no one, no one in the private sector would be as screwball as this in order to undermine the well-being of the people who were picking up the tab.

Yes, we have heard it created this number of jobs here or this number of jobs there. What we have not heard is how many American jobs have disappeared by the fact that we are subsidizing the investment of American dollars overseas to create manufacturing units overseas that will then hire those foreigners to do jobs that could be done here in the United States of America.

Now, I have an amendment. If people object to what I am saying here and say, well, that is not really true, we are not doing that, I would invite those who are objecting to that to support my amendment. My amendment which comes up with this authorization bill simply says that none of the money from OPIC will go to establish a manufacturing unit overseas.

Now, what does it do when we use taxpayer dollars to guarantee a businessman who would rather set up a manufacturing unit, let us say in Communist Vietnam, rather than in Chicago or rather than in New Jersey or rather than in some other place in the United States? Well, if we are taking the risk, he is more likely to make that investment over there, so it is more likely he will invest money there rather than create jobs here.

Number two what we have done is, once that manufacturing unit is set up overseas, what happens? Supposedly that manufacturing unit is helping our exports. Well, all too many times what we found out is, no, it is not helping American exports at all. It is taking the place of American exports.

We have OPIC money being used to guarantee businessmen going overseas, they call it political insurance, in order to create jobs for these people which then, whoever they are overseas, they are manufacturing these projects, not to sell in their own country, but to re-export to the United States. This is adding insult to injury.

First, we put our people out of work; we charge them money through their taxes to subsidize this investment; and now they are going to have those products exported to the United States so that what they are manufacturing in the United States is no longer necessary because this cheap foreign labor is being used.

This is a ridiculous scenario. It is a betrayal of the people of the United States. The arguments that this in some way creates jobs in the United States is baloney. It makes jobs disappear in the United States. By the way, if that is not true, I would invite those people who disagree with me to vote for my amendment that ensures that we are not using taxpayer money to subsidize manufacturing units.

I have another amendment dealing with the environment. I am glad that this coincides with the gentleman from Connecticut (Mr. GEJDENSON). But the worst part about this is there is no restriction on where we are placing this money, where these businessmen will be able to set up the manufacturing units.

So our manufacturers, these people, these businessmen are attracted to what? They are attracted to tyrannies. They are attracted to dictatorships like Vietnam and China. We have no provision in here at all that says, if one wants to have a government, a taxpayer guarantee, one is going to have to set up in a democratic country.

Thus, we have businessmen who should be attracted to countries like the Philippines if they want to invest overseas and take advantage of labor that is cheaper overseas.

They are attracted to the very worst pits of tyranny throughout the world in order to invest. Because now they have political protection provided by the taxpayers of the United States of America. That is a travesty.

It is not true that it is creating jobs. It is making jobs disappear. Again, if my colleagues disagree with that, I would expect that they would be supporting my amendment to make sure that we are not setting up manufacturing units overseas. Because by definition, manufacturing units cost American jobs.

I intend to vote against this reauthorization, and I ask for support of these two amendments.

Mr. MENENDEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to rise in support of the legislation and commend the authors of it for taking a positive approach in enhancing our ability to export goods and jobs overseas. I am also here to lend my strong support to an amendment that will be offered a bit later in the debate by the gentleman from Ohio (Mr. TRAFICANT) to, I think, improve the legislation before us.

Unfortunately, U.S. companies simply cannot compete in foreign markets if they are denied market access and forced to brave horrible conditions. There are a number of examples that we are all familiar with. The gentleman from Ohio (Mr. TRAFICANT) earlier this year and I introduced legislation to try to improve these circumstances. An element of that bill is going to be offered as an amendment to ensure that we have the necessary information to open markets for companies and workers in the United States.

Priority will be given, as far as those investigations and studies to countries which have a trade deficit with the U.S., priority will be given to markets which will result in significant employment benefits for U.S. producers. Priority will be given to critical technology sectors.

Too often, I think, we do focus on ensuring that people play fairly in the U.S. market. It is time we ensure they play fairly in their own home markets so we can enhance and increase our exports in job opportunities. I want to thank the gentleman from Ohio (Mr. TRAFICANT) in his initiative and join strongly in supporting his amendment as well as this legislation.

Mr. MANZULLO. Mr. Chairman, I yield 6 minutes to the gentleman from Alabama (Mr. CALLAHAN).

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

Mr. CALLAHAN. Mr. Chairman, let me just tell my colleagues that, if they just look at the simple title of the agency we are talking about, the Overseas Private Investment Corporation, and if they look at the history of OPIC, they simply see that it is an organization that was formed in 1971, to do exactly what it is doing, to provide our American people the opportunity to sell products overseas.

The gentleman from California (Mr. ROHRABACHER) said we are exporting jobs. We are not. We are exporting projects. We are exporting products that are made in America for the most part, made in America, 137,000 jobs that was created last year. Just because American business had the same opportunity as Japanese businesses, as French businesses, as every other country does.

The Overseas Private Investment Corporation basically does one simple thing. It says that, if we go into a country, and we do support a facility there that is manned by Americans that is utilizing projects manufactured in the United States, if that project or any of the property is expropriated by that government, then OPIC underwrites the insurance program of that.

They tell the investors in those countries, if that project is taken away from them by some unscrupulous dictator in some country, then simply the United States of America will collect their money for them. No private insurance company can do that. No private insurance company can go in and say to them we are an agency of the United States of America; they are not going to treat our citizens this way.

To think that we have people in OPIC that are so unqualified as they would do things to discourage the very thing they were created to do, and that is to create American jobs, is ludicrous. That is not the case. OPIC makes money. They made $137 million last year.

Next year they are projected to make $200 million. It costs about $50 million to operate it. I do not know how anyone in their right mind could possibly say this is not good for American businesses because it is. It gives us the opportunity to play on a level playing field with countries that we are competing against in order to acquire the opportunity for foreign investment to that particular country.

Now, my colleagues can talk about these Third World countries. They can talk about these bad countries. They can talk about all of these things they want. But they have to look at the history. They have to look at the millions of jobs it has created in the last 30 years.

They have to look at the million units of dollars, hundreds of millions of dollars that they have generated. They have to, most importantly, look at the fact that, without this agency, our business people in the United States of America would have no opportunity to compete with the French, no opportunity to compete with the Japanese, no opportunity to compete with most countries because they are doing the same thing.

So we do have a good agency that is doing a good job. They are making money. They are contributing to our problems of spending because they are contributing more than they are spending.

□ 1245

And at the same time they are creating these hundreds of thousands of jobs. So I am here today to encourage my colleague to reauthorize this. Let us not muddy it up by saying let us do it for 1 year. Let us not muck it up by saying let us restrict them; let us not let them do business in countries that we do not personally like. Let us let this professional group of OPIC people who are doing a great job continue to operate and continue to operate without the fear of being sunseted in 1 year.

It is a simple reauthorization of a good project that is doing a lot of good for American businesses. It is doing a lot of good to create exports. It is doing a lot of good to create jobs here in the United States.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Speaker, I can understand the argument of the gentleman that this is good for American business because there is only a certain number of people in this country that own businesses.

Mr. CALLAHAN. Mr. Speaker, reclaiming my time, let me respond to that now.

There may be a certain number of people that just own businesses, but those people that own businesses hire thousands of people to work for them and those are the people that I am concerned about. I do not want to abolish jobs. I want to create jobs.

Mr. ROHRABACHER. Mr. Speaker, that is correct. But the question is, these people that hire thousands of people, as my colleague is saying, how can it possibly be in the benefit of those thousands of people that we are giving a guarantee for businessmen to instead build a factory overseas where they will not be hiring those people?

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, because the factory is going to be built overseas anyway; and, primarily, all we are doing is providing insurance. We are saying, if indeed a government expropriates that property that the United States of America is going to go after that country. A private insurance company, if it went in there, those dictators and those crazy people in some of those crazy countries would just say, drop dead. But if they walk in there saying, I am from the United States, they have taken this property away from an American investor and we are going to demand that they pay it.

The very fact that their losses are about one percent ought to tell us about the success of this.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, but does that not encourage the investment and creation of those jobs overseas?

Mr. CALLAHAN. Mr. Speaker, we have the opportunity in this country to do the same thing. We have the Small Business Administration. We encourage it here, too. But we have got to recognize we are in a global economy now.

If they want the Japanese and French and every other foreign country to take total control of exports, if they want to deny us the ability of exporting our products, exporting our ability to make a profit and create American jobs, yes. But just look at the very title, Overseas Private Investment Corporation.

Mr. MENENDEZ. Mr. Chairman, I would like to inquire how much time I have remaining.

The CHAIRMAN. The gentleman from New Jersey (Mr. MENENDEZ) has 1 minute remaining. The gentleman from Illinois (Mr. MANZULLO) has 8 minutes remaining.

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

Mr. Chairman, I want to thank the gentleman from Alabama (Chairman CALLAHAN), who is chairman of the Appropriations Subcommittee on Foreign Operations, for the tremendous work that he has provided for OPIC.

Mr. MANZULLO. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I have never voted for a foreign aid bill since I have been in the Congress because I always felt that our country needed that support, but I came very close this last time under the leadership of the gentleman from Alabama (Chairman CALLAHAN). I believe many of the reforms being made in foreign aid are good for the world and good for our country, and I am going to have to give it serious thought.

While the chairman is here, I have a twofold message. The only company in America to invest in a project with OPIC in the Gaza Strip was one of my companies; and they stole the money, stole their equipment, and forced my company to take them to court.

Now, a Federal judge ruled that the bank in Gaza participated in a pattern of conspiracy and racketeering and stealing money and stealing the equipment and had a finding against them.

But I want to say this to the chairman because I think he will feel good about this: OPIC was good and it changed my thinking a little bit and OPIC stood there with my company. And that matter now is being delineated at the highest levels after the finding from that court.

If the court of last resort does not make any difference with the Palestinian activities so involved, I will be coming to the chairman for the ultimate relief of an American company, that is, Congress.

Mr. CALLAHAN. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Alabama.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, that is the very point and the rationale behind OPIC. OPIC does not have the authority to go in and threaten anyone on the Gaza Strip or any other country, but the very fact that we are saying, we are the United States of America, we demand that you treat our citizens fairly and that this property not be expropriated is the very reason we need OPIC.

Mr. TRAFICANT. Reclaiming my time, Mr. Chairman, I feel very comfortable with the remarks of the gentleman from Alabama (Chairman CALLAHAN), and I am sure that what he says is heard also around the world.

I hope I have enough time to finish my statement. I just want to make this statement to the Congress.

The gentleman from New York (Chairman GILMAN) says we have a $167 billion trade deficit, another record. My colleagues, that is not the half of it. The new trade deficit reports for the first quarter of this year $87 billion for 3 months, close to $350 billion annualized if it maintains the way it is, that is 7 million jobs.

Now, I have not voted for any of this legislation because, quite frankly, I do not think it is really doing what it is set out to do. But I am going to vote for the modest reforms that are attempted to be made in OPIC this year.

I want to commend the chairman involved and the ranking member because it is, at least, a valid attempt.

But my amendment says one other thing: do not just tell us who is violating trade agreements. Tell us what the status of the market access is in those countries. Do not just tell us they are denying or they are violating trade agreements.

Under the Traficant amendment, it tells us what is the situation on market access and, if they are denying us market access, what are the products they are denying from America and what is the marketplace that exists there so we can export more of our product. This is absolutely necessary.

I am for free trade. But, by God, if they are denying us access, we do not just need continuing reports telling us what they are denying us access about and what is the Trade Rep, what is the International Trade Administration, what is Department of Commerce going to do about it.

I know the gentleman from California (Chairman ROHRABACHER) has an amendment coming up, and I am probably going to support his amendment.

I only have a little bit of time left, but let me say this: I want to know what they are denying to American producers. And I think we have to keep their feet to the fire.

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

Mr. MENENDEZ. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me the time.

I would just, Mr. Chairman, make a few observations. Number one, when we talk about a record-breaking trade deficit, that should suggest to every Member of this body that it is high time to make fundamental changes in our trade policy with regard to NAFTA, GATT, and Most Favored Nation status.

There is something very, very wrong when major American corporations are investing tens of billions of dollars throughout the world, including countries like China, where workers are paid 20 cents an hour and have no democratic rights; and yet it is very, very hard to get these same companies to invest in Vermont or New England or any other State in this country.

The second point that I would make is that we have heard some of our friends here say, let us have a level playing field. Let the United States do what countries in Europe are doing. I would suggest that if we follow that line of reasoning, the United States of America would institute a national health care system guaranteeing health care to all people. That is what they do in Europe.

I would suggest that the United States Government would provide free college education to all of our kids. That is what they do in many countries in Europe. I would suggest that the United States Congress would mandate 4 or 5 weeks' paid vacation for all of our workers. That is what they do in Europe.

So I find it strange that some of our friends here are saying let us have a level playing field in one area, but let us not have a level playing field in other areas.

Lastly, I would commend my friend, the gentleman from California (Chairman ROHRABACHER), who makes a very sensible point. Why are we encouraging American corporations to take manufacturing jobs out of this country, lay off American workers, and take those jobs abroad, often to countries where the environmental standards are limited, where workers do not have freedom to stand up for their rights, to form a union, and where they are paid very, very limited wages? So I think that amendment makes a lot of sense.

I would also point out to those people who talk about the booming American economy to understand that American workers today are working 160 hours a year more than they did 20 years ago. I would point out to those people who talk about the booming economy that the average American worker today in real inflation accounted for wages is making less than was the case 25 years ago.

So I think, while OPIC is the tip of the iceberg, it makes no sense to me that we put taxpayers' money at risk in what clearly amounts to a corporate welfare situation.

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

Mr. Chairman, I appreciate the statements of several of our colleagues. I just want to put them in some context in this general debate.

I want to address some of the arguments that have been made because they make good sound bytes, but I am not sure they hold up under scrutiny.

We are not talking about, I say to our colleagues who are listening back at their offices and those that are here on the floor, it is not about trade agreements, it is not about Most Favored Nation trading status, it is not about other trading issues that are sometimes divisive in these chambers.

This is not about that. So let us get that straight. I know many people will try to bring in those issues in this debate, but the legislation being considered today is not about that. It is about creating the opportunities in the context of the reality of the world today to have American companies that create American jobs here at home and that export American products to those manufacturing plants in other parts of the world to have opportunity.

Now, there are those that have questioned, why does OPIC not become a private entity? Why the hell do we need the United States Government to be engaged? Well, the full faith and credit of the United States is a powerful tool, and it is a tool that is not available to private insurers. For a job as big as this, this is a tool we need.

It is not that these projects are not a good risk, because they are. But we, the United States, have an incentive to provide this insurance that private insurers do not. We are leveraging the full faith and credit of the United States to create American jobs, to improve American profitability. That is an American interest. That is a function that benefits all Americans, and it is a proper role of Government.

Now, if a factory is going to be built overseas, it is going to be built overseas. OPIC already, in its law which we reauthorize here, is statutorily prohibited from supporting any project that is likely to have a significant negative effect on the U.S. economy. And a business which receives OPIC's support must agree not to transfer U.S. jobs overseas.

The question is, if a factory that does not exist here is going to be built overseas, is it going to be a plant that requires American parts, American manufacturing skills, and creates demands for American products overseas; or is it going to be a French factory or a Japanese factory or a German factory that is not going to be buying any American parts made here at home and sold abroad but which American workers are making and gaining salaries from?

So we should not advocate these jobs to other nations. We should not advocate these emerging markets to other nations. As I said, OPIC's charter prohibits any financing for projects that could cause Americans job loss here at home. Those projects actually mean more American jobs.

It is in that context that I want our colleagues to think about this debate. This is not about overall trade issues. This is about helping American companies who find themselves competing with companies of other countries abroad whose countries are investing enormous amounts of money to make their contracts possible. The Germans, the French, the Japanese all over the world, they are helping their companies make it possible. How could we disarm American companies, which means American workers, from having the opportunity to compete in that global marketplace? That is what is at stake in this legislation.

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

Mr. MANZULLO. Mr. Chairman, I yield the balance of our time to the gentleman from Nebraska (Mr. BEREUTER).

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

□ 1300

Mr. BEREUTER. Mr. Chairman, as vice chairman of the authorizing committee and a cosponsor of H.R. 1993, I rise in strong support of the Export Enhancement Act.

I wish that one of our sage Founding Fathers, Benjamin Franklin, were here today. He would find the discussion here interesting and reminiscent. He said over 200 years ago, ''No Nation was ever ruined by trade.'' Indeed, that is

true. International trade is a significant part of American economic growth and prosperity today. The programs of OPIC, the Trade and Development Agency and the International Trade Administration are an integral part of our trade promotion system. We need to protect it. They have a proven record of strengthening trade and promoting American exports, and they certainly warrant reauthorization by this Congress.

Since it was created in 1971, OPIC has backed projects worth $121 billion and helped create approximately 230,000 new U.S. jobs and $56 billion in exports. More than $2.8 billion in American exports were generated by OPIC-supported projects in 1998 alone. More than half of the identified suppliers to OPIC-backed projects around the world are U.S. small businesses. In this Member's State alone, OPIC projects have generated about $869 million in exports from the State generating 2,662 jobs. Examples like that can be given from every State.

OPIC is certainly cost beneficial to the American taxpayer. In addition to the American jobs OPIC projects create, 100 percent of OPIC's operating costs are covered by user fees to the individual clients, meaning these administrative costs are not a burden to the taxpayer. In fact, OPIC generates revenue and has generated over $3.3 billion to deficit reduction and other international affairs accounts. It is anticipated that in this fiscal year, OPIC will generate an additional $200 million to deficit reduction.

OPIC, then, is a win-win program that is successful in mobilizing the private sector investment in support of U.S. foreign policy objectives at no operating expense to the American taxpayer. OPIC promotes U.S. best practices, too, by requiring projects to adhere to international standards on the environment, workers rights and human rights. OPIC projects help improve the stability in developing countries and emerging economies by providing an economic boost to the efforts of reform-minded governments. For example, Hungary's opening to the West allowed OPIC to support U.S. investment there in 1990. These investments at this critical time of transition certainly helped accelerate the kind of positive economic and political reforms in Hungary that transformed that country from a captive Warsaw Pact satellite into a free NATO ally.

To those who express concern about OPIC-supported investments abroad luring jobs from America to foreign countries, this Member recommends they examine closely what kind of investments OPIC is supporting and what kind of so-called foreign jobs are being created. For example, the United States cannot supply raw electrical power to Egypt. However, we can supply American-made power generating equipment and services. How can selling power generating equipment made in the U.S. by American workers and subsequently selling American-made spare parts and services for this equipment for many years to come be considered taking jobs away from Americans? If we do not sell the Egyptians these power plants, then the Europeans, Japanese, Canadians or other foreign competitors certainly will sell them and their economies will benefit at the expense of ours.

The United States does not grow tea. Therefore, how does investing in a tea plantation in Rwanda steal American jobs? Indeed, it supports U.S. jobs insofar as that tea operation needs tools, machinery, trucks and other services. These are products and services provided by American firms and produced by American labor.

The United States is not home to the African savannah, and giraffes, zebras and baboons are not our native wildlife. Therefore, how does supporting the eco-tourism industry in Botswana by investing in new hotels and tour operations take away American jobs? On the contrary, this tourism type of development requires all kinds of infrastructure, construction materials, furnishings, vehicles and a wide range of services, everything from financing to marketing. These are goods and services that Americans produce and can now sell to a new market in Botswana.

All of America's economic competitors, including Japan, Germany and France, offer a comprehensive array of export and overseas investment support. They far outstrip what we offer. They certainly recognize the overwhelming benefit to their own economies of such assistance. Indeed, the U.S. spends less per capita as a percentage of GNP and in dollar terms on supporting private sector investment in developing countries than any other major competitor country.

Mr. Chairman, the claims have been made that OPIC is corporate welfare and has eliminated American jobs. Opponents of OPIC, and the Chairman will like this one, have cited Caterpillar Corporation as one of those ''fat cats'' benefiting from OPIC. Caterpillar makes much of its tractors and heavy equipment in Peoria, Illinois, the epitome of an American city, and, of course, in other American cities. This Member suspects he would be very hard pressed to find among Caterpillar workers assembling tractors any of them who would believe that they are the fat cats that are benefiting from OPIC.

These are hardworking Americans. At no cost to the taxpayer, OPIC helps to promote the sale of tractors and earth-moving equipment that they make. Given the significant support foreign competitors receive from their governments, without OPIC, America's Caterpillar Corporation and its employees are in many instances at a real disadvantage to Japan's Komatsu or Korea's Hyundai Corporation.

To those who claim that OPIC is unnecessary or competes against private sector insurance providers, this Member would point out that OPIC does not insure against commercial risk or currency devaluation. While OPIC is run like a profitable private business, it still needs to provide long-term political risk insurance that is not fully available in the private sector. For example, with the assurance provided by $1.8 million of OPIC political risk insurance, Agro Management, a minority-owned small business from California, is now able to work with Ugandan farmers to produce African chrysanthemums from which oil is extracted and used as a natural nontoxic and environmentally-friendly insecticide. This is just one example of many investments that will contribute to the estimated $9 billion in increased trade with sub-Saharan Africa that likely would not occur if it were not for OPIC insurance.

Similarly, the Trade and Development Agency has a successful record of promoting American business involvement in infrastructure projects in developing and middle income countries. Since its inception, the TDA has generated over $12 billion in American exports. This equates to $32 in U.S. goods and services exported for every $1 spent on TDA projects. And for every dollar that TDA invests, the agency receives another 50 cents in cost-sharing.

Last year alone, over $1.8 billion in U.S. exports were associated with TDA activities. Eighty percent of those exports were comprised of manufactured goods, illustrating the strong link between TDA projects and U.S. job creation.

The International Trade Administration and Foreign Commercial Service is also re-authorized in this bill. This funding supports the actual personnel stationed at U.S. embassies and U.S. commercial offices around the globe who successfully promote American goods and services abroad and provide assistance to American businessmen seeking new international trade opportunities.

Mr. Chairman, H.R. 1993, the export enhancement legislation before us, re-authorizes a successful American export and trade promotion system. The economic benefits of this cost-effective system to American businessmen, workers and farmers have proven to be overwhelming.

I urge my colleagues to give strong support to this legislation.

Mr. WU. Mr. Chairman, I rise today on behalf of my home state of Oregon, and in strong support of H.R. 1993, the Export Enhancement Act.

Quite simply, trade is one of the critical drivers behind Oregon's current economic prosperity; and trade is expected to grow in importance in the years ahead. The Overseas Private Investment Corporation (OPIC), the Trade and Development Agency (TDA), and the International Trade Administration (ITA) have played a key role in the promotion of Oregon exports. I strongly urge my colleagues to support this important legislation.

Mr. Speaker, OPIC, TDA, and ITA play an important part in the promotion of American exports. They are good for American workers, good for American businesses, and good for the American economy. Each of these very

worth agencies requires a relatively small investment. But they certainly reap big results for Americans.

Mr. Speaker, I strongly urge my colleagues to support American exports and support this important bill.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute consisting of the bill modified by the amendments printed in the bill shall be considered by section as an original bill for the purpose of amendment, and each section is considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this bill before us encompasses three agencies which are at the heart of the U.S. strategy to expand its export opportunities and to ensure greater access for American companies, big and small.

As passed by the Committee on International Relations, it helps make the Trade and Development Agency more self-sufficient by requiring companies and entities benefiting from its programs to share in the costs and to reimburse for projects secured, even if the project is not the original one pursued.

It establishes congressional guidelines and recommendations on the operations of these agencies to seek and use more private sector resources, and to place greater emphasis on the promotion of small businesses and make them more export competitive.

This bill also provides for greater accountability and oversight as it calls for independent auditors to report annually on the level of OPIC's reserves and requires that greater emphasis and resources be dedicated to assisting small businesses compete in the global arena.

Further, it establishes reporting requirements for ITA and focuses on the work of the Market Access and Compliance unit of the International Trade Administration which, along with the other units, monitors, investigates and evaluates foreign compliance with over 250 U.S. trade agreements; helps resolve company and industry-specific market access problems in country and regional markets; identifies market and nontrade barriers to better prepare and educate U.S. companies about developing markets.

Their list of accomplishments is long, having succeeded in resolving serious compliance problems relating to discriminatory regulations and barriers faced by American industries.

While not a perfect bill, it does provide certain safeguards for the American taxpayer and it does afford the opportunity for careful oversight by this committee and the Congress in general. I ask my colleagues to support this bill this afternoon.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Export Enhancement Act of 1999''.

The CHAIRMAN. Are there amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Since it began operations in 1971, the Overseas Private Investment Corporation (in this Act referred to as ''OPIC'') has sold investment services and mobilized private sector resources to assist developing countries and emerging democracies in the transition from nonmarket to market economies.

(2) In an era of declining Federal budgetary resources, OPIC has consistently demonstrated an ability to operate on a self-sustaining basis to support United States companies and promote economic reform in emerging economies in Africa, the newly independent states of the former Soviet Union, Latin America, and the Caribbean.

(3) OPIC has played an important role in reinforcing United States foreign policy goals and in strengthening the United States economy by creating jobs and promoting exports.

(4) Over the past 28 years, projects supported by OPIC have generated over $58,000,000,000 in United States exports, mobilized $121,000,000,000 of United States private sector investment, and created more than 237,000 United States jobs.

(5) OPIC has been run on a sound financial basis with reserves totaling approximately $3,300,000,000 and with an estimated net budget contribution to the international affairs account of some $204,000,000 in fiscal year 2000.

(6) OPIC has maintained a claims recovery rate of 95 percent, settling 254 insurance claims for $541,000,000 and recovering all but $29,000,000 since 1971.

(7) OPIC programs have served to rectify market failures, including limited market information in developing countries and underdeveloped capital markets, by insuring United States firms against economic and market uncertainties.

(8) The Trade and Development Agency (in this Act referred to as ''TDA'') promotes United States business involvement in infrastructure projects in developing and middle income countries.

(9) TDA has generated $12,300,000,000 in exports since its inception, with every $1 in spending for TDA projects leading to the sale of $32 in United States goods and services overseas.

(10) The United States and Foreign Commercial Service (in this Act referred to as the ''Commercial Service'') plays an important role in helping United States businesses identify export opportunities and develop reliable sources of information on commercial prospects in foreign countries.

(11) The Congress has, on several occasions, encouraged the Commercial Service to focus its resources and efforts in countries or regions in Europe and Asia to promote greater United States export activity in those markets.

(12) The Congress supports the expansion of the Rural Export Initiative by the International Trade Administration (in this Act referred to as the ''ITA'') of the Department of Commerce, particularly those elements related to the use of information technology and electronic commerce techniques.

(13) The Congress is encouraged by the success of the Market Access and Compliance Unit of the ITA and supports the Unit's efforts to develop mobile teams to resolve market access problems and ensure compliance by United States trading partners with trade agreements and commitments.

(14) The Congress acknowledges the demands upon the Market Access and Compliance Unit of the ITA and recommends that priority be given to funding for this unit to ensure that adequate resources are available for it to fully implement its mission.

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. POLICY RECOMMENDATIONS.

The Congress makes the following declarations:

(1) OPIC should set its fees at levels sufficient to cover all operating costs, repay any subsidy appropriations, and set aside adequate reserves against future losses.

(2) OPIC should maintain a conservative ratio of reserves to contingent liabilities and limit its obligations in any one country in its worldwide finance or insurance portfolio.

(3) Projects supported by OPIC should not displace commercial finance or insurance offerings and should encourage private sector financing and insurance participation.

(4) Independent auditors should report annually to the Congress on the level of OPIC's reserves in relation to its liabilities and provide an analysis of the trends in the levels of reserves and liabilities and the composition of its insurance and finance portfolios, including OPIC's investment funds.

(5) OPIC should double the dollar value of its support for small businesses over the next four years.

(6) In administering the programs and activities of the ITA, the Secretary of Commerce should give particular emphasis to obtaining market access for United States firms and to securing full compliance with bilateral and multilateral trade agreements.

(7) The ITA should facilitate the entrance of United States businesses into the countries of sub-Saharan Africa and Latin America.

(8) The Commercial Service, within the ITA, should consider expanding its presence in urban areas and in urban enterprise areas.

AMENDMENT NO. 9 OFFERED BY MR. TERRY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. TERRY:

Page 6, insert the following after line 21:

(9) OPIC must address concerns that it does not promptly dispose of legitimate claims brought with respect to projects insured or guaranteed by OPIC. The Congress

understands the desire of OPIC to explore all possible arrangements with foreign parties. However, OPIC must be aware that private parties with legitimate claims face financial obligations that cannot be deferred indefinitely.

Mr. TERRY. Mr. Chairman, I rise today to offer this amendment in hopes that I can bring much needed accountability to OPIC's operations. I believe that government should exercise a high degree of discretion in becoming involved in essentially private sector business functions. At the same time, I understand that OPIC exists to fill a void by providing political risk insurance in countries where private insurers may hesitate to go. The appropriate balance is for an agency such as OPIC to be scrupulous in maintaining a businesslike approach to its dealings, yet be constantly aware of its duty to maintain public confidence and trust.

The House Foreign Operations Committee has noted, ''OPIC must be aware that private parties with legitimate claims face financial obligations that cannot be deferred indefinitely.'' Companies that have disputes before OPIC have the right to know where they stand. It is reasonable for businesses to have a full understanding of the status of their claims.

Mr. Chairman, my amendment adds a statement of policy that OPIC should be more sensitive about the impact of its delays on private businesses. I urge its approval.

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

Mr. Chairman, I rise, I think, in support of the amendment offered by the gentleman from Nebraska (Mr. TERRY), and I rise also to engage in a colloquy with him, to tell him that there are ways that we can get OPIC to respond, if indeed they are not responding as my colleague or some of his parties of interest may think they ought to respond. I would invite the gentleman, if he would like, to bring his concerns to me as chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, the committee that funds OPIC, albeit we do not need to fund them; we take their 200 million, and we give them back 50, and that is sort of a plus for my committee.

But the gentleman is absolutely right. If OPIC is not responding in a professional, timely manner, then this ought to be brought to my attention, and I will support the gentleman's amendment and at the same time encourage the gentleman from Nebraska (Mr. TERRY) to bring his concerns to me, and I will call the proper officials from OPIC to my office, and we will get a quick response to any problem he may have.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I thank the gentleman from Alabama for that offer, and I should have offered him the courtesy. A member of the gentleman's committee has been participating in several discussions of which I have been involved with Mr. Munoz and OPIC concerning the status of several claims and their unwillingness to deal with them in a timely manner, and I will meet with the gentleman as soon as this colloquy and amendment are over, and I will give him the details of that, and I apologize for not doing that in advance.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do rise in strong support of the amendment offered by my colleague from Nebraska (Mr. TERRY). Mr. TERRY has been very much engaged in this issue as, in fact, his predecessor and the whole Nebraska delegation has been engaged for some period of time. There were an unfortunate series of things that happened with the collapse of the economy in Indonesia that affected many American firms, including an energy facility firm in our State. We have worked at length on this matter with OPIC, Treasury, and the Indonesian Government without much success. I believe that in all probability these kinds of things would not happen again, but with the support of the chairman of the Committee on Foreign Operations, Export Financing and Related Programs, and with the continued tenacity and diligence of my colleague from Omaha, I believe that this amendment should be adopted as a sense of the House. It is an important sense of the Congress to convey to OPIC so that in fact a very good OPIC program is improved and American businesses not disadvantaged.

In fact, Mr. Chairman, I think of course to some extent we can reform our agencies to the maximum extent, and they are doing excellent work, but when we have a foreign government that basically collapsed with an involvement of the IMF as well, sometimes American business is disadvantaged.

So I thank my colleague and commend him, and I urge support for his amendment.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would accept the amendment offered by the gentleman from Nebraska (Mr. TERRY), Number 9.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

First of all, I rise in support of this amendment, and obviously there is a lot of fixing that we need to do on any government program and obviously sending a message out that we want the program officers to be efficient and effective and on time is certainly a good message. I would like to remind us, as we debate this particular amendment, that there is a question, of course, as to whether or not the very fundamentals of OPIC deserve even an amendment like this. While I support the amendment, let us again look at the validity of the organization itself.

We have heard today, for example, a question, and unfortunately this type of debate we only get a couple chances to go back and forth, and I did not get a chance to ask my colleagues, but we heard the declaration that what harm does it do to have U.S. tourist dollars poured into a certain country? Mr. Chairman, I do not know what States these people come from, but tourism means a lot to the people of my area. I would like us to have, rather than having Americans, businessmen, investing and luring tourist dollars away from the United States, I would like those tourist dollars to come to Orange County, California, and to stay in the hotels and to use the facilities in my area, and if my colleagues do not want them in their areas, that is fine. But the fact is that building up the infrastructure to attract tourist dollars to a foreign country does impact on American jobs and, in fact, hurts the very lowest employees, the people who make the least in our society.

I happen to have earned a living when I was younger scooping ice cream at Marineland Snack Bar, which was a tourist attraction. Yes, I would rather those tourists come there, provide me that work, than having American dollars being guaranteed to build tourist attractions overseas to create jobs overseas.

I am sorry, those tourist dollars do take away from American jobs.

And what about this great tractor factory in Illinois that we heard about? Well, okay. My amendment suggests that OPIC will never be able to guarantee the building of a tractor factory.

I would suggest to the gentleman from Illinois (Mr. MANZULLO) and the gentleman from Nebraska (Mr. BEREUTER) who had this tractor factory in their district, they should support my amendment which will prohibit the building of tractor factories with taxpayer guarantees overseas. So I would ask the gentleman from Nebraska and the gentleman from Illinois and others who have such factories, or if my colleagues have any factories in their districts, let us make sure we do not guarantee the investment of building such factories overseas. We are not doing very good work for our constituents if we do.

And what about that investment on the West Bank that we heard from the gentleman from Ohio (Mr. TRAFICANT) about? Do we really want the taxpayers to guarantee people who will invest in places like the West Bank, or should they have to take their own risk? Why is it that we let people have a guarantee of U.S. tax dollars for their investment in far-off countries where there are risky investments, but we will not give people investing in the United States those type of guarantees when they come into our areas that are a little bit risky or they are going into a risky-type business? Here we are giving them this perverse incentive to invest overseas rather than invest here.

Now we could talk, and we have heard about this over and over, jobs, jobs, jobs. I hope people have gotten down to the next level rather than just this rhetoric. We are talking about the loss of jobs. We are talking about an organization whose very purpose, as we have heard time and again, to build tractor factories overseas, to build tourist attractions overseas, to let these American businessmen take risky investments and have the American Government stand right besides them. I do not want the American Government standing besides people who are investing capital and creating jobs overseas. I do not want the American Government to help them. I want the American Government either to stay neutral or to create the jobs here in the United States of America.

Whose side are we on? Well, OPIC certainly is on the side of the American worker; but we have heard it over and over again that, yes, this helps business. Well, everything that helps business does not necessarily help the American working people, and I hope that by what I have said I have helped people understand how, yes, it does help a couple of investors make some big bucks by investing in risky ventures, sometimes in dictatorships overseas like Vietnam and Communist China; but it dramatically hurts the American working person.

The gentleman from Ohio (Mr. TRAFICANT) over there told us about how he was so concerned about this huge deficit that we have. How much of that deficit is due to the fact that OPIC has been encouraging people to invest overseas? And those factories are not necessarily selling overseas, but what they are doing is re-exporting to the United States. How much of that, I ask the gentleman from Ohio (Mr. TRAFICANT) comes from there?

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I am listening to the debate here today, and I hope that we have some degree of context as we are moving forward dealing with what I think is a very important program for America and for people in the State that I represent, Oregon.

I have been trying to understand the gist behind the amendments from the gentleman from Nebraska (Mr. TERRY). I have talked to OPIC; I have tried to get a feeling for what it is, in fact, we should be doing.

Along with the gentleman from Nebraska (Mr. BEREUTER) I had the opportunity to spend some time earlier this year in Indonesia, and as we hear the two speakers that have addressed themselves to this amendment now and where it takes us, I feel that it is important to take a deep breath. I have no objection I guess per se to the language that has been offered, but there is the subtext here that somehow OPIC is not being responsive; that somehow that these things can simply be moved along very slick and easy; and that somehow someplace off in the bureaucracy there is somebody who is inappropriately holding things up.

It seems to me that when we are dealing with OPIC's ability to process claims, which is the concern, I think, that has prompted the gentleman from Nebraska's amendment, or maybe there may be more here, that one has to appreciate what OPIC has to do in order to be fair to the businesses that are involved, to be fair to the taxpayer, because as has been pointed out by our other friend from Nebraska, this is an operation that, in fact, has not lost any taxpayer money at all, and in fact this year is going to be surplusing money.

Mr. Chairman, part of what they have done in terms of hitting the balance has been careful processing of claims of this nature. They have got something like a 95 percent recovery rate. I think it is important that we not assume that the people in the organization are not, in fact, processing these in an orderly fashion, that dealing with a country like Indonesia where we have multiple interests and our friends at OPIC are not just dealing with one company, but they are dealing with fashioning a record in a country that is in turmoil, and I am sure they are being pushed on by people from other agencies, from the State Department or from Treasury. We have issues that people on this floor have been concerned with, and we have other national interests that we are trying to do in stabilizing the situation in Indonesia to try and play that in a sophisticated and thoughtful fashion.

Mr. Chairman, I would just hope that, as we are dealing with this language that people are making assertions about the behavior of our friends at OPIC, that taking a step back, taking a deep breath, appreciating the difficult position they are in, caught between people on one hand who refuse to acknowledge the positive contributions that this makes to our economy and economies around the world and then interfering with an appreciation of what they have to do to try and be a loyal soldier and an arm of the United States Government and advancing others of our interests.

I will be prepared to talk at greater length about that at another time. Mercifully, Mr. Chairman, I am prepared to yield back the balance of my time at this point, but I do hope that we do not have sort of cardboard cut outs when we are considering amendments like this and appreciate the difficult task that they have been given and some appreciation for the balancing of the interests that they have to have.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just yield to the gentleman from California (Mr. ROHRABACHER) to answer one small question. He keeps referencing China, as I understand it. How much business has OPIC done in China?

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I understand OPIC is not doing business in China.

Mr. GEJDENSON. Reclaiming my time, it is important that we recognize reality from what we would like reality to be. There is no investments in China. Even if they wanted to now as a result of, I think, a bipartisan effort, we have put in language because of Tiananmen Square; they rightly cannot do business in China.

So, reclaiming my time, we are going to have plenty of time to go over this debate further.

□ 1330

Mr. RANGEL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to take this opportunity to express my support of the work that OPIC is doing. It is always an emotional thing when we think that in dealing with foreigners, we are going to lose American jobs. And, coming from a community like mine who still suffers unemployment and underemployment, I would like to spend my time on the floor doing all that I can to encourage investments in my community and similar communities within the United States.

But I think we all have come to understand that trade and commerce involves exports and that the exporting industry creates jobs, many in my district. I have had the opportunity to make several trips to sub-Saharan Africa and to work with OPIC and the Ex-Im Bank and American businesses.

And so often we hear that with these developing countries that we cannot give them fish, but we have to give them the tools to teach them how to fish. And so many times we see in these developing countries, well, it is not just a question of American businesses getting the protection of OPIC, but it is the question of American businesses being able to export to these American businesses that are located in these countries.

I would hope that the gentleman from California (Mr. ROHRABACHER) will continue to have enlarged tourist activities in his district. But in order to do this, people have to have jobs, they have to have money, and many of them are able to enjoy tourism here because they have jobs that are here.

So there are enough restrictions to show that the investment is not going to be a direct challenge to our manufacturing operation; that is written into the law. But it would seem to me that it would be a terrible thing to put such restrictions on OPIC that those people, and they are people who have the courage to take the risks, to go overseas, that America goes with them as partners and say that we want investment in this part of the world, we want people to be economically independent, we want to make certain that

we preserve democracy, because democracy without economic support cannot last that long.

So it just seems to me that we can take a deep breath about these things when it involves foreign countries. We say foreign and all of the vital juices fly up. But God knows, I believe that we ought to stamp out communism wherever we find it, yet we find the majority of people here think we should do business with China and with North Vietnam and North Korea, and then we have a little island right out there in the Caribbean. It seems as though we get so upset when we try just to remove the embargo, even though I do not know about Castro trying to do anything to overthrow our government; still, we are very selective when we start getting angry with Communists.

But since there are so many other countries that do have democracies and these are the countries that certainly do not cause us political problems, I hope that my friends on this side and the other side of the aisle would find some worthwhile projects where we can say we want to encourage investments in these areas, we want that American flag to be waving with capitalism and investment, and that we want jobs on this side of the ocean as well, which will come as a result of forming these types of economic partnerships.

So I just want to say that I want to thank people on both sides of the aisle for putting together a bill that we can say is bipartisan, and let us give OPIC a chance to do the job that they have been created to do. I will be opposing the Rohrabacher amendment, but I certainly will be giving my strong support for the bill.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

I can empathize with the gentleman from California (Mr. ROHRABACHER). But he mentioned some of my comments and my company, and I just want to make a couple of points here.

OPIC is worth about $200 million a year to us; and we give $50 million to promote its activities, so that is about $150 million gain. One of the qualifications for an OPIC investment is there are stringent qualifications to the impact of jobs lost and not one job can be lost pursuant to an OPIC investment.

Now, without OPIC, my company, at the request of this administration, made an investment in Gaza, trying to open up that whole opportunity and bring them in as a neighbor of the great world community. If it were not for OPIC and the insurance and protection of Uncle Sam and our government, my company would be laid out, washed out, could possibly be belly up. We provide an opportunity for America to make investments, reasonable investments to move us forward in the community of nations, and the return on our investment has been very good.

So, I am going to support OPIC, but I am going to support OPIC with the types of reforms that are coming from the gentleman from Illinois (Mr. MANZULLO), the gentleman from New Jersey (Mr. MENENDEZ), the gentleman from New York (Mr. GILMAN), the gentleman from Connecticut (Mr. GEJDENSON), and others. I think for once, it turns a reasonable profit.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, it is very clear that this debate in truth goes far beyond OPIC. It goes to whether or not we as Members of Congress feel positively about our current trade policies, and that, in truth, has to do with NAFTA, GATT, MFN, has to do with the International Monetary Fund, the World Bank, OPIC, Ex-Im Bank and so forth and so on. That is what it really has to do with. OPIC, in truth, is a small part of that whole picture.

I would argue that any conscientious Member of the House who examined the facts would conclude that our current trade policy, OPIC and everything else, has not succeeded. By definition, it has not succeeded, because we are looking at a record-breaking trade deficit. And we hear our friends say, well, this creates jobs and so forth and so on. But we have to look at both sides of the equation; and when we look at both sides of the equation, what we are looking at is a record-breaking trade deficit. Our current trade policy is failing.

As I said earlier, and I want to touch upon this point, I find it interesting that there are Members here who are quite conservative who would turn pale at any mention that the United States Government should have a national health care program guaranteeing health care to all people, apparently think it is okay for the United States Government to have an insurance program to protect American corporate interests.

Now, it seems to me that if a company wants to invest in China or in Africa, in Asia or in any other place on earth, they have the right to do that. No one is arguing that. But what some of us are suggesting is, should American taxpayer money be placed at risk to protect that investment. Day after day I find people come up who believe in laissez-faire capitalism who say the government is terrible. Get the government out of our lives. Poor people, hey, they are going to have to stand up on their own two feet. Government cannot help everybody. And yet, we have a situation here where apparently these very same people are saying well, government cannot save the poor, cannot help the working people, cannot get involved in the environment, but government can get involved with the Enrine Oil and Gas Company who receive $400 million in U.S. Government-backed OPIC financing and insurance for natural gas processing and storage facilities in Venezuela. The U.S. Government can get involved in that. The U.S. Government can get involved with OPIC helping Texaco and its partners receive $139 million in government-backed OPIC financing for a power generation project in the Philippines. Chase Manhattan Bank, oh, my goodness, the United States Government can have the stand with Chase Manhattan Bank who received $200 million in U.S. Government-backed OPIC insurance for a telecommunications project in Colombia.

So I would suggest to my friends who support laissez-faire capitalism, you cannot do both things. You cannot say that the government cannot protect working people and low-income people in this country, terrible thing, but yes, the United States Government and OPIC can protect the interests of multinational corporations.

Let me make another point, and I think I am echoing a point that the gentleman from California (Mr. ROHRABACHER) made a moment ago. People say well, we are in a global economy, companies are going to invest abroad, and that is true. But it seems to me that given the fact that we have seen a decline in real wages for manufacturing workers in this country, given the fact that our working people are working longer hours and in many cases, for lower wages, because good-paying manufacturing jobs have gone to China and to other countries where workers are paid horrendous wages, then yes, I do have a problem.

And I share the concern of the gentleman from California (Mr. ROHRABACHER) about providing OPIC help to those companies who want to establish manufacturing plants abroad. I think it is very naive to say well, OPIC says that that is not going to result in the loss of any manufacturing jobs in this country. I do not believe that.

I would argue, and maybe some of my friends who support OPIC might want to help me on this, that maybe instead of OPIC overseeing private investment corporations we want to have a domestic OPIC, a domestic OPIC. What about United States Government guaranteeing investments in the State of Vermont or in low-income communities around this country making it easier for companies to hire American workers and pay them a decent wage.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, a few moments ago my good friend, the gentleman from Ohio (Mr. TRAFICANT) noted this company in his district again, which without OPIC standing by its side would have been laying there in the dust in the West Bank. That company should have invested in an opportunity in the United States; it would have not been lying there in the dust. Americans would have been working.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The amendment was agreed to.

THE CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. OPIC ISSUING AUTHORITY

Section 235(a)(2) of the foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(3)) is amended by striking ''1999'' and inserting ''2003''.

AMENDMENT NO. 1 OFFERED BY MR. GEJDENSON

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. GEJDENSON:

Insert the following after section 4 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 4. ENVIRONMENTAL IMPACT OF OPIC PROGRAMS.

(a) ADDITIONAL REQUIREMENTS.—Section 231A of the Foreign Assistance Act of 1961 (22 U.S.C. 2191a) is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) by inserting after subsection (a) the following new subsection:

''(b) ENVIRONMENTAL IMPACT.—

''(1) ENVIRONMENTAL ASSESSMENT OR AUDIT.—The Board of Directors of the Corporation shall not vote in favor of any action proposed to be taken by the Corporation that is likely to have significant adverse environmental impacts that are sensitive, diverse, or unprecedented, unless for at least 60 days before the date of the vote—

''(A) an environmental impact assessment or initial environmental audit, analyzing the environmental impacts of the proposed action and of alternatives to the proposed action has been completed by the project applicant and made available to the Board of Directors; and

''(B) such assessment or audit has been made available to the public of the United States, locally affected groups in the host country, and host country nongovernmental organizations.

''(2) DISCUSSIONS WITH BOARD MEMBERS.—Prior to any decision by the Corporation regarding insurance, reinsurance, guarantees, or financing for any project, the President of the Corporation or the President's designee shall meet with at least one member of the public who is representative of individuals who have concerns regarding any significant adverse environmental impact of that project.

''(3) CONSIDERATION AT BOARD MEETINGS.—In making its decisions regarding insurance, reinsurance, guarantees, or financing for any project, the Board of Directors shall fully take into account any recommendations made by other interested Federal agencies, interested members of the public, locally affected groups in the host country, and host country nongovernmental organizations with respect to the assessment or audit described in paragraph (1) or any other matter related to the environmental effects of the proposed support to be provided by the Corporation for the project.''; and

(3) in subsection (c), as so redesignated, by striking ''each year'' and inserting ''every 6 months''.

(b) STUDY ON PROCESS FOR OPIC ASSISTANCE.—The Inspector General of the Agency for International Development shall review OPIC's procedures for undertaking to conduct financing, insurance, and reinsurance operations in order to determine whether OPIC receives sufficient information from project applicants, agencies of the United States Government, and members of the public of the United States and other countries on the environmental impact of investments insured, reinsured, or financed by OPIC. Not later than 120 days after the date of the enactment of this Act, the Inspector General shall report to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate on the results of its review. The report shall include—

(1) recommendations for ways in which the views of the public could be better reflected in OPIC's procedures;

(2) recommendations for what additional information should be required of project applicants; and

(3) recommendations for environmental standards that should be used by OPIC in conducting its financing, insurance, and reinsurance operations.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

Mr. GEJDENSON. Mr. Chairman, first I would like to compliment the gentlewoman from California (Ms. LEE) for a great effort on this issue and the strong work she has done here and on so many other issues in the committee.

This is a very direct amendment, Mr. Chairman. This amendment ensures that environmental concerns are taken into account when OPIC is considering assistance for projects that are likely to have a significant adverse environmental impact. The amendment ensures that no decision is taken by the board of directors on such a project until the 60-day waiting period for public comment is passed and ensures that environmental assessment will be available to the public during that time.

It further requires the president of OPIC or his designee to meet with concerned groups on these projects, and the amendment further requires the board of directors to have discussion on these environmental matters every six months, in public.

Finally, it requires an independent study to review whether OPIC's environmental procedures should be approved.

One of the things we have to do as a Nation is to make sure that we add the environment and the rights of working men and women around the globe into every discussion. Because if we simply move forward and clean up our environment, give American families a better living and the rest of the world deteriorates, it will damage our environment, it will damage our economy. We have to make sure that America leads the environmental standards upwards and does not finance them downwards.

This amendment is important because I think it provides a reasonable amount of time, it makes sure that it clearly stipulates the need for public involvement here, public access in providing the public the information and to make sure that American activities further America's goals, which do include bringing those jobs home to America, but also include that we are not involved in projects that degrade the environment in other countries. I want to again thank the gentlewoman from California (Ms. LEE) for the excellent work she has done here and in so many other areas.

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

I support the Gejdenson amendment. I have a similar amendment, but my amendment is a bit tougher than the one the gentleman has proposed, but I believe we both have the same goal in mind.

The fact is that nobody should be receiving taxpayer money in order to go overseas to involve themselves in economic activity that despoils the environment overseas and destroys the natural heritage of other peoples. I would say especially this is true in countries that are not run by the people themselves. In countries that are run by little cliques, by dictators, by tyrants of left and right, it is imperative that we go on record that none of this OPIC money that guarantees these investments overseas will go to those countries in a way that does serious damage to their environment.

□ 1345

As I say, the amendment that I have in mind goes a bit further than the amendment of the gentleman from Connecticut (Mr. GEJDENSON). It requires that these loans not be made, and that not just the environmental impact report but all environmental studies dealing with the guaranty in question be made public, and that they be made public 60 days prior to the transfer of any funds, which will give everyone the chance to have their say and for organizations that hold the environment dear to come and try to protect what they consider to be an important human resource.

Let me note that this amendment and my amendment are very close to a piece of legislation that the gentleman from California (Mr. COX) has submitted as a separate piece of legislation on which I am a cosponsor. I would invite the gentleman from Connecticut and others to join me in cosponsoring the Cox bill.

Ms. LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would first like to thank our ranking member, the gentleman from Connecticut (Mr. GEJDENSON), for all the work he has put forth in strengthening the implementation of OPIC's environmental standards, and also for his support and guidance on this issue.

Being a new member of the Committee on International Relations, this is the first year that I have reviewed in-depth the purpose and function of OPIC. I have been very careful and very deliberate in my support of OPIC.

For the last two decades, and particularly during my time in the California State legislature, I have strongly encouraged the Bay area and the State of California and members of the business community to forge fair trade partnerships, particularly with countries in Africa, Asia, and Latin America. In that vein, the mission and work of OPIC is very much in line with initiatives that I have been encouraging for nearly two decades.

I understand from some of my colleagues that they believe that OPIC sends American jobs overseas. Quite to the contrary, OPIC does not support projects that would create any job loss in America.

Additionally, California OPIC projects have created almost 40,000 American jobs, and in the last 5 years, OPIC projects identified $1.5 billion in goods and services that they will buy from California suppliers, 70 percent of which are from small businesses.

Additionally, as I researched OPIC's standards for the approval of projects, I became acutely aware of the concerns and criticisms from the environmental community. The adherence to strong environmental standards in business is fundamental to my support of export policy, and a necessary standard for my constituents in an area of our country that is the birthplace of the environmental movement.

It is for this reason that the gentleman from Connecticut (Mr. GEJDENSON) and I engaged in a process of dialogue and exchange with OPIC and the environmental community. The result of that exchange is the amendment that we are offering today.

OPIC has played a leading role among bilateral international investment agencies in developing reasoned standards that take into consideration the concerns of their business clients and those of environmental groups and the United States taxpayer.

Working with a broad range of stakeholders ranging from U.S. exporters to international environmental organizations, OPIC has developed a sound environmental policy handbook over the past 2 years.

However, many remain concerned with implementation of these standards in a meaningful and transparent manner. The Gejdenson-Lee amendment balances those concerns by codifying existing practices and increasing the transparency in a manner that will not affect U.S. competitiveness.

This amendment will play a key role in promoting strong environmental and social standards for all projects supported by OPIC. Specifically, the amendment will strengthen the process of the 60-day public comment period on OPIC's environmental impact assessments by prohibiting the OPIC board of directors from voting on any proposed action that may have a significant adverse environmental impact until the 60 days of the public comment period.

Secondly, it allows for a representative of the NGO community to meet with the President of OPIC or his designee to directly discuss concerns regarding possible adverse environmental impacts of proposed projects.

Thirdly, it mandates semiannual public hearings of OPIC's board of directors to allow, once again, direct discussion of a wide range of environmental and labor concerns regarding both past and future projects.

Fourth, it requires that the IG of USAID conduct an assessment of OPIC's procedures for reviewing a project and report the results to the Committee on International Relations and the Senate foreign relations committee. We should be promoting the highest environmental standards possible, certainly when public funds are at issue.

I have followed OPIC's progress and am convinced that what is now on the books should be implemented in a meaningful manner. In the writing of this amendment, we worked closely with OPIC and several environmental groups. The amendment is endorsed by the Friends of the Earth, the Environmental Defense Fund, the Sierra Club, Rainforest Action Network, and others.

I urge my colleagues to support this environmental accountability amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I of course agree with the positions the gentlewoman has taken today and the statement she has just made.

The amendment that I am considering offering goes just a little bit further. It is not at all at cross-purposes with the goals that the gentlewoman has stated.

I would ask the gentleman from Connecticut (Mr. GEJDENSON), as well, if the gentlewoman would consider an amendment to her amendment that would bring the two amendments together, and which just beefs up a little bit the gentlewoman's amendment.

Mr. GEJDENSON. Mr. Chairman, I move to strike the requisite number of words.

I would just tell the gentleman, we are probably better off trying to work this out in conference. Under the rule before us, the amendments are not amendable.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I would tell the gentleman, the amendments are amendable. I think this would save us some time. I do believe that we have precisely the same goals.

Mr. GEJDENSON. Mr. Chairman, if we can work this out before the gentleman's amendment comes up, we will do it.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have a question with regard to Gejdenson No. 35. That is, under the present practice of OPIC, OPIC will take a look at the general impact on the environment as part of its normal practices. My concern about this amendment is that it sets up something that is a lot more informal by calling it an environmental impact assessment, or initial environmental audit.

Some of these impact assessments and audits could actually take years. That really could end up putting the end to any type of American company wishing to use OPIC.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. My understanding is that that is already part of the present law. The assessment is in the law. They make that assessment.

What this primarily does is several things. It provides for a certain time that they cannot bring the measure to the board. What happened, at least in one instance, maybe in others, is that while there was a 60-day review period, while the review was going on, the board voted on it prior to the 60 days. That leaves a lot of people concerned about the environmental problems.

The gentleman and I share support for this. I understand that he may have some differences on the amendment. I think what this amendment does, it takes a number of groups that are committed to environmental policy and takes away their opposition from what is a very solid program.

I think if we can show sensitivity to those environmental concerns, which I think the gentleman shares, it will not hamper OPIC's operations. It will provide that we will not end up in an embarrassing situation where we are doing some environmental damage in some developing country, and that both the gentleman's desires and mine will be met. We will have an OPIC that has broader support, that does the right things, and achieves the economic and policy goals the United States is interested in.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am having great difficulty. Normally the gentleman from Connecticut (Mr. GEJDENSON) and I agree on so many things. I think our mission is probably the same, because the gentleman, as I, wants to protect the businesses in our respective districts, and give them the opportunity to have a vehicle in order to compete with all these foreign countries.

However, I am afraid, in reading the amendment, and there are about six amendments that are addressing this floating around here, so I am having very much difficulty. I have to apologize in advance to the gentleman for not knowing the full content.

However, what I fear in reading this amendment is that the gentleman is putting such a hamstring on OPIC, such a requirement on OPIC with respect to notification, that we are probably getting into a situation where we are going to prohibit them from participating in projects because they are going to have to disclose confidential information.

Then when we have the Inspector General, and as I understand the amendment, and I do not apologize for not having a law degree, but I do have an honorary law degree from Spring

Hill College in Mobile, but I am not learned in the law. But my reading in this from a layman's point of view is what the gentleman is saying, number one, before OPIC can do anything they have to have the Inspector General's approval to do it. That is how I read it.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Let me say, Mr. Chairman, my great admiration and respect for the gentleman has just been increased to find out he only has an honorary degree in law, rather than actually having a law degree, no offense to any attorneys here.

I would say that is simply a study with the Inspector General to make sure the process is a good process. That builds confidence in a part of American society that has often had some questions about it.

I think if the gentleman reads this carefully, and maybe the gentleman might want to reserve his final decision until later because there are other amendments coming, he will find that what we basically do is codify the existing practice of OPIC, which has been apparently, on occasion, violated, to make sure they cannot have a vote before the 60 days. The review by the Inspector General is to make sure the procedures meet our environmental concerns.

I think if the gentleman takes some time and reads this, and the votes are going to be postponed, he will see that this is not going to do damage to OPIC. I will commit to the gentleman that I will work with him between now and conference to make sure that his concerns are addressed.

We want to make sure we are not doing bad things environmentally. We do not want the United States caught in causing major environmental damage in some country. I agree with the gentleman, we also do not want to end up with OPIC going through so many different hoops and jumps that it cannot operate in the real world.

That is why the difference between the gentleman from California (Mr. ROHRABACHER) and myself is that I fear, frankly, the 120 days may go too long. That is why we picked the 60 days, which we think is a reasonable period of time.

Mr. CALLAHAN. I thank the gentleman. Reclaiming my time, Mr. Chairman, I would say that I apologize for not having a law degree. I do not mean to inflict any criticism on the law profession. My son-in-law is an outstanding lawyer, Dan Cushing, in Mobile, Alabama. Because of his profession, he supports my two granddaughters in a very, I think, well-to-do fashion.

But my concern is here, and if the gentleman says that we will work it out in conference, I will be happy to work with the gentleman. But what he is saying is adopt my amendment, which admittedly could cause great problems to the ability of OPIC to work with American companies, and then the gentleman says that we will work it out in conference.

Why do we not just withdraw the amendment, and then we will work it out in conference to make sure the environmental concerns are met?

Mr. Chairman, I would just say, I would respectfully ask the gentleman to withdraw his amendment because of the nebulousness of the fact that we have all of these concerns: whether or not the Inspector General is going to be the agency determining which loans are going to be processed, whether or not they have the ability of some organization, some environmental organization or individual who writes a letter, and then it kicks in or triggers the opportunity for delay of any project.

Then we are noncompetitive, because the Japanese do not have this restriction, the French do not have this restriction. No other country has these types of restrictions, yet we have an agency which is complying with most every environmental concern that we have.

I think we might be jumping into waters filled with alligators. We do not want to do that. I know my good friend, the gentleman from Connecticut (Mr. GEJDENSON) does not want to do that, either. Yet, I am afraid, without having the opportunity to review this with the lawyers, that to force OPIC to obey our environmental concerns, we may be jumping into that pond of alligators.

□ 1400

PARLIAMENTARY INQUIRY

Mr. ROHRABACHER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The gentleman will state his parliamentary inquiry.

Mr. ROHRABACHER. Mr. Chairman, is this the time that if I had an amendment to the amendment of the gentleman from Connecticut (Mr. GEJDENSON) that I would submit that amendment?

The CHAIRMAN pro tempore. Yes, it could be offered at this time.

AMENDMENT OFFERED BY MR. ROHRABACHER AS A SUBSTITUTE FOR AMENDMENT NO. 1 OFFERED BY MR. GEJDENSON

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will report the amendment offered as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER as a substitute for amendment No. 1 offered by Mr. GEJDENSON:

Strike the text of the amendment and insert the following:

SEC. 5. ENVIRONMENTAL REQUIREMENTS FOR OPIC.

Section 239(g) of the Foreign Assistance Act of 1961 (21 U.S.C. 2199(g)) is amended—

(1) by inserting ''(1)'' after ''(g)''; and

(2) by adding at the end the following:

''(2) The Corporation shall not issue any contract of insurance or reinsurance, or any guaranty, or enter into any agreement to provide financing for any Category A investment fund project as defined by the Corporation's environmental handbook, or comparable project, unless all relevant environmental impact statements and assessments and initial environmental audits with respect to the project are made available for a public comment period of not less than 60 days.''.

Mr. BEREUTER. Mr. Chairman, I reserve a point of order.

Mr. ROHRABACHER. Mr. Chairman, the amendment that I am offering to the amendment of the gentleman from Connecticut (Mr. GEJDENSON), again reinforcing the fact that the two pieces of a legislation or two amendments that we have both introduced have precisely the same goal, my amendment, the one objection that the gentleman seemed to speak about a few moments ago was that we elongated the process up to 120 days. That has been crossed out. It is no longer part of my amendment.

What the difference between our amendments seem to be is that the gentleman is offering an amendment that requires only the environmental impact report to be made available by OPIC for the loan to go forward, and we are talking about 60 days prior to the transaction. My amendment agrees with all of the points that the gentleman has made in his amendment, but it also says not just the environmental impact report but all environmental statements, all environmental analyses, all of the studies that have been done that deal with the environmental issues on these proposals overseas should be made available.

I do not see any reason why we should just make one thing available. What we are asking for otherwise is the possibility of hiding from the public information that might suggest, for example, that the project being funded could result in horrendous environmental problems in Brazil or Indonesia but that that report, which is not included in the environmental impact report, remains stuck in the safe at OPIC.

I do not think that that is good business on our part, and I would say to the gentleman from Alabama (Mr. CALLAHAN) to the degree that businesses are worried about their own secrets and doing business overseas, they should only worry about that if they are doing it at their own risk. When they come to the taxpayers, asking us to pick up their risk, they then have no right to keep from the taxpayers the information as to whether or not that guarantee, whether or not it is consistent with the values of the American people. The American people do not want their dollars going to these huge corporations that have major projects overseas that would rape the environment of these foreign countries.

Yes, we would like to have the minerals and have those minerals available, but sometimes what we have done in the past is destroy the historical legacy of countries. Whether like

Burma, which is a dictatorship, or Indonesia, which was a semi-dictatorship, or Brazil, which is somewhat of a democracy, we do not want any information that would help us determine the economic viability of these projects to be kept from the American people. I think it is very reasonable, and I would hope that the gentleman from Connecticut (Mr. GEJDENSON), whereas we have the same goal in mind we simply are saying that all the information should be available, would accept my amendment.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would like to be able to accept the amendment of the gentleman from California (Mr. ROHRABACHER), but we still have some problems with the language in that it is not as simple as the gentleman presents it. The situation that the gentleman presents would involve, indeed, proprietary information beyond simply environmental assessments that are mandated under the procedures of OPIC. I think the gentleman from Alabama (Mr. CALLAHAN) was right. There were so many amendments flowing around we have had a little of this today, but I think the gentleman from Alabama (Mr. CALLAHAN) and I both have a concern here that what the gentleman does creates a couple of hurdles.

The reason I would oppose the gentleman's amendment in the present form is that what I think it would do is, if the gentleman's amendment prevails, it would increase the likelihood that we would make no environmental progress in this legislation.

I think if the gentleman can work with us, we may be able to address some of his concerns, but I do not want to leave here, and that is what I was trying to tell the gentleman from Alabama (Mr. CALLAHAN) earlier, I do not want to leave here with a bill that leaves a cloud over the process.

Mr. ROHRABACHER. I would be willing to withdraw my amendment under the agreement with the gentleman from Alabama (Mr. CALLAHAN) and the gentleman from Connecticut (Mr. GEJDENSON) that they would work with me in trying to develop appropriate language that would be agreeable to all parties.

Mr. GEJDENSON. I certainly would do that because I think the gentleman's goals are laudatory. We are all in the same place. We just do not want the process to tie OPIC up in knots so they cannot move forward.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, all too often American tax dollars are used for things that are very horrendous to the values of the American people. They deserve that information, and people who go to the Government and ask for guarantees should not be asking for secrecy and proprietary rights on the information of their investments; and I think that all of us agree on those points, but we still want to move forward.

This is not an obstructionist amendment, and I agree to work with my colleagues.

Mr. Chairman, I ask unanimous consent to withdraw the amendment offered as a substitute for the amendment.

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

There was no objection.

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

Mr. Chairman, I would ask the distinguished gentleman from Connecticut (Mr. GEJDENSON) if he could respond to a few questions with respect to the underlying amendment which is the Gejdenson amendment and which is also offered by the gentlewoman from California (Ms. LEE).

What I am concerned about is that with every good intention, we may be creating such a delay in the process that OPIC cannot act in a timely fashion to meet the competition from the export assistance or promotion agencies of other countries. Could the gentleman tell me, by walking through once, how he expects that the processing of an application would work if the gentleman's amendment were adopted? I yield to him for that purpose if he wishes to respond.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, as far as the time line goes, it would be consistent with OPIC's present rules, which have been on occasion short circuited, whether intentionally or unintentionally. Under the present rules that OPIC operates under, OPIC has to provide 60 days for commentary on environmental statements.

What has happened in the past, and has caused great concern, particularly with people who are concerned about the environment, is that while they left the 60 days open, the board voted on it 45 or 50 days into the project. OPIC supports this provision. They recognize that this strengthens their position with the American public and it is a good amendment. They do not have a problem with the 60-day provision part of it.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, is the gentleman saying OPIC supports his amendment?

Mr. GEJDENSON. Not the entirety of the amendment, because I think they are probably not crazy about having the IG review their procedures, as none of us are when we ask an outside independent agency to come in and review. They do not have a problem with the 60 days.

Mr. BEREUTER. Reclaiming my time, I would ask the gentleman if he would expect that the IG review would take place at the earliest possible occasion and that it is his expectation that such an audit would be a one-time only event until some changes would precipitate the need for another IG audit?

Mr. GEJDENSON. It is a one-time review, just a simple review by the IG for their procedures to make sure they work.

Mr. BEREUTER. Is it true that the procedures set fourth in this amendment are primarily or largely restricted to their environmental review?

Mr. GEJDENSON. Exactly prescribed to be simply the environmental areas.

The CHAIRMAN pro tempore. Is there further debate on the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON)?

If not, the question is on the amendment offered by the gentleman from Connecticut (Mr. GEJDENSON).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer amendment No. 6.

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

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROHRABACHER:

Page 6, add the following after line 25 and redesignate succeeding sections, and references thereto, accordingly.

SEC. 5. PROHIBITION ON OPIC FUNDING FOR FOREIGN MANUFACTURING ENTERPRISES.

Section 231 of the Foreign Assistance Act of 1961 (21 U.S.C. 2191) is amended by adding at the end the following flush sentence: ''In addition, the Corporation shall decline to issue any contract of insurance or reinsurance, or any guaranty, or to enter into any agreement to provide financing for an eligible investor's investment if the investment is to be made in any manufacturing enterprises in a foreign country.'',

Mr. ROHRABACHER. Mr. Chairman, this amendment is simple and represents basic common sense. It also goes to the heart of the debate here today. All it says is that OPIC may not provide taxpayer backing for manufacturing plants overseas. We have heard time and time and time again in this debate that OPIC creates jobs overseas. Everyone who is supporting the OPIC authorization comes up with jobs overseas.

Well, it is my contention that one cannot build factories overseas without having a negative impact on jobs in the United States. That makes all the sense in the world. Those who are listening to this debate need to listen very carefully. This is the center, the core of the debate on OPIC. What my amendment does is say that none of this money that is used by OPIC will be used to subsidize and to guarantee an investment that creates a manufacturing unit overseas.

Again, by definition, that manufacturing unit will do one of two things. Opening up a manufacturing unit overseas will either reduce the number of jobs in the United States by either exporting the goods produced in those factories to the United States, or they

will reduce the jobs in the United States by producing over there goods that should be produced in the United States and exported to that country, or number two, what will happen by building a factory overseas it will prevent the creation of new jobs in the United States. Either way, we do not want to have taxpayer money being used to reduce the number of jobs, to create competition for our products overseas, or to prevent, because the jobs are now being exported over there, the creation of new jobs in the United States because they are all going to another country.

By the way, although we have no guarantees here, that is especially true of nondemocratic countries. Again, OPIC is offering a perverse incentive for American businessmen to go overseas to build manufacturing plants, to use slave labor or cheap labor, depending on if it is a democratic or undemocratic country, and then to reexport those goods to the United States of America.

The gentleman from Ohio (Mr. TRAFICANT) was right when he was concerned about this incredible trade deficit that we have. Well, this has something to do with it. We are subsidizing people creating businesses overseas that create employment in Vietnam.

Well, I have nothing against Vietnam except for the fact that it is a dictatorship and also the fact that I think we should watch out for the American people and our constituents before we watch out for creating jobs in Vietnam or any other Third World country.

This is the essence of the debate on OPIC, my amendment. I understand there may be another amendment offered to my amendment, which will simply say that OPIC can move forward if it does not determine that the number of jobs will be reduced. Well, I am sorry, that is not good enough because that type of approach means that there will be no new jobs created in the United States. That means that jobs would have been created in the United States; but by saying if it does not result in a reduction then we can just see to it that no new jobs are created in the district of the gentleman from Illinois (Mr. MANZULLO), or wherever.

I do not think it is good for us to build tractor factories with taxpayer subsidies in Vietnam or anywhere else. I do not think it is good for us to even build hotels necessarily, but this amendment specifically says manufacturing units.

□ 1415

It says it shall not be the policy of OPIC to provide taxpayer support and subsidies for businessmen going overseas. Again, why are we giving people an investment to invest in risky situations? Do we want the taxpayers to risk hundreds of millions of dollars in a risky situation when, instead, they could come to the United States.

Do my colleagues know why it is not risky in the United States? It is not risky in the United States because the American people, the American working people support free enterprise, support democracy, recognize the rule of law. Now we are punishing them because they have been so good and so true and faithful to American principles and have made this a good place so we do not need to provide risk insurance for the United States.

We are going to take their dollars out of their pockets, these decent, hard-working Americans, and guarantee the building of factories overseas that will compete with their jobs. This is ridiculous.

Again, how this amendment is voted on and how the people will vote on the amendment that is a gutting amendment that could be offered to this is the essential part of the debate today. I hope people pay attention.

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

Mr. Chairman, I rise to speak in opposition to the Rohrabacher amendment. I understand his passion, and I certainly share his concern about American jobs. But the fact is I believe that this amendment, which is well-intentioned, is unnecessary and actually penalizes those that it is intended to protect, which is U.S. workers.

OPIC is already committed in the law not to export jobs. It is statutorily prohibited from supporting any project that is likely to have a significant negative effect on the U.S. economy. A business that receives OPIC's support must agree not to transfer U.S. jobs overseas. OPIC monitors projects and terminates assistance if a company deviates from its commitment to protect U.S. jobs.

Now, OPIC's economists already screen each prospect project for its impact on U.S. jobs and exports. As mandated by its authorizing statute, OPIC does not support any projects that might harm the U.S. economy or that will result in a loss of a single U.S. job. It operates a comprehensive program to monitor each and every project it assists for its impact on the U.S. economy.

After it approves a project, OPIC monitors such a project from the beginning to the end of the agency's contractual commitments to it. It monitors, and its monitoring enables the agency to check the accuracy of its own methodologies, ensuring the project investors live up to its original representation.

Now, there is a ban on manufacturing projects which would hurt U.S. companies and the U.S. economy. Manufacturing projects help create new markets for U.S. goods and services, which would be lost if the Rohrabacher amendment were adopted.

Restricting the type of projects OPIC supports would put U.S. companies at a competitive disadvantage with their heavily subsidized foreign counterparts. For example, if one has an auto manufacturer who is both foreign and domestic, having manufacturing plants all over the world to be closer to their consumer market, the absence of OPIC support may have the intended effect of keeping an auto maker from having a plant in Argentina. But it will also mean that the company will sell considerably fewer cars in Argentina because they would have used U.S. manufactured parts, inputs that would have generated exports and create American jobs here at home. That is an example of what, in fact, we would do.

This is not about taking some plant that exists in the United States and, as a result of OPIC's efforts, transferring it to some other country abroad. I think, generally, we would be opposing that. That is not the issue here.

The issue here is whether or not we allow OPIC to make such an investment in a plant that does not exist now, that will not detract from American jobs, and that, by doing so, will create American design and American parts that will be used in that plant that ultimately will create jobs here at home.

So I understand the gentleman's concern. But the fact of the matter is the very concern he has is undermined by his amendment. It is important that we look at the whole picture. It may not be a choice between manufacturing in the United States or overseas, but, rather, whether or not to manufacture at all if a company cannot get sufficient financing or insurance to make the investment.

It is a lot better to make sure that, when we create the opportunity abroad, that it is an American product and American design using American imports with American workers and American ingenuity to, in essence, influence that market and to create the jobs here at home that will go towards that manufacturing plant in that regard that did not exist here and would not exist here under the set of circumstances that the gentleman from California (Mr. ROHRABACHER) envisions.

I think we need to defeat his amendment. I know we need to defeat his amendment to protect the very goal that he seeks to preserve.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would like to apprise Members that the Chair is alternating recognition across the aisle, and giving preference to Members of the Committee on International Relations and on the basis of seniority on the Committee on International Relations.

AMENDMENT OFFERED BY MR. MANZULLO TO AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

Mr. MANZULLO. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MANZULLO to Amendment No. 6 offered by Mr. ROHRABACHER:

In the amendment strike: ''in any manufacturing enterprise in a foreign country'' and insert: ''in a manufacturing enterprise in a foreign country, if such investment would

cause a reduction in manufacturing in the United States.''

Mr. MANZULLO. Mr. Chairman, I appreciate the efforts of the gentleman from California (Mr. ROHRABACHER), and I always admire his spirited debate. The problem with the Rohrabacher amendment is that it would prohibit an American firm from setting up an American enterprise overseas that does even the most modest of manufacturing.

For example, one could set up something overseas that would be similar to a warehouse that does minor assembly. The American manufacturer would send his products to the overseas facility for minor assembly for the purposes of thereafter storing and then reselling to the local market. It is not uncommon to ship components from different parts of the country for final assembly in a foreign country. The Rohrabacher amendment would prohibit that, even if that is an American-owned company.

What our amendment does to his is says, look, we will restrict an OPIC guarantee in a manufactured enterprise in a foreign country only if such an investment would cause a reduction in manufacturing in the United States. It is all about jobs. So we are saying OPIC cannot get involved if it results in the loss of American jobs.

That is already present in American law. Take the case of Monique Maddy. Monique was born in Liberia. She is a United States citizen. She got an OPIC guarantee to set up operations in Tanzania and Ghana. She sends U.S. manufactured communication components to two facilities in Africa where they are assembled and used for African consumption, thereby having 400 to 500 jobs in Africa.

Now, under those circumstances, that is not displacing American jobs because the Americans would not be manufacturing here and shipping over there. But what it is doing is it is increasing American exports of those American made products.

I would ask that the Members of Congress, the Chair entertain using the Manzullo amendment as a perfecting amendment to the Rohrabacher amendment.

Mr. Chairman, I yield to the gentleman form Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding to me. I think he is right on target. As bad as the gentleman from California (Mr. ROHRABACHER) despises OPIC, his intent is to destroy OPIC. Essentially what he is saying is, let us get rid of OPIC through this obnoxious amendment. What his amendment does is does exactly what he says he wants to do, protect American jobs. So what he is saying is exactly right, that, yes, we can create opportunities in foreign countries, but not at the expense of one American job.

The amendment of the gentleman from Illinois (Mr. MANZULLO) corrects it to the extent that it should be and still gives us opportunities to compete with the French and the Japanese and other countries.

So I know that the mission of the gentleman from California (Mr. ROHRABACHER) is to totally eliminate OPIC. I think that there are a couple of Members of the House that would like to do away with OPIC. But their rationale is ill-founded and should not be considered.

But the Manzullo amendment does exactly what he is saying he wants to do, that we will not go into any foreign countries and make any guarantee of investment if, indeed, it is going to cost us one American job.

I get that as the mission of the gentleman from California (Mr. ROHRABACHER), but his amendment, the way it is written, would completely eliminate the ability of OPIC to assist any American who wants to go into a foreign country to create an opportunity there to compete with the Japanese and the French.

We are saying we will accept the amendment if the gentleman from California will allow us to perfect it to the extent that it protects American jobs. That is his mission according to his statement, and that is the mission of the gentleman from Illinois (Mr. MANZULLO). So I would support the gentleman's perfecting amendment to the gentleman from California.

Mr. MANZULLO. Mr. Chairman, reclaiming my time, essentially, if my colleagues support the mission of OPIC, then the Members should support the Manzullo perfecting amendment to Rohrabacher.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. Yes, I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I am trying to understand the impact in terms of the loss of a single job. May I give an example and ask how it would apply.

Mr. MANZULLO. Yes.

Mr. BLUMENAUER. Mr. Chairman, there is a small lumber company in my State, Ochoco Lumber, that has used OPIC to set up a mill in the former Soviet Union; Lithuania, I believe, is the country. As a result of this manufacturing process, they have been able to get product that they cannot get in Oregon because of some of the environmental and supply problems.

Mr. MANZULLO. Mr. Chairman, the Rohrabacher amendment would not allow that.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MANZULLO) has expired.

(By unanimous consent, Mr. MANZULLO was allowed to proceed for 1 additional minute.)

Mr. MANZULLO. Mr. Chairman, I yield further to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, what I was trying to clarify is that this has created hundreds of jobs in depressed central Oregon. It may theoretically have displaced one job someplace in the United States.

I understand the Rohrabacher amendment would kill what we have done in this small mill.

Mr. MANZULLO. Mr. Chairman, the gentleman is correct.

Mr. BLUMENAUER. But what about the gentleman's perfecting amendment?

Mr. MANZULLO. Mr. Chairman, our amendment will allow the present operation of the gentleman's constituent's firm in Lithuania. That is correct.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the American people recently learned that more of the goods sold here are manufactured in foreign countries than in the U.S. That trend is getting worse. The trade deficit is at a record high. For that reason, I rise in support of the amendment of the gentleman from California (Mr. ROHRABACHER).

It is well known that global trade agreements like NAFTA have worsened the trade deficit by making it easier for companies to close their American plants and re-open them in developing countries where they do not have to pay a decent wage, where they do not have to prevent work place injuries, where they do not have to curb pollution.

The Overseas Private Investment Corporation does the same thing and adds to the same problem when it subsidized companies to open factories in foreign countries.

Now, the example was given of an auto company. Let us say an American manufacturer would want to open up an auto company in another country. Well, I am opposed to using U.S. taxpayers' money to help do that because that takes away jobs of auto workers in this country, pure and simple. It does not get much more complicated.

So if we use that example, it totally validates the reason why the amendment of the gentleman from California (Mr. ROHRABACHER) ought to pass this House. U.S. tax dollars should not be used to undermine markets here in the United States and to cost the people who pay our salaries their jobs.

Why should any agency of the United States Government subsidize the trade deficit and the loss of U.S. jobs? Congress should not tolerate it.

The Rohrabacher amendment simply prohibits any OPIC support for worsening the trade deficit, worsening the trend of plant closings in the United States.

Mr. Chairman, I am glad to yield to the gentleman from California (Mr. ROHRABACHER), who I think could help elucidate this subject.

Mr. ROHRABACHER. Mr. Chairman, I think that we have heard some very good examples, and they keep coming from those people who are opposing my position here. For example, do we really want to have OPIC giving, providing hundreds or tens of millions or hundreds of millions of dollars to build a

saw mill in gangster-ridden Russia? I do not know what the environmental impact of that is going to be. I think we ought to know about that.

Why do they not just go to Burma with that sawmill where they have got a vicious dictatorship that they can pay off and chop down all the teak wood. That is going to create a lot of jobs here, is not it? No, it is not. It is going to spoil the environment, and we need to know about that.

The fact is this is not a perfecting amendment. As much as I like the gentleman from Illinois (Mr. MANZULLO), he is a wonderful colleague, we are good friends, this is not a perfecting amendment. This is a gutting amendment.

Already we have been told it is already policy of OPIC not to do things where there are loss of jobs. Well, if that is the case, accept my amendment. But the central issue here is not that, and the gentleman from Illinois (Mr. MANZULLO) understands that.

The central issue is whether or not building factories overseas in and of itself, prima facie evidence, determines whether or not jobs will be created overseas rather than here.

The Manzullo amendment, which I think just basically is weasel words in action here, because it permits OPIC to subsidize the building of manufacturing units overseas that they determine, OPIC determines, will not reduce employment here.

□ 1430

But OPIC does not believe building factories overseas reduces employment here. Let me point this out. Even if the gentleman from Illinois (Mr. MANZULLO) is correct and it does not have a reduction of employment here, what we are doing is subsidizing the building of manufacturing units that will prevent the creation of new jobs here, and there is no doubt about that.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I yield to the gentleman from Illinois (Mr. MANZULLO) because I think this debate is healthy for the House.

Mr. MANZULLO. Mr. Chairman, we have a U.S. company building a lumber mill in Lithuania using Lithuanian lumber. Under no circumstances is that going to result in the loss of American jobs.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I do not know if we have unemployed lumberjacks in this country or not. I do not know whether or not there is unemployment in the part of the country of my colleague. I think there might be some unemployed lumberjacks in this country that would prefer creating the jobs here in the United States of America.

Of course, then we have to have some environmental controls so that some of these big companies could not rape the environment.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The time of the gentleman from Ohio (Mr. KUCINICH) has expired.

(By unanimous consent, Mr. KUCINICH was allowed to proceed for 1 additional minute.)

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, the notion that somehow because there are people that are lumberjacks that are unemployed because there is not access to timber supply means that mill workers should not be allowed to process timber and use materials to build that mill from Oregon escapes me.

It seems to me that we are better off having those people using Oregon products, Oregon companies thriving, and that it does not do anything to affect the timber supply or lack thereof in the Northwest.

Maybe I am missing something.

Mr. KUCINICH. Mr. Chairman, I yield to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, obviously, this lumber mill example is a very tiny, minuscule, one-half of 1 percent example of what OPIC does.

When we are talking about manufacturing units, we are talking about tractor factories; we are talking about other kinds of manufacturing that are heavy, heavy manufacturing. We are also talking about other exploitation of natural resources.

Mr. KUCINICH. Mr. Chairman, reclaiming my time, I would like to just say that it is a great debate, but the thing that we have to be concerned about is the impact of OPIC on our heavy manufacturing, the export of U.S. jobs, and a widening of the trade deficit.

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

Mr. Chairman, I rise in support of the Manzullo amendment to the Rohrabacher amendment.

If my colleagues and the American public are somewhat perplexed about what is happening here, it is understandable because the arguments that are being raised, I think, are turning rationality on its head.

What the gentleman from Illinois (Mr. MANZULLO) is attempting to do by his perfecting amendment would say that there must not be a net loss of manufacturing jobs in the United States under OPIC activity. And that should be the objective. That is what the gentleman from California (Mr. ROHRABACHER) says he wants to accomplish.

The gentleman from Alabama (Mr. CALLAHAN) indicated a few minutes ago that the Manzullo amendment accomplishes just what the gentleman from California (Mr. ROHRABACHER) says he wants to do, but that perhaps he has a different motive.

Now, I do not know whether that is the case or not about the gentleman from California, but my colleagues should not be confused by this issue.

Let us suppose an American firm wants to create a canning factory for mangos in India. Now, we do not can mangos in this country, no, not even in Hawaii. The Rohrabacher amendment would prevent OPIC assistance to an American firm which wanted to build or help build a plant in India to can mangos. That would be, a net gain in manufacturing jobs for the United States because the products to produce the canning factory are likely to come from the United States. But there are jobs in manufacturing being created in India, and the gentleman from California (Mr. ROHRABACHER) would prevent that by his amendment just as he would prevent a tea operation in Sri Lanka.

The gentleman from Oregon (Mr. BLUMENAUER) was trying to indicate that in this case the OPIC guarantee for a firm in Oregon actually resulted in net manufacturing jobs being created in the United States, not a loss. So the gentleman from Ohio (Mr. KUCINICH) ought to be in favor of the Manzullo perfecting amendment and opposed to the Rohrabacher amendment because the gentleman from California (Mr. ROHRABACHER) kills, inadvertently perhaps, unintentionally perhaps, he kills American manufacturing jobs that are created by OPIC.

What we need to be concerned about, already addressed in law, is that OPIC activities do not result in a net reduction in manufacturing jobs in America. The Manzullo perfecting amendment will do just that. His amendment indicates that, in effect, if there is a net reduction in manufacturing jobs in the United States, then there would be no OPIC activity, but only if there is a net reduction, not just if there is one manufacturing job created abroad. It is not a zero-sum game on job creation under OPIC activities, my colleagues.

Support the perfecting amendment offered by the gentleman from Illinois (Mr. MANZULLO), a perfecting amendment to the Rohrabacher amendment. Vote ''yes'' on Manzullo.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise to support the Manzullo amendment, as well, because it does go to the very core of what the gentleman from California (Mr. ROHRABACHER) says he wants to accomplish and, in essence, accomplishes that. It clearly says, if any such investment would cause a reduction in manufacturing in the United States, then clearly OPIC would not be able to pursue such an investment. And so that ultimately goes to the question of do we lose any American jobs.

But if we do not adopt the Manzullo amendment and we were to adopt the Rohrabacher amendment, then, as the gentleman from Oregon (Mr. BLUMENAUER) has suggested just a few minutes ago, the reality is that we would lose those American jobs that

would not exist but for the opportunities created by that company in Lithuania. The reality is that we would lose opportunity here at home to create products that would be used abroad in the development of the products being made in these manufacturing plants abroad. The fact of the matter is that, in essence, we would lose American jobs here at home.

But I think our colleagues in their passion, and I understand their passion, not to lose American jobs are blinded by the fact that, in fact, what they seek to do, in essence, will make us lose American jobs here at home.

We are much better off to ensure that opportunities of manufacturing here, at home, parts or other supplies that will be used abroad in an investment make eminent sense. And we are much better off to ensure that, in fact, that the last 5 fiscal years where OPIC has supported 43 manufacturing plants have generated $3.1 billion in United States exports and over 10,000 U.S. jobs.

Now, if we adopt the Rohrabacher amendment, we will lose the $3 billion in potential U.S. exports in the future, these are real exports that have taken place; we will lose those in the future and whatever else we can enhance; we will lose the 10,000 jobs created here in the good ol' U.S.A. That is not what our intention is.

Our intention is to create jobs here at home, to promote American interests here at home. And we are also promoting it abroad, because often what we are doing is creating new markets abroad when we make these investments, which not only are investments that are repaid but end up generating revenue for the Treasury of the United States.

So I want to support the Manzullo amendment very strongly. It will accomplish what the gentleman from California (Mr. ROHRABACHER) wants to do, but it will not strike the blow to American jobs here at home that the Rohrabacher amendment would.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to inject a small note of what I think is reality in the discussion in terms of what difference it will make for hundreds and thousands of small businesses around the country.

The gentleman offers an amendment, and people think it is well intended. I do not know that it is necessarily well intended because I think we have already had a perfecting amendment that has been offered that clearly states how existing policy can be reaffirmed.

We already know that OPIC is constrained by its statutory framework and by its own internal operations from the result that the gentleman is talking about.

He dismissed the example, a real-life example, of a struggling timber company in eastern Oregon as that is just 1 percent or half a percent, while arguing that, well, why do not we just go ahead and give money to the Burmese Junta to cut down teak forests?

Well, what is lacking in this discussion is any concrete example of where there is, in fact, a specific area of abuse, where the existing law and the protections thereof are not being followed, where there is a massive loss, where we are giving money for the leveling of teak forests by the brutal dictatorship in Burma. It is thrown off. I am not aware of any example. Nothing specific has been brought forward.

But he dismisses something that results in American jobs, American products in an area that is hard hit in my community. And I just think that that is what is fundamentally wrong with the debate that we have before us today, Mr. Chairman, that we do not have specifics in areas of real abuse; and we take the hundreds and thousands of a tenth of a percent here or 1 percent there that are real successes for American companies and for countries overseas like in Latvia, where they are struggling to recover from the yoke of Soviet oppression, where they are trying to modernize and refine their economies, where they are trying to enter the world stage, and we have a classic win-win. And that is just dismissed out of hand as that is just 1 percent or 2 percent.

I could stand here and give example after example in my State where not billions but tens of millions of dollars have generated Oregon products that have created hundreds of jobs in our State and where the subcontractors of little tiny companies that nobody has heard of outside the boundaries of our communities that has made a difference.

I think it is time for us to not use hyperbole and hypotheticals that are not proven, that, in fact, are contrary to practice and statute of OPIC and dismiss the good that is done by allowing American companies to be able to work in difficult situations, help emerging democracies, strengthen these economies. I think this is precisely what we should be doing.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, again I remind my colleagues who are following this in the CONGRESSIONAL RECORD or on C-SPAN that this is the essential part of the debate, this is the central issue, and what I think that they ought to try, whoever is listening or reading this in the CONGRESSIONAL RECORD to determine what makes sense and what does not make sense.

The other side is saying, having our Federal tax dollars being used to subsidize the building of factories overseas is not doing anything to hurt American working people. Building factories, manufacturing units overseas does not hurt American working people. That is what they are saying.

Now, if that makes no sense to my colleagues, I would invite them to try to look and see what is happening here. We have got some huge American corporate interests, huge, companies that are worth billions of dollars. They have got hundreds of millions of dollars invested overseas that they would like to make where they do not have to pay the salaries to American workers and they want that guaranteed by the taxpayers. That is what this is all about.

They do not want to invest here. They do not want to take that money that they would invest in that lumber company in Lithuania. They do not want to set up some kind of factory in the United States that creates prefabricated walls or invests in something that deals with construction that could give jobs to the American people. They want to go to Lithuania.

No, but that has no impact. Just giving them the guarantee to produce that in Lithuania has no impact on the American unemployment. Gobbledygook. Nonsense. The Manzullo amendment is not a perfecting amendment. It is a gutting amendment.

□ 1445

I might add the gentleman from Nebraska (Mr. BEREUTER) who unfortunately is not here with us today, I mean right now, he was with us earlier, made the point that the Manzullo amendment said that there will be no reduction of jobs, no net reduction of jobs. The gentleman from Nebraska said over and over again, no net reduction.

I am sorry, but that is not what the Manzullo amendment does. It is not what it says. The word ''net'' is not in there. The word ''net'' is not in there because the Manzullo amendment is what we call a gutting amendment.

Mr. MANZULLO. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Illinois.

Mr. MANZULLO. Mr. Chairman, I was going to ask for unanimous consent to add the word ''net'' in my amendment.

Mr. ROHRABACHER. I wish the gentleman would do that on his own time. I thank the gentleman for using my time.

If the gentleman wants to have good relations in this body, we do not waste each other's time. The gentleman has plenty of time to do that later on.

The Manzullo amendment does not say ''net reduction.'' It just says ''reduction.'' Whether it says net reduction is irrelevant because of this point: It is all based on the analysis of OPIC, and OPIC believes in this gobbledygook that we have been hearing today that if you create jobs, or if you build factories overseas, that it will not hurt American workers because if you analyze things out to the nth degree 100 years from now, their consumers are going to have more money to buy American products because they will have good-paying jobs there to buy American products. This sort of nonsense, this sort of just pie-in-the-sky economics, liberal economics, if you

will, is bringing down the standard of living of the average American working person that works in manufacturing jobs in the United States. All the examples we have heard of today hurt American workers.

Again, the gentleman from Nebraska talked about, what is wrong with building a canning factory for mangos in some other country? Well, how about it? Do we not have farmers and agricultural workers that provide some sort of competition for mangos? In California, I think they actually can oranges and grapefruits. They can pineapples in Hawaii. No, I do not want to establish a factory with taxpayer-guaranteed money that will manufacture canned mangos overseas in competition with American agricultural products. It might be a little bit hard to see, but I think the American people fully understand that what this amendment does is it guts my amendment and it leaves open the subsidy of building factories and manufacturing units overseas that will destroy American jobs, either American jobs that exist, or it will destroy the possibility of creating new jobs. In fact, the gentleman from Illinois' language specifically permits there to be a subsidy for an American company if the only impact is the elimination of the creation of new jobs, as long as it does not reduce current jobs. I am sorry, but we have had an expanding population in the United States. If someone wants to invest overseas, they should be doing so at their own risk. That is all we are saying. It is unfair and a betrayal to our taxpayers to set up factories overseas guaranteed by their money that competes with their own job.

Mr. Chairman, I ask for the Manzullo gutting amendment to be defeated and support for my amendment.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to voice my support of the Rohrabacher amendment and oppose the gentleman from Illinois' attempt to, I believe, either circumvent, undermine, use whatever word you wish. I think in the area of trade that the jig is up, and that the American people will no longer tolerate trade agreements where we wind up, and this is not a trade agreement, I understand that, where we wind up as the monitors of the world.

It does not work that way. WTO has not worked, our trade agreements to the South and to the West have not worked for the simple reason that there is no teeth, and we are depending on good will. Yet we read in the paper just a few days ago, ''Five Clothing Makers Agree on a Settlement, Sweatshops on Saipan Bring Class Action Suit,'' and the likes of Ralph Lauren, Donna Karan, the Gap, Tommy Hilfiger, Wal-Mart, go down the list, have to be reminded of the obligations and the undermining of the American ethic of work in our own country. Enough is enough is enough. If it takes the government to remind these great corporations, where our wives and our loved ones shop day in and day out, to even see on those labels, ''Made in the USA,'' tags which now consumers understand have nothing to do with where the product is made. That product, with that label, ''Made in the USA,'' once made sense, once had power. It meant that the product was made within our borders. It no longer means that, does it? We are opening up windows and doors and sides of buildings every day. These trade agreements, and OPIC is part of that scene, simply give credibility to those who want to isolate America. That is not the gentleman from California's intent. It is not my intent.

The Rohrabacher amendment is very simple. It seeks to prohibit OPIC guarantees from being used for investments in manufacturing facilities abroad. Our Nation has suffered enough job loss in manufacturing. We do not need to subsidize the creation of jobs abroad. We need to end exporting jobs from America. We need to do it today. OPIC will be fine for another time, not now. The jig, as I said, is up. It has been exposed. We protect the very businesses who put labels on products, be it textiles or machinery, all the same, that have nothing to do with the location, the geography where the product is made. How can we stand here and defend that and support opening our doors to that kind of lunacy? For those of us who are concerned about job loss, concerned about the working conditions at all of the plants in the article that I referred to, we have another example to point to with this settlement, quote-unquote, as if we needed one more.

The amendment would in no uncertain terms end an opportunity, Mr. Chairman, for OPIC to fund overseas industries that might compete with domestic American industry. We need to stop exporting our jobs. We need to go back and strengthen manufacturing within our own shores. On one side of our mouth, we talk about we are a Nation of immigrants. Yet this is how immigrants earned their identity in America, by working with their hands and making the products from their own sweat and their labor. We do not honor the commitment we made to immigrants in this great American society of ours by undermining the tenet to strengthen American jobs.

The CHAIRMAN pro tempore (Mr. MILLER of Florida). The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) to the amendment offered by the gentleman from California (Mr. ROHRABACHER).

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

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 327, further proceedings on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) to the amendment offered by the gentleman from California (Mr. ROHRABACHER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 8 OFFERED BY MR. SANFORD

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

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

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. SANFORD:
Page 6, line 25, strike ''2003'' and insert ''2000''.

Mr. SANFORD. Mr. Chairman, I walked in here about an hour and a half ago hoping to very quickly offer an amendment and walk out. Yet we found ourselves in the middle of a very heated debate because people have very strong feelings on both sides of the OPIC debate. My hope is that this, however, will be something accepted by voice because I see it as completely noncontroversial. I see this simply as an amendment about good government, having nothing to do with the merits on one side or the other of the OPIC debate itself.

Specifically, when we think about the Federal Government, we do not like it, it is painful as we go through the process, but with the Federal Government we go through the authorizing and appropriating process every single year. The reason we do that is because we want to be accountable to the American taxpayer on a yearly basis for any of the money we spend here in Washington.

So we see this model at the Federal Government level. We see the model of annual statement and annual review in the corporate world. How many of my colleagues have ever seen a 5-year report? We do not see 5-year reports, we see an annual report. We see an annual budget and an annual income statement. In fact, if you think about it in your own homes, what you would see there, at least in our home, when my wife and I sit down to look at our family budget, if you think about setting your family budget, which we do on a yearly basis in our house, my wife and I sit down, we look at the numbers and we say, what could we set for our expenditures based on a given level of income over this year.

So in all of life, whether at the Federal Government level, whether at the corporate level or whether in one's home life, we see annual budgeting. Nobody sets spending on remote control except in Washington on a few different things.

All this bill does is say, rather than looking at a 4-year authorization for OPIC, let us simply look at authorizing it for 1 year. The merits behind doing that I think are severalfold. First of all, though we might disagree about the merits of OPIC, one side versus the other, one thing that I do not think we would disagree with is the idea that

the world changes. In fact, the Congressional Budget Office in a report showed that the United States taxpayer is liable for a full 90 percent of the loans, the contingent liabilities that go with OPIC funding. So if the world is constantly changing, would you not want to review those loans on an annual basis?

The second point would be that, and again there has been a lot of disagreement about this, does OPIC cost money, does OPIC not cost money? If we actually look at the numbers, the revenue that came into OPIC last year was $193 million. That was based on interest income based on U.S. treasuries that had been given to OPIC at their origin. Their actual net income was $139 million, for a net loss in terms of normal accounting of $54 million. Admittedly, $54 million is not a lot of money in Washington, but it is an expenditure of taxpayer money, and since it is an expenditure of taxpayer money, all this amendment does is say, ''Well, let's make sure that we authorize that, let's make sure that we look at that on a regular basis,'' because we look at every other area of spending basically on an annual basis here in this Chamber and there on the Senate side.

Finally, I would say, and again there was much controversy over this, and, that is, the idea of whether or not investment moves offshore as a result of OPIC. One thing, though, that we could probably agree on is if you change the risk of investment, you probably change where it goes. That is certainly the case with OPIC funding right now, because due to the insurance, due to the change in risk, there is probably an increase of investment overseas. We can debate whether that is a good or a bad thing, but that is a certain thing that skews investment toward overseas. Therefore, I would think, given the fact that trade numbers go up, trade numbers go down, that we too would want to review that on an annual basis.

I would urge the adoption of this amendment. I think it is an amendment having more to do with simple good government and accountability than the merits underlying OPIC. I would urge its adoption.

Mr. MENENDEZ. Mr. Chairman, I rise in opposition to the gentleman's amendment. I think the case for OPIC's longer term reauthorization is very strong. A 4-year extension does not increase OPIC's program ceilings. It continues OPIC's self-sustaining operations. It brings OPIC in line with its sister agency, the U.S. Export-Import Bank, which has a 4-year reauthorization. The notion that, in fact, we have only 1-year reauthorizations for all pieces of legislation is obviously not the case.

I am sure that gentleman, just as I, has voted for reauthorizations that have far extended beyond 1 year, and in fact there is good reason for giving reauthorizations for beyond 1 year. It is because we provide the wherewithal for that agency and/or that program to plan long term. Just as the private sector would plan long term in terms of making its investments and business decisions, just as we, as a government, hope to plan not just from year to year, but also long term as we make budgetary calculations and projections and do programmatic work, OPIC needs to be able to have the opportunity to plan long term, and such a reauthorization would not be unique.

Its business cycle, OPIC's business cycle, is long term. Many OPIC projects extend over a period of years. A 1-year authorization could threaten projects mid-term. If for some reason there is a delay in the authorization process, a 1-year authorization, I would submit, is really not in the best interests of an agency that in essence is self-sustaining. It needlessly burdens the legislative process with the sole intent of obstructing OPIC's operations.

A 4-year authorization provides American companies with security that their overseas investments will not be subject to congressional delays. A 4-year authorization does not impede the Congress from rescinding OPIC's operating authority at any time if the majority of this House wants to do that and it can get a majority in the other body and get the President to sign it. It can do that at any time if the Congress so chooses to do so.

So the fact of the matter is that we should not jeopardize the ongoing investment of American companies overseas who depend upon OPIC to protect their investments and to whom they pay substantial fees for that service. We should have some long-range planning here, particularly of an agency that, in fact, has shown itself worthy, is self-sustaining, produces revenues, creates jobs at home. And that, I think, makes eminent business sense; it makes good sense for the Congress to pursue. And so respectfully I oppose the gentleman's amendment.

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

Mr. Chairman, I rise in opposition to the amendment offered by my good friend and colleague from the State of South Carolina. We cannot plan to do anything financially in a 1-year period of time. The loans are for a lot more than 1 year, and we are asking that it be for 4 years, which is more reasonable.

Let me take this opportunity to tell my colleagues some of the things that OPIC does that many Members of Congress do not understand. OPIC got involved in helping to build a power plant in Guatemala. There was $100 million and OPIC insurance to build a plant that produces electricity to be sold in Guatemala. Now that is an American investment to a company there, and in turn American manufactured goods that go into the power plant are exported from the United States to Guatemala.

This is generally the nature of what OPIC does, and that does not displace American jobs because it is pretty difficult to export electricity to Guatemala, but what it does is it insures that loan from which the investor pays a premium and which has returned traditionally 150 to $200 million each year as a surplus to the United States Treasury.

Now without OPIC what company is going to invest in manufacturing electricity in Guatemala? Well, that is what OPIC does. That actually creates American jobs because Americans are employed in the manufacturing process of a material that is exported to Guatemala. So the whole purpose here is to show that an investment like that, we cannot have a 1-year authorization. It has to be a 4-year authorization at the minimum so as to have some continuity to the Federal investments that are made.

Therefore, Mr. Chairman, I would ask that the Members oppose the Sanford amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, rise in opposition to this amendment. I have listened carefully. I do not think by any stretch of the imagination we should confuse long-term program stability with something that is operating on remote control.

I think one can look at the analogy to the family operating around the kitchen table, and it is true that sometimes there are some expenses that that family is going to look at over the course of the next year or maybe the next week or month if we are talking about grocery bills or entertainment. But that family rarely in a functional sense every week discusses whether or not they are going to move in front of the children, whether or not they are going to divorce, whether they are going to undermine the whole fabric of what that family is about. And I would respectfully suggest that that is what we are talking about here, moving from a longer term, 4-year operation to a shorter period of 1 year.

We are not talking about the kitchen table issues; we are not talking about next week's grocery bill. We are talking, as the gentleman from Illinois mentioned in great detail very eloquently, we are talking about fundamental business decisions involving investments of ten, sometimes hundreds of millions of dollars in areas that are potentially risky and difficult. People need stability in order to be able to make business-oriented long-term decisions.

As the gentleman from New Jersey (Mr. MENENDEZ) pointed out, we routinely on the floor of this assembly vote for authorization for a program that is 3, 4, 5 years. The Surface Transportation Act is a 6-year authorization routinely because we are looking at long-term infrastructure investments, and communities need that stability in order to make those decisions. If anything, a decision of this magnitude

might require more, rather than less, time because it combines the entrepreneurial activities along with the organizational governmental restraints.

The way that this has been able to be successful not using taxpayer dollars, has not lost a dime in terms of taxpayer dollars since 1971, and has surplused money in fact, is because it has been able to plan for the long term, been able to operate like a business, been able to even these things out. I would strongly suggest that we would be better off with a longer time frame than a shorter to keep that entrepreneurial long-term approach.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would just make the point that in OPIC doing all of the things that the gentleman points out that in the last time it was authorized for 2 years, and it did not seem to cripple it then in its ability to produce those results; and, therefore, I just humbly suggest that if it was able to do it in 2 years then, why go to 4 years now? Why not keep it at that shorter span?

Mr. BLUMENAUER. Reclaiming my time, Mr. Chairman, and I think it is inappropriate, but I was not happy at the time that we were shortening the time frame, and I think the events in the last couple years have shown that there are problems in order for them to be able to operate in a changing environment in an entrepreneurial sense. In fact, our colleague from Nebraska is concerned about a situation in the troubled state of Indonesia and suggesting recommendations here on the floor to change that.

I feel that that is not something that is made easier by the shorter time frame. I think the longer time frame enabled people to solve problems that arise processing claims. Trying to move forward rather than having a shorter and shorter time frame here, going from 4 to 2 did not help make that problem go away any faster in Indonesia. Going from 2 years to 1 is not going to make it any easier in the future, and I personally have great difficulty thinking that I would be back here trying to explain to our colleague from Southern California how getting a milled product to an Oregon company to manufacture things in Oregon is good for the Oregon economy. The prospect of doing that every year drives me to the point of distraction.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from South Carolina.

Mr. SANFORD. Then following that logic out, the gentleman would suggest we ought to go to a 4-year authorizing process in Congress as we authorize or appropriate?

Mr. BLUMENAUER. I would make a distinction between an entrepreneurial, quasi-public business-oriented activity that is involved with long-term investments and what we do here, everything ranging from paper clips to annual salaries to infrastructure investment. I would support a multiyear capital budget for the United States Congress, and I would consider a 2-year fiscal reauthorization, for instance, but I certainly would not shorten this.

Mr. COBURN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, I looked at OPIC every year since I have been here, and I can honestly say, although its goals may be worthy, it is pure corporate welfare.

We just heard it said that it did not lose any. It actually lost almost $50 million last year. It showed money on Treasury bonds of money that we have given them showing interest, but the actual losses, true losses were $54 million; $54 million of people's money in this country OPIC lost last year.

Okay, that is the truth about what they actually did.

Did they earn money on bonds, on money that we gave them? Yes, they did, but their net cash difference was $54 million.

Now I understand, if we work in a family, we are going to operate on the cash, and I understand we play all sorts of games in Washington, but the real fact is it is $54 million of the taxpayers' money went out the door last year with OPIC.

Let me explain also where some of it went. Coca-Cola, their profits in 1995, the last year we have all the numbers, was $2.9 billion; but they get $246 million from OPIC. Coca-Cola? We should be funding that when we hear time after time that we are not funding education well enough, that we are not funding the social needs of our country well enough; but we are going to stand up and say we are going to justify giving $246 million worth of insured assets to Coca-Cola?

How about Anheuser Busch? We gave them $49 million. They just made $642 million last year, and yet we are saying that we have a vested vital interest in building a beer factory outside of this country? Come on, give me a break. This is corporate welfare. We should not have welfare for the richest in our society, and to see the other side of the aisle defending sending this kind of money?

ITT Corporation, $160 million. They only made 147 million last year. Had they not had this money, they would have lost money.

So now what we are doing, we complain about the European Common Market, and I will be happy to yield when I finish my point. We complain about the EU and how they subsidize their farmers and that our farmers cannot compete with them. There is no difference in what we are doing, and we know it.

Let us talk about Levi Strauss. We are paying tons of money in the Northwest for displaced workers, and we give $47 million to build a factory to build jeans to come into this country and Turkey. That is what OPIC does. OPIC takes jobs from America and puts them somewhere else.

So the fact is that OPIC as an arm of our foreign policy is well intended, but like so many of the programs that the Government creates, it gets gamed, and it is gamed. If we are going to use it as a foreign policy tool, let us do it in a way that does not copy what the Soviet Union used to do. The right hand does not know what the left hand is doing when it comes to OPIC, and in terms of foreign policy there is no question this is absolute corporate welfare.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. COBURN. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy. He mentioned $160 million that went to one company that was a difference between whether they made a profit or a loss?

Mr. COBURN. ITT.

Mr. BLUMENAUER. Is the gentleman assuming that this is money?

Mr. COBURN. No, no. I understand very well that this is a guaranteed loan or an insurance against a loan.

The fact is if they made $147 million on their own, why should we be guaranteeing their risk when they are in a return and they are going to get the benefit?

As my colleagues know, the world is global today, and we should not be giving the richest of our corporations a free ride when they go to take a risk. That is what the whole purpose of their investment strategy is.

I know we are going to do that to the American farmer. Not very many other businesses in this country do we guarantee them that they are going to have their loans paid off, do we guarantee them that they are going to make a profit. There is a reason why we do it for farmers, because we have an investment in the infrastructure that the farmer in this country supplies us and the quality of life. There is not a good reason for us to do it for the largest, the wealthiest, and the most profitable companies.

□ 1515

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman clarifying that this was a loan and it would not have made the difference between whether or not they made a profit or not.

Mr. COBURN. Mr. Chairman, reclaiming my time, it is a loan guarantee that one cannot get, the taxpayer cannot get; only if they lost everything in their life like the people in North Carolina, they are going to get some taxpayer-funded loan guarantees and some grants, but to give it to the wealthiest corporations in this country, absolutely not.

This is a sham as far as protecting big business. If big business wants to

invest in a foreign country and they think it is a good return, have them do it.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

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

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

The CHAIRMAN pro tempore. Pursuant to House rule 327, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. TERRY

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

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

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. TERRY: Page 6, add the following after line 25, and redesignate succeeding sections, and references thereto, accordingly:

SEC. 5. CLAIMS SETTLEMENT REQUIREMENTS FOR OPIC.

(a) TIME PERIODS FOR RESOLVING CLAIMS.—Section 237(i) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(i)) is amended—

(1) by inserting ''(1)'' after ''(i)''; and

(2) by adding at the end the following:

''(2) The Corporation shall resolve each claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority within 90 days after the claim is filed, except that the Corporation may request specific supplemental information on the claim before the expiration of that 90-day period, and in that case may extend the 90-day period for an additional 60 days after receipt of such information.

''(3) The Corporation shall pay interest at the prime rate on any claim for each day after the end of the applicable time period specified in paragraph (2) for settlement of the claim.''.

MODIFICATION TO AMENDMENT OFFERED BY MR. TERRY

Mr. TERRY. Mr. Chairman, I ask unanimous consent to modify Amendment No. 10.

The CHAIRMAN pro tempore. The Clerk will report the modification to the amendment offered by the gentleman from Nebraska (Mr. TERRY).

The Clerk read as follows:

Modification to Amendment No. 10, offered by Mr. TERRY: in the text of the matter proposed to be inserted, on line 7, strike ''shall'' and insert ''should'', and on line 16, after ''any'', insert ''valid''.

Mr. TERRY (during the reading). Mr. Chairman, I ask unanimous consent that the modification to the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification to the amendment offered by the gentleman from Nebraska (Mr. TERRY)?

There was no objection.

Mr. TERRY. Mr. Chairman, this is an amendment that would apply some reasonable time limits to OPIC's claim settlement procedures. Private parties that have paid substantial premiums to OPIC, in some cases millions of dollars, are finding that they are literally at OPIC's mercy which it comes to the resolution of their claim. They lose real dollars every day OPIC delays settling these claims. Yet, under current law, OPIC does not even have to pay interest on its claims' obligations no matter how long it is delayed.

Moments ago we passed a policy that said that they have to expedite their claims or treat them expeditiously. Now, this is the implementation of that policy. This amendment proposes a 90-day initial period in which they can review the claim. If additional information is required, they can have 60 additional days for a total of 150 days to review the claim to make their decision.

If they are unable to make their decision within that time frame, then at the beginning of the 150 days, in essence, interest starts running if the claim is found to be valid.

I know that the Chairman of OPIC has some concerns with the mechanics of the operation of this amendment. I have talked to Mr. Munoz about those, and I think some of them are valid concerns. It does place a burden on the applicant. The applicant, because of a shortened time frame, has to get their ducks in a row before submitting a claim. One cannot simply write the letter submitting the claim without then having their documentation to back it up. So it does place that burden on the applicant.

But, on the other hand, there is nothing in the system right now that prevents OPIC once that information is submitted to act on it expeditiously. This puts the policy into action with specific time periods and a remedy when they fail to adhere to those time periods.

Mr. Chairman, I urge approval of this amendment.

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

Mr. Chairman, I understand the gentleman's concern, and that is why I went along with his first amendment. But this amendment actually I think creates harm, and I want to call the gentleman's attention to why I have to oppose it and hopefully, we can work something out, but if not, I will have to oppose his amendment at the end of the process.

Imposing a fixed timetable on OPIC creates a series of problems. It disadvantages the small business investor who cannot make his best case early. I understand the gentleman's concern is about a small business, but one cannot at the end of the day create a process that disadvantages them because they cannot make their best case early. It pressures OPIC to deny a claim that might, with both parties' cooperation, be satisfactorily documented in the long run. It frustrates joint efforts at overall settlement of the investor's total claims, both the insured and the uninsured, because settlement efforts with a foreign government takes time, making the fair and flexible OPIC claim process formalistic and confrontational, and lastly, it impairs OPIC's historical claims record of paying over 90 percent of claims and realizing a 94 percent recovery rate as a successor to the investors' valid claims against a foreign government. So even when OPIC comes to the conclusion that it is a valid claim and that it has to be paid, by being the successor in interest to that insured party, it still goes after and tries to pursue and ensure that we are not left holding the bag. And it has a 94 percent success rate in that regard.

This process, by confining OPIC, actually works to the detriment of the small business investor who might be seeking a claim, works to the detriment of OPIC. And then there is a second provision in the gentleman's amendment that actually hurts the taxpayers of the United States, which is that, in fact, in this compacted time period, in situations in which OPIC will be forced to deny the claim in order to be able to best create the circumstances to ensure itself and ultimately the taxpayers, we are going to force it to pay interest, which interest ultimately as a governmental agency would come from the taxpayers.

Now, we have an agency that has not cost the taxpayers money, the previous speaker mentioned something about an OPIC loss, and that they only have interest based upon government bonds. Well, that is from proceeds that they have achieved from the revenues that they generate from the insurance that they offer and for which they are paid for, and that they have invested, so they have not operated as a loss; and we do not want them to operate as a loss. Therefore, we cannot constrain them in such a way.

OPIC's bottom line result on claims payment is excellent and its process is flexible and fair. Rigid timetables would create pressure to deny claims that are not at first convincingly supported where OPIC's practice has been to work with the investor, to make the best case for compensation in the amount claimed. This can take time, but it is fairest to the investor and to the taxpayer.

So, we need to make sure that this process is one that works, as it has, with an excellent percentage of payment of claims, and an excellent percentage of restoring those claims paid by going after the entity with OPIC standing in the interest of the investor. That is what we want to achieve. And yes, we want it to be as fast as possible; but we do not want to hurt the small businessperson in the process that is going to have to make their case early. And we do not want to hurt the taxpayers by imposing upon the agency payments that will ultimately

be costly to both the agency and, therefore, to the taxpayers in a premature manner.

So, Mr. Chairman, I would hope the gentleman would try to work with us in a conference and withdraw his amendment, but in view of the fact that I assume the gentleman wants to proceed, then I will offer an amendment to the gentleman's amendment at the appropriate time.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. YOUNG of Florida) assumed the Chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

EXPORT ENHANCEMENT ACT OF 1999

The Committee resumed its sitting.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. MENENDEZ).

AMENDMENT OFFERED BY MR. MENENDEZ TO THE AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MR. TERRY

Mr. MENENDEZ. Mr. Chairman, I offer an amendment to the amendment, as modified.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ to Amendment No. 10, as modified, offered by Mr. TERRY: Strike lines 1 through 18 and insert the following:

"SEC. 5. REVIEW OF CLAIMS PROCESSING FOR OPIC.

''The General Accounting Office is requested to provide a report not later than 6 months after the date of the enactment of this Act to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate, which reviews the claims activity of the Overseas Private Investment Corporation. The report shall include—

''(1) an analysis of claims paid, settled and denied by OPIC;

''(2) the number of claims determinations made by OPIC which are challenged in arbitration;

''(3) the number of OPIC's claims denials which are reversed in arbitration;

''(4) the number of claims which are withdrawn; and

''(5) recommendations for ways in which the interests of OPIC insureds and the public could be better served by OPIC's claims procedures.''

Mr. MENENDEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Chairman, what we hope to do through this amendment is to try to reach the gentleman's concern, but at the same time, create the operational capacity for OPIC to do what it does so well. What we offer here is a review of claims processing for OPIC. Having the General Accounting Office providing a report not later than 6 months after the day of the enactment of this law to both the Committee on International Relations and the Senate Foreign Relations Committee, to review the claims activity of OPIC which includes an analysis of the claims paid, settled, and denied; the number of claims determination made by OPIC which are challenged in arbitration; the number of OPIC's claim denials which are reversed in arbitration; the number of claims which are withdrawn; and recommendations for ways in which the interests of OPIC's insured and the public could be better served by OPIC's claims procedures.

To the extent that OPIC has a great record and it can be improved upon, this gives us the wherewithal to do it without creating the constraint that the gentleman's amendment would.

Mr. Chairman, OPIC's standard contracts presently allow OPIC a reasonable time to make a decision after receipt of a completed application, one that establishes the insured's right to be compensated in the amount claimed.

Now, when we have this political risk insurance, the fact of the matter is it raises complex issues: issues of fact, contract interpretation, foreign law, international law and accounting. They cannot be resolved over the phone as we might do if we had an automobile accident or a homeowner's claim and try to deal with our insurance company. They are extremely complex.

Therefore, the time frame that the gentleman wants, while his goal is worthy, ultimately really hamstrings OPIC in a way that is detrimental to that small businessperson, as well as to the taxpayers, by the enforcement of a mechanism that makes them pay interest by the time that the time frame is exhausted, and that time frame is rather short, 150 days, total. That is a very short time frame.

OPIC's decisions on claims become public. They are relied upon as a way and as a means and as a guide to looking at OPIC contracts and are cited in broader discussions of international investment law. Reaching the right bottom line result is simply not enough. OPIC's rationale has to be properly articulated, because if not, others will seek to pursue those future actions if we do not articulate the right set of reasons, and that can be more costly to us.

So any interactive process takes time. If OPIC has to reach final decisions within a fixed deadline, more claims will be denied and in that process of denial will start a series of circumstances that we are going to hurt the investor, we are going to impinge upon the agency, we are going to start charging interest after that 150 days; and that ultimately is going to create a problem for us in terms of the taxpayers of this country.

I think, while the gentleman's intention is well-meaning, his effort as to how he achieves that is both problematic for the agency, problematic for the entities to be insured, problematic for the taxpayers. So I urge the adoption of my amendment to the Terry amendment.

□ 1530

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

Mr. Chairman, first of all, I want to be clear on what this amendment does. It is, in essence, a substitute amendment to mine. It statutorily incorporates the status quo. It basically says that OPIC has 6 months next to never to resolve claims.

That is no improvement. There are examples where OPIC has drug their feet on claims for a variety of different reasons, but the fact that they have taken substantial time to resolve claims is unrefuted.

The issue then is if they are going to act like a private insurance company, they have to treat claims with good faith. If we review insurance laws of every State, we will see provisions that outline how insurance companies have to act in good faith. One of those provisions in every State is that they have to handle claims expeditiously. If they do not, the remedy is usually pre-judgment interest.

This is what my amendment does, is simply put into the system some accountability. That accountability is if they are going to drag their feet on claims, on valid claims, then after 150 days they should have to pay interest on the amount of that claim.

The world does not operate in a vacuum. If Indonesia takes over a power plant and kicks out the U.S. citizen that built that and threatens to jail them if they return, that is expropriation. OPIC knows when that happens. Now, the applicant has to document those activities, and will take the time to properly put their case together before they submit that.

It is reasonable, then, because OPIC, if they are diligent at all, should already know what is going on, for them to be able to review that within a certain short period of time. If additional information is necessary, as is outlined in mine, and that request is reasonable, then they should be afforded an extra 60 days, for a total of 150 days.

My amendment is reasonable. The substitute amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) guts mine entirely, and basically, as I said, incorporates the status quo.

A couple of points raised; one, that OPIC resolves 94 percent of the claims. I am sure under the current leadership that that will not change. What may change, though, is another category of the timeliness of those resolutions.

That is what we are requesting, is simply that OPIC have a set time frame to resolve those claims. I am sure they will act expeditiously under the current leadership.

The fact that they want to go after, for example, Indonesia for reimbursement, they should not hold up a claim until they get some commitments for reimbursement. In the private sector, that is bad faith. Surely they should have the right.

This amendment in no way quashes or harms or prevents their opportunity to go after a country that has expropriated an asset at all. All this simply does is say, for the victim of that expropriation, that they have to handle that claim in a timely manner.

Mr. Chairman, I urge the defeat of the substitute amendment, and again request passage of my amendment.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, so far today we have not had any evidence on the floor of this Chamber that the people associated with OPIC are operating in bad faith. I have not heard that. My experience and the record before me, at least to this point, indicates that people are trying to do their best under difficult circumstances.

What our colleague, the gentleman from New Jersey, pointed out is that when we are operating in an area that is chaotic, in an area where we have multiple interests that we are trying to advance as a government, where the parties involved have entered into a contractual obligation under which they get the risk insurance, that we have a framework that is established.

This is a decision that is going to guide what the agency does in this case and in others that may be in fact similar. They are relied upon in areas of international law and in terms of people entering into other agreements with us to promote the objectives of this program.

The people who manage OPIC have every reason to do so in an expeditious and thoughtful manner. They are in the business of promoting the interests of American business in risky environments. That is why they are there. They have done a stellar job since 1971 of doing that.

They are caught in a situation in many cases where they are trying to find out what the true facts are and then lay the groundwork; not just to put the money back into the hands of maybe the person who has the risk insurance or the corporation, but then they also have to lay the foundation to get the money back.

The recovery rate, as the gentleman from New Jersey pointed out, is in excess of 90 percent. Ninety-three percent I believe is the number he recited. That is because a thoughtful and careful job is done. Many times it is an interactive process. Where we have some of the smaller businesses that are involved, maybe they do not have as much activity overseas, they do not have as much presence, it takes time for them to assemble their material, and this goes back and forth between OPIC and the insured.

Think for a moment what is going to happen if in fact we are going to change the contracts and the operation, where all of a sudden we are going to have an arbitrary time limit that kicks in and interest is going to be paid.

Two things are going to happen. One, I agree with the gentleman from New Jersey, the inclination, because they have to run as a business, they have to be accountable, the inclination is going to be to reject and deny more claims. That is common sense in terms of how the business operates.

To the extent that that does not occur and we end up paying out a lot of money, that means there are going to be fewer loans that are going to be granted, or it is going to be that maybe for the first time it will actually require that we are invading some of these reserves and it is not going to be surplusing money.

I would strongly suggest that the amendment that has been offered by the gentleman from Nebraska (Mr. TERRY) is undermining the notion of this being an entrepreneurial insurance-oriented approach that gives maximum flexibility to the agency to try and balance the interests to the taxpayer and to the client, according to the contracts that they enter into.

I suggest that it is inappropriate for us to engage in micromanagement on this floor with arbitrary time limits that are going to get in the way of laying the foundation. Ultimately, we want to be successful. We want the Indonesian government to cough up money to cover this, and to be able to keep the taxpayer whole and get money back to an aggrieved party.

I strongly urge that we adopt the amendment of the gentleman from New Jersey (Mr. MENENDEZ) and reject the underlying amendment.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, the point that the gentleman made is an important one. When we deny claims, when OPIC is forced by this new set of circumstances to deny claims, what happens to the claimant, the American company that the gentleman is concerned about? Now their only course is to litigate, which is more costly, more time-consuming, than to work with OPIC in trying to reach a conclusion.

The bottom line, Mr. Chairman, is that, number one, the denial of claims because of the time constraints causes a set of circumstances that is even worse for the claimant, and the claimant happens to be an American entity.

The CHAIRMAN pro tempore (Mr. EWING). The time of the gentleman from Oregon (Mr. BLUMENAUER) has expired.

(By unanimous consent, Mr. BLUMENAUER was allowed to proceed for 2 additional minutes.)

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, secondly, if the gentleman's amendment would give flexibility to the company to engage with OPIC and extend the time frame that the gentleman suggested, then it might be more reasonable, because OPIC would not be forced to make a determination, the company would not be forced to pursue its interests in a limited time frame in which it might not make its best case, and everybody would be better served.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. BLUMENAUER. I yield to the gentleman from Nebraska.

Mr. TERRY. To answer the gentleman's question, Mr. Chairman, on specifically what happens next, the issue is yes, then they can go to arbitration.

There are specific examples in existence where OPIC has not resolved the claim in a timely manner. It has drug on for months. If OPIC would have either accepted or denied their claim, let us say in a denial, probably in the time frame that OPIC has sat on the claim they could have had a determination from the arbitration board in the international arena.

In fact, in the incident in Indonesia when they expropriated the power company, there was already an arbitration of whether or not they had seized those assets. In an international arbitration court of three, it was a three-zero decision that the country had acted in a way to expropriate.

Mr. MANZULLO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is extremely significant that the gentleman from Alabama (Mr. CALLAHAN) supports the original Terry amendment, as modified, or not as modified by the amendment of the gentleman from New Jersey (Mr. MENENDEZ), but the language of the Terry amendment with the change of the two words that appear at the desk.

I think that is extremely significant, because the gentleman from Alabama has been a supporter of OPIC for years. He is very conservative, he is very cautious. He watches the taxpayers' dollars. For him to come out in favor of this amendment to me is quite compelling.

But I would like to contrast the Menendez amendment. Really, that should be supplemental to that of the gentleman from Nebraska (Mr. TERRY). He simply says, let us have a time frame. Granted, the language is not the most artful. It could obviously be cleaned up in conference. But it simply says we should reach a point with all the litigation and all the arbitration that goes on that after a certain point, the person who gets paid his judgment or award is entitled to interest from a certain date on.

There is nothing like prejudgment interest that moves the litigants to get through. It is a tremendous incentive,

especially when we are talking about what could be tens of millions of dollars that are at stake. And why not so? If a person's factory is expropriated, that person loses everything. They lose the investment, and many times they still have to pay the bank interest on the investment that he or she made overseas. So the American manufacturer is still paying the bank interest.

What does this say? This says the purpose of this insurance is to make the American manufacturer whole. That is the purpose of insurance. That is what the Terry amendment does.

The gentleman from New Jersey (Mr. MENENDEZ) has a great amendment, if it were on its own. It calls for a study. Around this place, if we do not know what to do, we call for a study. This calls for a study which says within 6 months we want an analysis of all the outstanding claims and all things going on with reference thereto, et cetera, et cetera.

I would suggest that my good friend, the gentleman from New Jersey (Mr. MENENDEZ) really withdraw his amendment, perfecting amendment to that the amendment of the gentleman from Nebraska (Mr. TERRY), and reintroduce it as a stand-alone, and I would be the first one to jump up and say, this is really exciting.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Frankly, the gentleman raised some of the points I wanted to when the gentleman yielded, and I had an opportunity to tell what the process was and how. When OPIC does not act in a timely manner, they also shut the door to those other remedies that are available. When they sit on a claim, and they have, and I am sorry that we do not get the opportunity, like in a court of law, to call witnesses to produce evidence, but if we can get some hearings on the way OPIC has acted on a certain amount of claims, especially the Indonesian claims, we will see that, for whatever reason, and I am not saying that they are bad faith reasons, but without question, they have admitted that they have had all the facts of what happened in Indonesia for months, and in a meeting last week, when they said that they would have a decision months ago, and when asked why they have not, they said, yes, we have all of the facts, but the lawyers have not made their decisions yet.

Well, when I was in the private practice of law, that would be frequently the answer of the insurance companies that were ultimately responsible: We know all of the facts, we have done the investigation, we just have not made our decision yet. This simply says, you have all the facts. Make your decision. Quit using excuses to delay it.

If that is an admirable policy, then what we need to do is to put some teeth into it. I think just a simple private sector remedy of prejudgment interest is probably the easiest solution. The gentleman from Illinois (Mr. MANZULLO) is exactly right, it is a simple solution that incentivizes both parties to move in a timely manner. That is the whole purpose of this amendment.

□ 1545

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentlemen from New Jersey (Mr. MENENDEZ) to the amendment, as modified, offered by the gentleman from Nebraska (Mr. TERRY).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 327, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) to the amendment, as modified, offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. TERRY

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

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

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. TERRY:

Page 6, add the following after line 25, and redesignate succeeding sections, and references thereto, accordingly:

SEC 5. RESTRICTION ON CONTACTS RELATING TO OPIC CLAIMS SETTLEMENTS.

(a) PUBLICATION OF FEDERAL AGENCY INTERVENTIONS.—Section 237(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2197(i)) is amended—

(1) by inserting ''(1) after ''(i); and

(2) by adding at the end the following:

''(2) No other department or agency of the United States, or officer or employee thereof, may intervene in any pending settlement determination on any claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority unless such intervention is published in the Federal Register.

''(3) The Corporation shall report to the Congress on any intervention, by any other department or agency of the United States, or officer or employee thereof, regarding the timing or settlement of any claim arising as a result of insurance, reinsurance, or guaranty operations under this title or under predecessor guaranty authority. The report shall be submitted within 30 days after the intervention is made.''.

Mr. TERRY. Mr. Chairman, this amendment addresses a serious concern that I have regarding OPIC. We have alluded to some of it here in our discussions on the last amendment. It is that basic business decisions at OPIC have, I fear, become politicized. When an American business comes to its government and purchases a political risk insurance policy, it is doing so because in certain countries it cannot rely on a transparent political process or the sanctity of those contracts.

Based on the comments that I have heard directly from OPIC officials, I have reason to believe that officials from cabinet agencies are intervening in the business operations of OPIC because of other foreign policy goals. That is, it is turning the purpose of OPIC on its head. The fact that American companies have suffered as a result of capriciousness abroad is bad enough; but when they turn to their own government for help contractually, they should not expect even more political capriciousness.

My amendment seeks to get to the bottom by requiring any intervention by a Federal agency on a pending claim at OPIC to be disclosed. It is as simple as that: disclose it. Let us recognize that OPIC is a governmental agency. Its head is appointed by the President, confirmed by the Senate. So it does have to have relations with the State Department and the Treasury. So if there are foreign policy considerations that are holding up a claim or influencing the resolution of a claim, which I think is wrong, considering the insurance contract should be different than that, but at least recognizing the government relationship, the least that they should do is disclose that intervention.

Now, by intervention I mean simply take the common everyday usage of that word. I mean any formal or informal communication by an official of another agency at OPIC that seeks to affect or could reasonably be expected to have an impact on OPIC's decision on the merits of the case.

There is concern about whether a simple call of inquiry, a Treasury head calling up and saying, George, how are the claims in Indonesia coming, that is a simple inquiry. That is not intervention. If they say we have some real foreign policy issues there, we cannot upset the government of Indonesia right now, so how are those claims coming, I think the true intent might have been to intervene in the process.

I expect an amendment that will change the definition of ''intervention,'' and we will have a continuing debate on that, but I think we owe it to those who are purchasing these contracts that if their claim is being influenced that they at least know it. I urge support for this amendment.

AMENDMENT OFFERED BY MR. MENENDEZ TO AMENDMENT NO. 11 OFFERED BY MR. TERRY

Mr. MENENDEZ. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ to Amendment No. 11 offered by Mr. TERRY:

Page 1, line 9, insert the following after ''intervene''; ''with the intent to impede or delay''.

Page 1, line 16, insert the following after ''intervention,'': ''with the intent to impede to delay a settlement determination''.

Mr. MENENDEZ. Mr. Chairman, I understand the gentleman's concern about the possible intervention of other Federal agencies on pending settlement determinations and clearly claims should be considered on their

own merits, without necessary delays, unrelated to the actual claims process, but I am offering this amendment to clarify the gentleman's language. My amendment would change the language in paragraph 2 to read that no other department or agency of the United States or any officer thereof or any employee thereof may intervene with the intent to impede or delay in any pending settlement determination, and it makes the same change in paragraph 3. Now, what is the reason for the clarification?

The proposed amendment by our colleague would prevent OPIC's board members from carrying out their statutory functions. OPIC is governed by a board of directors that, in fact, seven of whom are officers of department or agencies of the United States Government. These are the board of directors. Seven of them are, in fact, officers of departments or agencies of the United States Government.

This amendment would prevent the board from exercising its responsibilities by, quote, ''interfering with the ability of its private sector members to participate in discussions regarding claim settlements.'' So they, in essence, would not be able to engage.

Secondly, the proposed amendment would hurt OPIC's ability to protect the taxpayer by interfering with OPIC's ability to coordinate its claims salvage efforts with other parts of the United States Government. Now, what does that mean? We had a debate earlier, when OPIC has a claim and it is willing to pay the claim, it stands in the shoes of the company that it paid the claim on behalf of to try to get the money from some overseas entity or government. If we cannot coordinate with the agencies of the Federal Government to put OPIC in the best possible sort of circumstances, to protect itself as the claimant and to protect the taxpayers thereof, we are hurting OPIC; we are hurting the taxpayers. That does not make sense.

OPIC's history of successful salvage is due, in part, to its strong coordination with our embassies abroad; and those salvage efforts not only protect the U.S. taxpayer by resulting in a recovery of close to 95 percent of amounts paid or settled on claims over OPIC's history but it also benefits the insured investor whose uninsured interests, uninsured interests, those not covered by OPIC, are also attempted to be covered by OPIC in the salvage effort.

The broad prohibition on intervention that the gentleman would offer in his amendment would inhibit OPIC's ability to obtain relevant information from U.S. embassies in that country and other United States Government sources of information, and it is that very information that is at the core of successfully accomplishing a recovery of the claim.

The threat of violation of this provision would have a serious impact on the willingness of United States Government information sources to provide relevant information to OPIC with respect to claims. Cutting off OPIC's ability to obtain this kind of information would do a disservice, both to the taxpayers and OPIC's insureds, by restricting OPIC's fact-finding efforts to non-U.S. Government sources of information, when we have all of those U.S. government sources of information that can help us achieve a 100 percent claim and cost nothing to the taxpayers.

So my amendment tries to accomplish what the gentleman wants by saying if there is an intent to impede or delay, then that cannot be done and those employees and agencies and officers cannot do that; but otherwise we create a huge opening in which no governmental agency, no embassy abroad, and even the directors of the board of trustees of OPIC who we want to be questioning the director about their payments and their liabilities will not be able to do so in this regard.

We would want no corporation in America, we would want no public entity in the country, to be told that we do not want the people overseeing that entity to have the ability to question on the very liabilities they might have as an agency and on behalf of the taxpayers of the country. So I urge adoption of my amendment to the Terry amendment. I think it accomplishes the gentlemen's goal and at the time preserves the sanctity of OPIC's ability to protect itself, the taxpayers, and the claimant.

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

Mr. Chairman, I rise in support of the original Terry amendment and in opposition to the Menendez amendment. I think Mr. MENENDEZ is talking about two different things. The Terry amendment does not prevent anybody or any organization, or any department, from getting involved in the adjudication of this claim. What it simply says is that there should be an open record. This is an open meetings act for the process of adjudication by OPIC. That is all it says.

The plain language says, ''No other department or agency of the United States, or officer or employee thereof, may intervene in any pending settlement,'' et cetera, ''unless such intervention is published in the Federal Register.'' That is all the gentleman from Nebraska (Mr. TERRY) is asking for. He wants to know what, if any, other departments, are trying to influence, I do not use that word in a meanspirited way but are trying to have a role in making a determination, that simply should be a matter of the public record. That is all he is asking.

The amendment of the gentleman from New Jersey (Mr. MENENDEZ) on the other hand says that by adding the words ''with the intent to impede or delay,'' if his language is added to the Terry amendment that turns the Terry amendment into something entirely different. That is not the purpose of the Terry amendment.

The gentleman from Nebraska (Mr. TERRY) simply says this: we have a claim that is before OPIC. The public has a right to know which government agencies are claiming an interest in it, and the people have a right to know what those government agencies are saying.

So I would ask that the Menendez amendment be defeated, that the original Terry amendment be adopted.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Mr. Chairman, can the gentleman envision circumstances where there would be valid information available to the CIA or the State Department that could help in accurately settling the claim, that we would not want published in the Federal record for everybody to see? Can the gentleman envision any circumstances where that would happen?

Mr. MANZULLO. I would say in answer to that that the CIA has its own statute that would protect the distribution of that material. That could happen in appropriation cases. There is no question about that.

Mr. BLUMENAUER. Or the State Department or Treasury?

Mr. MANZULLO. Sure. Obviously overriding the openness of this material would be any national security interests. Those statutes already exist on the books.

Mr. BLUMENAUER. If there are, in fact, national interests that would prevent it being in the public benefit to have this widely disseminated, would OPIC be able to use such information under the operation of this amendment? If so, who would determine what goes in the Federal record and what does not?

Mr. MANZULLO. Who would determine the language of the gentleman from New Jersey (Mr. MENENDEZ) that says with the intent to impede or delay? I mean, that is a subjective process.

Mr. BLUMENAUER. I can understand where the intent we both agree is not to impede or delay.

Mr. MANZULLO. That is correct.

Mr. BLUMENAUER. The intent is to protect American interests, sources of information.

Mr. MANZULLO. Well, sure.

Mr. BLUMENAUER. That would not fall under the scope of the Menendez amendment.

Mr. MANZULLO. I would submit that there are existing statutes on the books today that would give enough protection to the State Department, to the CIA, or any other security agency, for making open documents that are already classified.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. I appreciate my friend's comments, but the fact of the matter is that what we would have,

there are maybe some agencies covered by other statutory provisions in the intelligence community that might offer OPIC information which might be able not to appear in the register, but there are a series of agencies which we might not consider quote/unquote ''intelligence information,'' but which information would be harmful to the interests of the United States that are not covered by any such provision and that would have to be issued in the Register. If not, it would be a violation of law if this amendment were passed. So I think that there is a serious concern between that and what the gentleman seeks to do.

He wants to know if there is some undue influence in the determination of a payment of a claim, and I think that that is fitting and proper; but we have to limit that to make sure that it is undue influence and not just open the whole book for the whole world to see what we are doing out there to try to determine how we process our way to achieving a claim.

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Mr. TERRY. Mr. Chairman, will the gentleman yield for a response?

Mr. MANZULLO. Yes, I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, first of all, what needs to be recorded is that one of our government agencies has requested OPIC to make a decision based on politics. The details of that are not necessarily needed to be disclosed in the record.

The CHAIRMAN. The time of the gentleman from Illinois (Mr. MANZULLO) has expired.

(By unanimous consent, Mr. MANZULLO was allowed to proceed for 1 additional minute.)

Mr. MANZULLO. Mr. Chairman, I yield to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, let me ask the same level of rhetorical question back. Does it not provide more confidence in the insurance contract if the purchaser of that contract has some assurances that, if decisions are not going to be made on the merits of the claim but on politics, that they at least be told?

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, first of all, I am reading the gentleman's amendment. It says nothing about politics here. It simply says no department or agency of the United States or any of its officers may intervene in any pending settlement determination.

Mr. MANZULLO. Mr. Chairman, reclaiming my time, unless such intervention is published in the Federal Register.

Mr. MENENDEZ. Mr. Chairman, if the gentleman will yield, that goes back to our original discussion, that the very intervention that is going to be published in the Federal Register already unlocks the door to a whole series of things that we may not want, foreign nationals and foreign countries.

Mr. TERRY. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Nebraska.

Mr. TERRY. Mr. Chairman, the issue is that OPIC should be making those decisions on the outcome of claims, not other agencies.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am a little troubled by the turn that the conversation has taken. I will be the first to admit that I think we put the cloak of secrecy too broadly over issues in this country.

I think it is outrageous that the American public does not yet know what we did in Central America 20 or 25 years after the fact, destabilizing democratically elected governments.

I think it is outrageous some of the things that happened in Chile, in Central America, in Asia. I think that we far too broadly keep information from the American public, things that are not designed to keep information from our enemies, or past enemies. They already know what was in those files. It is to prevent, I am afraid, sometimes, embarrassment for some people here. I think, as a general rule, we ought to open up more, and I so voted.

But what this talks about is not sort of a sunshine. I just reject this concept that somehow we are turning the interests of America on its head by having the full range of information available to make these determinations.

I think representing the full range of American interests in the decisions that OPIC makes is not turning American interests on their head. They should not necessarily be disconnected from the best sources of information that we have.

The gentleman from New Jersey (Mr. MENENDEZ) is suggesting that, if something is offered up for the purpose of merely impeding settlement, that that should be prohibited or should be made more difficult.

But this amendment that the gentleman from Nebraska (Mr. TERRY) has offered does not distinguish between things that are somehow impeded, and operation of the information that comes from Treasury, that comes from State, not just the CIA, that from whatever source we have this information available, there would, because there are seven independent agency heads who function as trustees or directors of OPIC, it would very much confuse the deliberations.

If the information that they provided had the effect perhaps of delaying the processing of the claim as rapidly as maybe somebody would request, it may raise the obligation to put information in the record that, frankly, we do not want to have put in the Federal Registry. It would not be in America's best interest.

But why, if that be the case, would the gentleman from Nebraska (Mr. TERRY) penalize either the taxpayer or the balance of OPIC in terms of the bottom line, in terms of having to pay more money. That seems to me to make no sense.

I think we are confusing here politics, to use the word from the gentleman from Nebraska, with having national interests and the best information available to treat the policy holder and the American taxpayer in the best interests.

I fear that if this amendment were adopted, not the Menendez perfecting amendment, but the amendment of the gentleman from Nebraska (Mr. TERRY), operation at OPIC would go on. The people in the bureaucracy would continue to function.

But it would raise questions for the board. It would make them harder to get the good information. They will not be able to do their job as well. That is only going to hurt the taxpayer, if it ends up costing taxpayer money in the long run, where OPIC does not surplus as much money. But because they operate in an entrepreneurial fashion, what it is going to mean is that it is going to mean that there is going to be less money available to loan. It is going to make it more cumbersome. It is going to make the processing of claims based on less accurate information.

Ultimately, it may well mean that fewer people are insured. I do not think that that is necessarily in our best interest. We do not need this to solve a problem that somebody in Nebraska has.

I understand that we are moving forward with that claim, and something is happening. But we do not need to put a cumbersome process, freeze it into statute that is going to give less effective information and make the job of the director and OPIC harder.

I strongly urge the rejection of the Terry amendment and the adoption of what the gentleman from New Jersey (Mr. Menendez) has offered by way of a substitute.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) to amendment No. 11 offered by the gentleman from Nebraska (Mr. TERRY).

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

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

The CHAIRMAN. Pursuant to House Resolution 327, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) to the amendment No. 11 offered by the gentleman from Nebraska (Mr. TERRY) will be postponed.

The CHAIRMAN pro tempore. Are there further amendments to section 4?

If not, the Clerk will designate section 5.

The text of section 5 is as follows:

SEC. 5. TRADE AND DEVELOPMENT AGENCY.

(a) PURPOSE.—Section 661(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(a)) is

amended by inserting before the period at the end of the second sentence the following: '', with special emphasis on economic sectors with significant United States export potential, such as energy, transportation, telecommunications, and environment''.

(b) CONTRIBUTIONS OF COSTS.—Section 661(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(b)) is amended by adding at the end the following:

''(5) CONTRIBUTIONS TO COSTS.—The Trade and Development Agency shall, to the maximum extent practicable, require corporations and other entities to—

''(A) share the costs of feasibility studies and other project planning services funded under this section; and

''(B) reimburse the Trade and Development Agency those funds provided under this section, if the corporation or entity concerned succeeds in project implementation.''.

(c) FUNDING.—Section 661(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(f)) is amended—

(1) in paragraph (1)(A) by striking ''$77,000,000'' and all that follows through ''1996'' and inserting ''$48,000,000 for fiscal year 2000 and such sums as may be necessary for each fiscal year thereafter''; and

(2) in paragraph (2)(A), by striking ''in fiscal years'' and all that follows through ''provides'' and inserting ''in carrying out its program, provide, as appropriate, funds''.

The CHAIRMAN pro tempore. Are there amendments to section 5?

If not, the Clerk will designate section 6.

The text of section 6 is as follows:

SEC. 6. PROGRAMS OF THE INTERNATIONAL TRADE ADMINISTRATION.

(a) FUNDING.—There are authorized to be appropriated to the ITA—

(1) for fiscal year 2000, $24,000,000 for its Market Access and Compliance program, $68,000,000 for its Trade Development program, and $202,000,000 for the Commercial Service program; and

(2) for each fiscal year thereafter, such sums as may be necessary for the programs referred to in paragraph (1).

(b) APPOINTMENTS.—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Assistant Secretary of Commerce and Director General of the United States and Foreign Commercial Service, shall take steps to ensure that Commercial Service employees are stationed in no fewer than 10 sub-Saharan African countries and 1 full-time Commercial Service employee is stationed in the Baltic states, and that the Commercial Service has full-time employees in each country in South and Central America and an adequate number of employees in the Caribbean to ensure that United States businesses are made aware of existing market opportunities for goods and services.

(c) INITIATIVE FOR SUB-SAHARAN AFRICA AND LATIN AMERICA.—The Secretary of Commerce, acting through the Under Secretary of Commerce for the International Trade Administration, shall make a special effort to—

(1) identify those goods and services of United States companies which are not being exported to Latin America and sub-Saharan Africa but which are being exported to countries in those regions by competitor nations;

(2) identify trade barriers and noncompetitive actions, including violations of intellectual property rights, that are preventing or hindering the operation of United States companies in sub-Saharan Africa and Latin America;

(3) publish on an annual basis the information obtained under paragraphs (1) and (2);

(4) bring such information to the attention of authorities in sub-Saharan Africa and Latin America with the goal of securing greater market access for United States exporters of goods and services; and

(5) report to the Speaker of the House of Representatives and the President of the Senate the results of the efforts to increase the sales of United States goods and services in sub-Saharan Africa and Latin America.

(d) REPORTING ON VIOLATIONS OF TRADE AGREEMENTS.—The ITA should—

(1) identify countries and entities, as practicable, that violate commitments under trade agreements with the United States and the impact of these violations on specific sectors of the United States economy;

(2) identify steps taken by the ITA on behalf of United States companies affected by these violations; and

(3) publicize, on an annual basis, the information gathered under paragraphs (1) and (2).

(e) GLOBAL DIVERSITY AND URBAN EXPORT INITIATIVE FOR THE ITA.—The ITA shall undertake an initiative entitled the ''Global Diversity and Urban Export Initiative'' to increase exports from minority-owned businesses, focusing on businesses in underserved areas, including inner-city urban areas and urban enterprise zones. The initiative should use electronic commerce technology and products as another means of helping urban-based and minority-owned businesses export overseas.

(f) STANDARDS ATTACHES.—Subject to the availability of appropriations, the International Trade Administration shall take the necessary steps to increase the number of standards attaches in the European Union and in developing countries.

(g) EXPANSION OF PROGRAMS TO ASSIST SMALL BUSINESSES.—The International Trade Administration shall expand its efforts to assist small businesses in exporting their products and services abroad by using electronic commerce technology and other electronic means—

(1) to communicate with significantly larger numbers of small businesses about the assistance offered by the ITA to small businesses in exporting their products and services abroad; and

(2) to provide such assistance.

(h) AUTHORIZATION FOR ADVERTISING.—The ITA is authorized to advertise in newspapers, business journals, and other relevant publications and related media to inform businesses about the services offered by the ITA.

AMENDMENT NO. 12 OFFERED BY MR. TRAFICANT

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

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

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. TRAFICANT:

Page 10, strike line 13 and all that follows through line 24 and insert the following:

(d) REPORTS ON MARKET ACCESS.—

(1) ANNUAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the ITA should submit to the Congress, and make available to the public, a report with respect to those countries selected by the ITA in which goods or services produced or originating in the United States, that would otherwise be competitive in those countries, do not have market access. Each report should contain the following with respect to each such country:

(A) ASSESSMENT OF POTENTIAL MARKET ACCESS.—An assessment of the opportunities that would, but for the lack of market access, be available in the market in that country, for goods and services produced or originating in the United States in those sectors selected by the ITA. In making such assessment, the ITA should consider the competitive position of such goods and services in similarly developed markets in other countries. Such assessment should specify the time periods within which such market access opportunities should reasonably be expected to be obtained.

(B) CRITERIA FOR MEASURING MARKET ACCESS.—Objective criteria for measuring the extent to which those market access opportunities described in subparagraph (A) have been obtained. The development of such objective criteria may include the use of interim objective criteria to measure results on a periodic basis, as appropriate.

(C) COMPLIANCE WITH TRADE AGREEMENTS.—An assessment of whether, and to what extent, the country concerned has materially complied with existing trade agreements between the United States and that country. Such assessment should include specific information on the extent to which United States suppliers have achieved additional access to the market in the country concerned and the extent to which that country has complied with other commitments under such agreements and understandings.

(D) ACTIONS TAKEN BY ITA.—An identification of steps taken by the ITA on behalf of United States companies affected by the lack of market access in that country.

(2) SELECTION OF COUNTRIES AND SECTORS.—

(A) IN GENERAL.—In selecting countries and sectors that are to be the subject of a report under paragraph (1), the ITA should give priority to—

(i) any country with which the United States has a trade deficit if access to the markets in that country is likely to have significant potential to increase exports of United States goods and services; and

(ii) any country, and sectors therein, in which access to the markets will result in significant employment benefits for producers of United States goods and services.

The ITA should also give priority to sectors which represent critical technologies, including those identified by the National Critical Technologies Panel under section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683).

(B) FIRST REPORT.—The first report submitted under paragraph (1) should include those countries with which the United States has a substantial portion of its trade deficit.

(C) TRADE SURPLUS COUNTRIES.—The ITA may include in reports after the first report such countries as the ITA considers appropriate with which the United States has a trade surplus but which are otherwise described in paragraph (1) and subparagraph (A) of this paragraph.

MODIFICATION TO AMENDMENT NO. 12 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that the amendment be modified with the language at the desk.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Amendment No. 12, as modified, offered by Mr. TRAFICANT:

Page 10, strike line 13 and all that follows through line 24 and insert the following:

(d) REPORTS ON MARKET ACCESS.—

(1) ANNUAL REPORTS.—Not later than March 30 days after the date of the enactment of this Act, and annually thereafter, the TPCC should submit to the Congress, and make available to the public, a report with respect to those countries selected by the TPCC in which goods or services produced or

originating in the United States, that would otherwise be competitive in those countries, do not have market access. Each report should contain the following with respect to each such country:

(A) ASSESSMENT OF POTENTIAL MARKET ACCESS.—An assessment of the opportunities that would, but for the lack of market access, be available in the market in that country, for goods and services produced or originating in the United States in those sectors selected by the TPCC. In making such assessment, the TPCC should consider the competitive position of such goods and services in similarly developed markets in other countries. Such assessment should specify the time periods within which such market access opportunities should reasonably be expected to be obtained.

(B) CRITERIA FOR MEASURING MARKET ACCESS.—Objective criteria for measuring the extent to which those market access opportunities described in subparagraph (A) have been obtained. The development of such objective criteria may include the use of interim objective criteria to measure results on a periodic basis, as appropriate.

(C) COMPLIANCE WITH TRADE AGREEMENTS.—An assessment of whether, and to what extent, the country concerned has materially complied with existing trade agreements between the United States and that country. Such assessment should include specific information on the extent to which United States suppliers have achieved additional access to the market in the country concerned and the extent to which that country has complied with other commitments under such agreements and understandings.

(D) ACTIONS TAKEN BY ITA.—An identification of steps taken by the USTR and ITA on behalf of United States companies affected by the lack of market access in that country.

(2) SELECTION OF COUNTRIES AND SECTORS.—

(A) IN GENERAL.—In selecting countries and sectors that are to be the subject of a report under paragraph (1), the USTR and ITA should give priority to—

(i) any country with which the United States has a trade deficit if access to the markets in that country is likely to have significant potential to increase exports of United States goods and services; and

(ii) any country, and sectors therein, in which access to the markets will result in significant employment benefits for producers of United States goods and services.

The USTR and ITA should also give priority to sectors which represent critical technologies, including those identified by the National Critical Technologies Panel under section 603 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6683).

(B) FIRST REPORT.—The first report submitted under paragraph (1) should include those countries with which the United States has a substantial portion of its trade deficit.

(C) TRADE SURPLUS COUNTRIES.—The TPCC may include in reports after the first report such countries as the USTR and ITA considers appropriate with which the United States has a trade surplus but which are otherwise described in paragraph (1) and subparagraph (A) of this paragraph.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Ohio?

Mr. MANZULLO. Mr. Chairman, reserving the right to object, just a formality, I do not have a copy of that document. I can take a quick look at it, and then I make reference to it.

Mr. Chairman, under my reservation of objection, I yield to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, the only change is that in the first part ''Reports on Market Access,'' I change the report requirement from the International Trade Administration to the Trade Promotion Coordination Committee to make it more compatible with other duties in similar areas that are making such reports.

It follows through as far as the report is concerned in that regard, and that is the only modification that is made. The only other modification is, in the beginning, ''not later than March 30,'' rather than 90 days.

Mr. MANZULLO. Mr. Chairman, I have a response. I agree to the amendment. The problem is that there is an error in the manner in which the amendment is being inserted into the base bill.

The CHAIRMAN pro tempore. The gentleman from Illinois reserves the right to object to the modification of the amendment, not the underlying amendment. The underlying amendment is not under debate.

Mr. MANZULLO. Mr. Chairman, I withdraw my reservation of objection based upon the fact that this is a technical error, and I would agree to accept the amendment of the gentleman from Ohio (Mr. TRAFICANT).

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

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The gentleman from Ohio (Mr. TRAFICANT) is recognized for 5 minutes on the amendment, as modified.

Mr. TRAFICANT. Mr. Chairman, the salient point of the difference between the committee's bill and the Traficant amendment deals with the issue of market access. The Traficant amendment says, in addition to all of the reporting on whether or not a Nation is complying with our trade agreements, the Traficant amendment also says the report must cover the availability of market access and whether or not market access is being made available by these countries pursuant to the report process.

Second of all, it is to delineate what are those products and/or other areas of market availability that are being denied to us and what is their impact on jobs.

Bottom line is this, not only are we being denied access, this says tell us who is denying us that access. Do not just say they are denying this access, tell us what that access denial really is, what products are impacted upon by this, and how can we, in fact, make gains through our export activity once we can overcome that market access problem.

So that is the salient point, the difference between the major aspects of the bill itself and my perfecting amendment. I would hope that the committee would find favor with it and vote in favor with it.

Mr. MANZULLO. Mr. Chairman, I support the amendment.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment, as modified, was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MANZULLO

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

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

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MANZULLO:

Page 11, lines 4 and 5, strike ''minority-owned businesses, focusing on'' and insert ''businesses that, because of their minority ownership, may have been excluded from export trade, and from''.

Page 11, lines 8 and 9, strike ''urban-based and minority-owned'' and insert ''such''.

Mr. MANZULLO. Mr. Chairman, this is a technical and perfecting amendment to the urban export initiative section for the International Trade Administration designed to take into account the concerns of the members of our committee that there be no automatic presumption of support for all minority-owned businesses under this initiative.

It simply directs the ITA, pursuant to this initiative, to increase exports from those minority-owned businesses who may have been excluded from exporting. It is my understanding that it has full support of the minority.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Illinois (Mr. MANZULLO).

The amendment was agreed to.

Are there further amendments to this section?

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

Mr. Chairman, I had intended today to be on the floor in support of the amendments by the gentleman from Nebraska (Mr. TERRY).

□ 1615

And the reason being because of a situation we have with OPIC and one of its customers who has over the past several years paid premiums of over $20 million who has a rightful claim and is having a very difficult time collecting.

As any business would know, when they buy insurance, they expect to have their claims paid on a timely basis when the facts are laid out. And that simply is not the case.

The timeliness of the situation and the second Terry amendment having to

do with concerns that have become I think very real, other departments interfering in the situation and for outside political reasons it is being held up as far as the payment of the claim itself, there is no question of the validity. But it is a matter of the technicalities going through the delays in place.

As someone who has in the last 5 years always supported OPIC, it is a very great concern to me to see this happening to what I think is a very important agency, one that provides an outstanding financial potential. But when we have agencies coming into play introducing outside political consequences to the equation and not looking at the claim and its validity itself, it raises great grave concerns as far as I am concerned.

I just wanted to make that statement. I would support both of the Terry amendments and would oppose the gutting amendments offered by the gentleman from New Jersey (Mr. MENENDEZ).

The CHAIRMAN pro tempore (Mr. EWING). Are there any other amendments to section 6?

If not, the Clerk will designate section 7.

The text of section 7 is as follows:

SEC. 7. BOARD OF DIRECTORS.

Section 233(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2193(b)) is amended—

(1) by striking the second and third sentences;

(2) in the fourth sentence by striking ''(other than the President of the Corporation, appointed pursuant to subsection (c) who shall serve as a Director, ex officio)'';

(3) in the second undesignated paragraph—

(A) by inserting ''the President of the Corporation, the Administrator of the Agency for International Development, the United States Trade Representative, and'' after ''including''; and

(B) by adding at the end the following: ''The United States Trade Representative may designate a Deputy United States Trade Representative to serve on the Board in place of the United States Trade Representative.''; and

(4) by inserting after the second undesignated paragraph the following:

''There shall be a Chairman and a Vice Chairman of the Board, both of whom shall be designated by the President of the United States from among the Directors of the Board other than those appointed under the second sentence of the first paragraph of this subsection.''.

The CHAIRMAN pro tempore. Are there amendments to section 7?

If not, the Clerk will designate section 8.

The text of section 8 is as follows:

SEC. 8. STRATEGIC EXPORT PLAN.

Section 2312(c) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(c)) is amended—

(1) by striking ''and'' at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting a semicolon; and

(3) by adding at the end the following:

''(7) ensure that all export promotion activities of the Agency for International Development are fully coordinated and consistent with those of other agencies;

''(8) identify means for providing more coordinated and comprehensive export promotion services to, and on behalf of, small and medium-sized businesses; and

''(9) establish a set of priorities to promote United States exports to, and free market reforms in, the Middle East, Africa, Latin America, and other emerging markets, that are designed to stimulate job growth both in the United States and those regions and emerging markets.''.

The CHAIRMAN pro tempore. Are there amendments to section 8?

If not, the Clerk will designate section 9.

The text of section 9 is as follows:

SEC. 9. IMPLEMENTATION OF PRIMARY OBJECTIVES.

The Trade Promotion Coordinating Committee shall—

(1) report on the actions taken or efforts currently underway to eliminate the areas of overlap and duplication identified among Federal export promotion activities;

(2) coordinate efforts to sponsor or promote any trade show or trade fair;

(3) work with all relevant State and national organizations, including the National Governors' Association, that have established trade promotion offices;

(4) report on actions taken or efforts currently underway to promote better coordination between State, Federal, and private sector export promotion activities, including co-location, cost sharing between Federal, State, and private sector export promotion programs, and sharing of market research data; and

(5) by not later than March 30, 2000, and annually thereafter, include the matters addressed in paragraphs (1), (2), (3), and (4) in the annual report required to be submitted under section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)).

The CHAIRMAN pro tempore. Are there amendments to section 9?

If not, the Clerk will designate section 10.

The text of section 10 is as follows:

SEC. 10. TIMING OF TPCC REPORTS.

Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) is amended by striking ''September 30, 1995, and annually thereafter,'' and inserting ''March 30 of each year,''.

The CHAIRMAN pro tempore. Are there further amendments?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 327, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The second-degree amendment offered by the gentleman from Illinois (Mr. MANZULLO), the underlying amendment No. 6 offered by the gentleman from California (Mr. ROHRABACHER), amendment No. 8 offered by the gentleman from South Carolina (Mr. SANFORD), the second-degree amendment offered by the gentleman from New Jersey (Mr. MENENDEZ), the underlying amendment No. 10 offered by the gentleman from Nebraska (Mr. TERRY), the second-degree amendment offered by the gentleman from New Jersey (Mr. MENENDEZ), the underlying amendment No. 11 offered by the gentleman from Nebraska (Mr. TERRY).

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

AMENDMENT OFFERED BY MR. MANZULLO TO AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. MANZULLO) to amendment No. 6 offered by the gentleman from California (Mr. ROHRABACHER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 379, noes 49, not voting 5, as follows:

[Roll No. 495]

AYES—379

Ackerman
Aderholt
Allen
Archer
Armey
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent

Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—49

Abercrombie
Andrews
Bachus
Barr
Bartlett
Burton
Chenoweth-Hage
Coburn
Collins
Conyers
Cox
DeFazio
Duncan
Fossella
Frank (MA)
Hayworth
Hinchey
Hostettler
Hunter
Jackson (IL)
Jones (NC)
Kasich
Kucinich
LoBiondo
McIntosh
McKinney
Myrick
Nadler
Pascrell
Paul
Peterson (MN)
Radanovich
Rohrabacher
Royce
Sanders
Sanford
Shadegg
Slaughter
Smith (MI)
Smith (NJ)
Stark
Stearns
Strickland
Sununu
Taylor (MS)
Tierney
Towns
Vento
Wamp

NOT VOTING—5

Brown (OH)
Burr
Jefferson
Scarborough
Young (AK)

□ 1643

Messrs. TOWNS, BURTON of Indiana, SMITH of Michigan, HOSTETTLER, FRANK of Massachusetts, BACHUS, FOSSELLA, RADANOVICH, TAYLOR of Mississippi, Ms. MCKINNEY, Ms. SLAUGHTER, and Mr. HINCHEY changed their vote from ''aye'' to ''no.''

Messrs. SHAYS, POMBO, YOUNG of Florida, and Mrs. JOHNSON of Connecticut changed their vote from ''no'' to ''aye.''

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER), as amended.

The amendment, as amended, was agreed to.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to House Resolution 327, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 8 OFFERED BY MR. SANFORD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 104, noes 323, not voting 6, as follows:

[Roll No. 496]

AYES—104

Abercrombie
Andrews
Armey
Bachus
Barr
Bartlett
Bilirakis
Bonior
Burton
Buyer
Campbell
Carson
Chabot
Chenoweth-Hage
Coble
Coburn
Collins
Condit
Cox
Crane
Cubin
DeFazio
DeMint
Doolittle
Duncan
Ehrlich
Fossella
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (TX)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hinchey
Hoekstra
Hostettler
Hunter
Istook
Jackson (IL)
Jenkins
Jones (NC)
Kaptur
Kasich
Kelly
Kingston
Kucinich
Largent
Latham
Linder
Lipinski
LoBiondo
Lucas (OK)
Luther
McIntosh
McIntyre
McKinney
Meehan
Myrick
Norwood
Pascrell
Paul
Pease
Peterson (MN)
Pombo
Rivers
Rogan
Rohrabacher
Royce
Salmon
Sanders
Sanford
Schaffer
Sessions
Shadegg
Shays
Slaughter
Smith (MI)
Smith (NJ)
Spence
Stark
Stearns
Strickland
Stump
Sununu
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (MS)
Thune
Tierney
Toomey
Visclosky
Wamp
Watkins
Watts (OK)

NOES—323

Ackerman
Aderholt
Allen
Archer
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hastings (WA)
Hill (IN)
Hill (MT)
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stenholm
Stupak
Sweeney
Talent
Tanner
Tauscher
Thomas
Thompson (CA)
Thornberry

Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Vitter
Walden
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—6

Bass
Brown (OH)
Burr
Jefferson
Scarborough
Young (AK)

□ 1652

Mr. FOSSELLA and Mr. HALL of Texas changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MENENDEZ TO AMENDMENT NO. 10, AS MODIFIED, OFFERED BY MR. TERRY

The CHAIRMAN pro tempore (Mr. EWING). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) to the amendment offered by the gentleman from Nebraska (Mr. TERRY), as modified, on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment to the amendment, as modified.

The Clerk redesignated the amendment to the amendment, as modified.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 259, noes 169, not voting 5, as follows:

[Roll No. 497]

AYES—259

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Burton
Buyer
Canady
Cannon
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Frost
Gejdenson
Gephardt
Gilchrest
Gonzalez
Goodling
Gordon
Graham
Granger
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Hunter
Hutchinson
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Phelps
Pickett
Pombo
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOES—169

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Boswell
Brady (TX)
Bryant
Callahan
Calvert
Camp
Campbell
Castle
Chabot
Chambliss
Chenoweth-Hage
Collins
Combest
Condit
Cook
Cooksey
Cox
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goss
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hoekstra
Horn
Houghton
Hulshof
Hyde
Isakson
John
Johnson, Sam
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Linder
Lipinski
Lucas (OK)
Manzullo
McCrery
McInnis
McIntosh
McKeon
McKinney
Miller (FL)
Miller, Gary
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Peterson (MN)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (FL)

NOT VOTING—5

Brown (OH)
Burr
Jefferson
Scarborough
Young (AK)

□ 1701

Messrs. DUNCAN, KASICH, MCINNIS, Mrs. NORTHUP, Mr. WAMP and Mr. BRYANT changed their vote from ''aye'' to ''no.''

Mr. PALLONE, Ms. ROS-LEHTINEN and Mrs. MORELLA changed their vote from ''no'' to ''aye.''

So the amendment to the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. TERRY, AS MODIFIED, AS AMENDED

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY), as modified, as amended.

The amendment, as modified, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MENENDEZ TO AMENDMENT NO. 11 OFFERED BY MR. TERRY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ) to the amendment No. 11 offered by the gentleman from Nebraska (Mr. TERRY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

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

A recorded vote was ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 173, not voting 7, as follows:

[Roll No. 498]

AYES—253

Abercrombie
Ackerman
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Burton
Buyer
Callahan
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Edwards
Ehlers
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher

Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gonzalez
Goodling
Gordon
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Peterson (PA)
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shimkus
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn
Young (FL)

NOES—173

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Brady (TX)
Bryant
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Ehrlich
Emerson
English
Everett
Ewing
Fossella
Frank (MA)
Ganske
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Green (WI)
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Kasich
King (NY)
Kingston
Knollenberg
Largent
Latham
Lazio
Leach
Lewis (CA)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Packard
Pascrell
Pease
Peterson (MN)
Petri
Pickering
Pitts
Pombo
Porter
Pryce (OH)
Quinn
Regula
Reynolds
Riley
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf

NOT VOTING—7

Brown (OH)
Burr
Jefferson
Radanovich
Scarborough
Whitfield
Young (AK)

☐ 1711

Mr. VITTER and Mr. EVERETT changed their vote from ''aye'' to ''no.''

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11, AS AMENDED, OFFERED BY MR. TERRY

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Nebraska (Mr. TERRY), as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes, pursuant to House Resolution 327, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 357, noes 71, not voting 5, as follows:

[Roll No. 499]

AYES—357

Abercrombie
Ackerman
Aderholt
Allen
Archer
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard

Pallone
Pastor
Payne
Pelosi
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—71

Andrews
Armey
Bachus
Barr
Barrett (WI)
Bartlett
Burton
Buyer
Campbell
Chabot
Chenoweth-Hage
Coble
Coburn
Condit
Conyers
Cox
Crane
DeFazio
DeMint
Doolittle
Duncan
Ehrlich
Goode
Hayes
Hayworth
Hefley
Hilleary
Hoekstra
Hostettler
Istook
Jackson (IL)
Jones (NC)
Kaptur
Kasich
Kingston
Kucinich
Lipinski
LoBiondo
McInnis
McIntosh
McIntyre
McKinney
Miller (FL)
Myrick
Pascrell
Paul
Pease
Peterson (MN)
Petri
Pombo
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Sanders
Sanford
Schaffer
Sensenbrenner
Shadegg
Smith (MI)
Stark
Stearns
Strickland
Sununu
Tancredo
Taylor (NC)
Tierney
Toomey
Wamp
Watts (OK)

NOT VOTING—5

Brown (OH)
Burr
Jefferson
Scarborough
Young (AK)

□ 1730

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1993, the bill just passed.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 1993, EXPORT ENHANCEMENT ACT OF 1999

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1993, the Clerk be authorized to correct section numbers, cross references, punctuation, and indentation, and to make any other technical and conforming change necessary to reflect the actions of the House.

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

There was no objection.

CELEBRATING ONE AMERICA

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 141), Celebrating One America, 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 Ohio?

Mr. RANGEL. Mr. Speaker, reserving the right to object, I yield to the gentleman from Ohio (Mr. CHABOT) to please explain this resolution.

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

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, H. Con. Res. 141 was introduced by my colleague, the distinguished gentleman, very distinguished gentleman from New York (Mr. RANGEL). This resolution expresses the sense of Congress that all people in the United States should reach out across our differences and ethnicity, race and religion, to respect each other and to celebrate in friendship and unity one America.

I would like to thank the gentleman from New York (Mr. RANGEL) for introducing this commendable piece of legislation.

Mr. RANGEL. Continuing to reserve my right to object, I would like to thank the gentleman from Ohio (Mr. CHABOT) for his unanimous consent request and at the same time thank the gentleman from Illinois (Mr. HYDE), and the ranking member, the gentleman from Michigan (Mr. CONYERS); our majority and minority leaders, the gentleman from Texas (Mr. ARMEY) and the gentleman from Missouri (Mr. GEPHARDT), and also to have the resolution amended to make certain that it includes the Pacific Islanders with the Asians.

I also, in furthering my reservation, would like to point out for many years my brother, the gentleman from New York (Mr. GILMAN), and former Congressman Frank Guarini have gone around the world. We have been to the Middle East; we have been to Africa; we have been to Europe, and we were all fascinated that no matter what mission we were on for the United States Congress, how blessed and how glad we were to get back to these great United States to see how it has been God's will for over 200 years that people from all of these countries that for whatever reason found themselves here seeking a better way of life.

With all of the holidays that we have had, Frank Guarini who now has retired and chairs the Italian American Foundation had put together some 30 organizations of different backgrounds and different cultures with different languages and has made it abundantly clear that if it were not for these people we would not have the great country we have today.

So I want to thank the gentleman from New York (Mr. GILMAN) for the great role that he has played over the years in bringing people together, but most importantly on making certain that we could fashion something that expresses not my feelings or the feelings of the gentleman from New York (Mr. GILMAN) but the feelings of most Americans and certainly the representatives in the House

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

Mr. RANGEL. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I thank the distinguished gentleman from New York (Mr. RANGEL) for his kind words and eloquent words in support of this important measure, and I am pleased to have worked with him on this measure. I have been pleased to travel with him to many nations where we have found sometimes prejudice and intolerance and have found authoritarian governments and, yes, when we returned to our Nation how grateful we were that we enjoy the freedoms that we have here.

Mr. Speaker, I would like to take the opportunity to commend the gentleman from New York (Mr. RANGEL), for sponsoring and bringing to us on the floor tonight H. Con. Res. 141. I also thank the gentleman from Ohio (Mr. CHABOT) for his support on the Committee on the Judiciary.

Furthermore, I want to thank all of our colleagues who have joined together to support this measure and to make a strong statement on behalf of every American in working to build one America. Yes, a gentleman who has been working in the background, a former Member of Congress, Frank Guarini, has appealed to us to urge this measure to show our strong support for one nation, a one American nation.

Mr. Speaker, the history of our Nation is the history of people throughout the world. A nation of immigrants, our Nation represents a diversity of culture, of religion, of ethnicity and race from every corner of the globe. From Andrew Carnegie to Albert Einstein, immigrants have provided our Nation with an incredible wealth of energy, knowledge and creativity. Their

stories are the American experience, and they send a message to the world that this Nation is one which welcomes diversity, offers hope and provides opportunity.

Although our history on occasion has been tainted with prejudice and bigotry, our Nation is committed to defeating ignorance, intolerance and pursuing the high ideal that all men and women are created equal. However, from the tragic shootings at the Jewish Center in Los Angeles to the questions concerning the death of Matthew Shepard over the past few months, the citizens of our Nation have all too often seen the face of bigotry, intolerance and hate.

Accordingly, it is important that we remind those who view the world with prejudice that our Nation will not succumb to ignorance, will not succumb to bigotry, that our diversity is our greatest strength. Accordingly, we stand today to celebrate our Nation's diversity and we recognize the need to continue to reach across racial, ethnic and cultural lines to come together and build a unified nation. America is one, and I urge my colleagues to support this measure.

Mr. RANGEL. Mr. Speaker, I continue my reservation only to thank, again, the gentleman from Ohio (Mr. CHABOT) for facilitating this through the great Committee on the Judiciary and to tell my friends and colleagues that they can join with the close to 70 Members of the House tomorrow, Thursday, as we meet in Statutory Hall at 10:00 on October 14, where we can really say God bless America and the wonderful people that make this country as great as it is.

Mr. Speaker, I withdraw my reservation of objection.

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

Mr. MCNULTY. Mr. Speaker, reserving the right to object and, of course, I will not object, Mr. Speaker, but I have listened to the colloquies that have been going on and I just want to say that if there are any two people in this body who represent the ideals that all Americans hold dear, they are the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. RANGEL), and I rise in strong support of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 141

Whereas the United States is a nation of immigrants, whose 270,000,000 inhabitants hail from every corner of the globe;

Whereas from Ellis Island to the Pacific coast, the United States has welcomed immigrants seeking freedom and opportunity;

Whereas the United States democratic system of government mandates equal protection under the law and the right to life, liberty, and the pursuit of happiness for all its citizens;

Whereas the United States endured a civil war for emancipation, and in doing so, formed a permanent union and a society of equals;

Whereas the United States has outlawed racial, ethnic, and religious bigotry to create the world's greatest multicultural society;

Whereas the United States respects the individual and welcomes each one's participation in our democratic society;

Whereas the United States is the preeminent land of opportunity which rewards hard work, ingenuity, and perseverance;

Whereas the ethnic diversity of the United States has provided an abundance of energy, creativity, and prosperity;

Whereas people in the United States recognize and reward the contributions of members from every group;

Whereas people in the United States are working to close opportunity gaps so that all may share in the great prosperity of our Nation;

Whereas people in the United States of all backgrounds have sacrificed their lives in war to defend the cause of freedom for people around the world; and

Whereas people in the United States of African, Asian, European, Latin American, Middle Eastern, and Native American backgrounds cherish and celebrate their various national, ethnic, and religious heritages: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that all people in the United States should reach out across our differences in ethnicity, race, and religion to respect each other and to celebrate, in friendship and unity, one America.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. TANCREDO. Mr. Speaker, pursuant to clause 7c of rule XXII, I hereby announce my intention to offer a motion to instruct conferees tomorrow on H.R. 2670, the Commerce/Justice/State appropriations bill.

Mr. Speaker, the form of the motion is as follows:

Mr. TANCREDO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2670, be instructed to agree, to the extent within the scope of the conference, to provisions that, one, reduce nonessential spending in programs authorized within the Departments of Commerce, Justice and State, the Judiciary and other related agencies; and, two, reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and, three, do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment.

ALABAMA REJECTS PLAN FOR A LOTTERY

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

Mr. WOLF. Mr. Speaker, I want to call to the attention of my colleagues today's headlines: Alabama Rejects the Plan for a Lottery, AP. Fifty-four percent of the voters in Alabama rejected a State-sponsored lottery yesterday. The Crimson Tide has rejected a lottery in their State, and perhaps this is a shift that will change the tide of gambling in America.

According to news reports, the tide is expected to wash over South Carolina, where a referendum to ban video poker is expected to also pass.

I want to congratulate the people of Alabama for standing up and voting against State-sponsored gambling, and I hope others around the country will take note of what has occurred at the ballot box.

Mr. Speaker, I would like to, at this point, submit this material for the record.

MONTGOMERY, AL. (AP)—Gov. Don Siegelman, who lobbied long and hard for a state lottery to help fund education, watched the measure collapse in defeat at the hands of voters unwilling to cross their ministers.

With 98 percent of precincts reporting, 663,988 people, or 54 percent, opposed the lottery referendum Tuesday, and 559,377 people, or 46 percent, supported it. Turnout was estimated at 50 percent.

The proposal—a constitutional amendment to allow gambling—had once enjoyed a 20-point lead in the polls but came under increasing fire from church groups who said it would exploit the poor.

Other opponents also claimed that a recent traffic ticket-fixing scandal showed that the Democratic governor's administration could not be trusted to oversee gambling in the state.

Alabama joins Arkansas, Oklahoma and North Dakota as states that have rejected lotteries at the ballot box. Thirty-seven states and the District of Columbia have approved them.

The loss was a stinging blow to Siegelman, who had made the referendum's passage a cornerstone of his 1998 election victory over Republican Fob James.

''In my inaugural address, I said that we would dare mighty things. I said that we would try new things and if they didn't work we would try something else,'' Siegelman said after the votes were counted.

He said the results ''only serve to motivate me and to energize me in our fight and our quest to change education in this state forever.''

Along with the lottery proposal, two other proposed constitutional amendments were on the ballot, and voters in Birmingham and Montgomery chose candidates for mayor and city council members.

In Birmingham, Alabama's largest city, interim Mayor William Bell led a 14-way race for the mayorship but was forced into a Nov. 2 runoff against City Councilman Bernard Kincaid.

In Montgomery, conservative Mayor Emory Folmar led six opponents in his bid for a seventh term but was forced into a runoff against Bobby Bright, a lawyer backed by organized labor.

Siegelman had promised that the lottery would generate at least $150 million annually to fund college scholarships, a pre-kindergarten program and computer technology in schools.

''He has put everything on this,'' said Auburn University at Montgomery political analyst Brad Moody. ''He has made it the centerpiece of his campaign and the centerpiece of his first year in office. He has thrown all his political capital away.''

Sheila Bird was among those who voted against the lottery even though her 2-year-old daughter Amanda could have one day benefited from the plan.

''I just feel like it's morally wrong. I feel like it's going to cause problems in lower income families,'' she said. ''I think you can get money other ways.''

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

(Mrs. MALONEY of New York addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

(Mrs. JOHNSON of Connecticut addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

DEMOCRATS WHO CONTINUE TO SUPPORT SEPARATION OF CHURCH AND STATE ARE ALSO RELIGIOUS PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise this evening because I listened to several of my Republican colleagues on the floor last night, and I was very disturbed by what I heard. The Members implied that because Democrats continue to support separation of church and State we are not religious people. As a child growing up in Jacksonville, Florida, the district I now represent, my religion was the cornerstone of my life. It still is today. In fact, my church is more to me than a place I visit on Sunday. It is my home. It is a family gathering place and it is a real part of the community I represent.

My Republican colleagues would have people believe that Democrats are anti-faith. This is a lie. Democrats believe in the separation of church and State. We believe that every person has the right to choose their religion. We do not believe it is up to the House of Representatives to dictate how and where our faith should be expressed. Our constituents did not elect us to be their spiritual leaders. They do not turn to C–SPAN for healing. Rather, they expect us to vote for the programs and policies that mirrors their beliefs. This is how they judge us.

Do we support Head Start and school lunch programs, education? Do we support saving Social Security and protecting public education? This is the reason we have been sent to Washington, not to preach but to support the things that are important to the people who sent us here.

OUR TRADE DEFICIT IS STILL GROWING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, earlier today my good friend, the gentleman from Ohio (Mr. TRAFICANT), spoke on this floor about our trade deficit. He pointed out that our trade deficit in the last quarter hit an all-time record of $87 billion. If that keeps up, it would be an astounding $350 billion for the full year, meaning that we are buying that much more from other countries than they are buying from us.

Most economists agree that we lose, conservatively, 20,000 jobs per billion, meaning we would lose 7 million jobs to other countries in one year if our trade deficit stays at the rate of this last quarter. Many people believe we are losing these jobs, that we have this unbelievable trade deficit in large part because of bad trade deals, trade deals good for big multinational companies but very harmful to small American businesses and American workers.

The Christian Science Monitor, one of the leading national newspapers, had this on its front page recently, quote, ''America's widening trade deficit, now more than $25 billion a month, is starting to cause concern in the topic echelons of the United States.

□ 1745

''While the trade gap has been growing for years, it is becoming large enough that experts are becoming increasely worried it will slow the 'miracle' economy of the 1990s.''

Just 1 week later, the Washington Post reported that the ''suddenly slumping'' U.S. dollar ''is stirring unease about the potential for a stampede by foreign investors from American stocks and bonds, which could terminate the U.S. expansion and destabilize the world economy.''

According to the Post, ''The problem starts with the U.S. trade deficit . . . as the booming U.S. economy sucks in massive amounts of imports, and slumping overseas markets absorb fewer exports from American firms.''

We simply cannot, Mr. Speaker, continue to run trade deficits of 300 or more billions of dollars each year without causing very serious problems for our own people.

Today, our unemployment is very low, but our under-employment is terrible.

We have many college graduates who work very hard and spend a lot of money to get a degree in a field in which there are very few good jobs available. There are so many people getting law degrees these days that even they are becoming of very little assistance to many in getting good jobs or positions.

Most colleges and universities cannot discourage students from majoring in certain subjects without causing a faculty rebellion.

So parents and students really need to start asking the hard question: Is it likely that I can get a decent job if I major in this subject?

If we keep running trade deficits like we are now, we will have more and more college graduates working as waiters and waitresses. Also, young people had better wake up and tell these environmental extremists that we cannot base our entire economy on tourism unless we want to have almost everybody working at minimum wage jobs.

This large trade deficit, which is causing us to lose so many high-paying jobs, is also causing the gap between the rich and the poor to grow much wider.

This is, I suppose, why it is hard for so many wealthy people to realize the extent of this under-employment problem and why so many upper income people support extreme environmental measures that really hurt lower income people by driving up prices and destroying jobs.

I started thinking about all this after reading a column by William Safire in today's Knoxville News-Sentinel, which I assume ran in yesterday's New York Times. Mr. Safire, after being ripped off due to a big cable merger, wrote in a column entitled, ''Giant Corporations May Not Serve Us Well,'' these lines: ''The merger-manic mantra: In conglomeration there is strength.

''Ah, but now, say the biggest-is-best philosophers, we're merging within the field we know best. And if we don't combine quickly, the Europeans and Asians will, stealing world business domination from us.

''The urgency of globalization, say today's merger maniacs, destroys all notions of diverse competition, and only the huge, heavily capitalized multinational can survive.''

Mr. Safire concluded, ''Only JOHN MCCAIN dares to say: 'Anybody who glances at increases in cable rates, phone rates, mergers and lack of competition clearly knows that the special interests are protected in Washington, and the public interest is submerged.' ''

Are we, Mr. Speaker, ''Wal-Marting'' the entire world? In a few short years, are just one or two big giants going to control every field and every industry? I sure hope not.

A few years ago, I spoke on the floor of this House, pointing out that U.S.A. Today said competition existed in only 55 out of 11,000 cable markets.

The situation is worse today. The Wall Street Journal said then, ''Competition is the last thing big cable operators want. They have vigorously lobbied local and State governments to keep their turf exclusive.''

I said in my speech in Congress at that time, ''What we really need is more competition. Every place there is competition, cable prices have gone down and service has gone up.'' This is true in every field.

Here in Washington, the two daily Washington newspapers sell for 25 cents each. Most places where there is no competition, much smaller newspapers sell for 50 cents or more.

I voted against the big telecommunications bill a few years ago because of my fear that it would only lead to a massive consolidation within the industry and the big getting much bigger. That is certainly coming true even faster than I thought.

If the government, Mr. Speaker, keeps approving more and more mergers, if our anti-trust, anti-monopoly laws become a joke, if we keep giving every break to multinational companies and keep running huge trade deficits, our under-employment will grow worse, our middle class will be slowly wiped out, and the United States will be a very different place than it has been up until now.

The SPEAKER pro tempore (Mr. FLETCHER). Under a previous order of the House, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 5 minutes.

(Ms. DELAURO addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HELP AMERICAN CITIZENS BEFORE GIVING MONEY ABROAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I just wanted to get up for a moment and talk about some of the events of the past couple of weeks and some of the acrimony that exists in this Chamber and some of the dialogue that takes place. We had a very difficult and interesting vote on foreign aid the other day and foreign operations.

It caused me to think, as I looked at some editorial comments. It was interesting, and I want to quote from Charley Reese from the Port St. Lucie Tribune, ''Real Help For North Carolina Heading Overseas''. He says ''Think this through: People who have lost everything in eastern North Carolina to the floods can get help from the U.S. Government in the form of loans at interest.

''I dare say many of those who lost their homes had not paid off their mortgages. The obligation to pay the morality remains even if the house is gone and rendered unlivable. So in essence, the federal assistance consists of an offer to most folks to make two mortgage payments instead of one.''

So we look at our own real-life circumstances in this city and in this country, and we say to ourselves, yes, we have a responsibility for foreign aid. We have a responsibility to help other nations. But when do we start focusing on the American public and the American taxpayer?

The President suggested the other day he would like to wipe out $5.7 billion worth of foreign aid that have been given over the past years in the form of loans. To some of that, I give credit. Some of the countries cannot repay the money.

But let us think of our experience over the last couple of decades of American foreign policy. Let us think of the billions of dollars that have been swept out of the taxpayers' wallets in the United States and are now residing in Zurich, Switzerland in the form of secret bank accounts by people like Duvalier, people like the Marcoses, people that have plundered the United States foreign aid not to help the countrymen that they were supposedly elected to serve, but to put it in their own bank accounts, and to run off with our cash.

Now, we are going to wipe out debt, and we are going to just erase the balance sheet and say they do not have to pay us back. Yet, in North Carolina, if one's home is destroyed by an earthquake or a hurricane or some other devastation, one is told to come to the line and borrow from the U.S. government, and one can make two payments at once.

We also hear that we cannot give any kind of tax break for individuals. We cannot eliminate the marriage penalty. We cannot give debt relief on the estate tax relief. We cannot do anything to reduce the cost of insurance by giving credits to small business owners or self-employed, because we cannot afford a tax cut. It is selfish. It is stingy. It is not proper. It will explode the deficit.

We have to use the surplus for other things that we think are good for the American public. We should spend our resources, our surplus on things that we think are good for people rather than people voicing their opinion.

Then I started to think of the real overriding question, which is: Surplus? What are we all talking about? A surplus? There is $5.7 trillion worth of debt. There is no surplus. There may be an excess cash to expenditures. But, clearly, there is no surplus.

But if we keep doing these things and paying money in all kinds of different accounts and different proposals, we will never balance the budget, and no American taxpayer will get any relief.

We sent money to Russia recently, I can remember, through the IMF, and nobody can account for the hundreds of millions of dollars that are residing in the bank accounts all over the world. The Russians never got helped by our cash. It went into the pockets of people who purloined the money and took it for their own use.

We keep saying to ourselves, well, we will do better next time. We will put some oversight panels together. We will look at the money and the expenditures. Yet, each time, we fall into the trap once again of saying we better add some more money to the appropriations bill because we have got to help out another one of our neighbors in trouble, a neighbor overseas.

Then I think when I ride around at night, how many homeless Vietnam veterans are probably on the streets of our Nation's capital, homeless Vietnam veterans who are going without health care, medical care of any kind because we cannot help them. They fought the good fight, but we have got too many other things on our plate.

We cannot sacrifice individual appropriations bills, because we are all trying to protect our reelections. We cannot make our government more fiscally sound because we are too interested in racking up totals that are mind boggling on their face.

Our interest payments are like $247 billion a year on the debt we have now at $5.7 trillion. So we will never get ahead if we continue this. But what about giving or, as the headline says, forgiving our debts. What about forgiving some of the debts that the American public has every day that they work and pay their taxes to help support this government, and we seem tone deaf to be able to turn our responsibilities directed towards them.

I say, pay down the debt. But I also say let us not start attacking the majority party here for being cheap as I heard last week. We did not recognize our responsibilities. So let us focus a little bit more on the American public, the American taxpayer, helping our own citizens, our community before we start giving money away abroad.

GOOD NEWS TONIGHT: BUDGET BALANCE WITHOUT TOUCHING SOCIAL SECURITY

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, Will Rogers used to say, ''All I know is what

I read in the newspapers.'' There was another commentator who used to start his news cast every night by saying, ''This is good news tonight.''

Mr. Speaker, there is good news tonight, perhaps the best news that we have had on the economy and the budget in a long, long time. There it is on page A18 of the New York Times. In fact, it appeared in newspapers all over the country today.

Let me read the first two paragraphs. ''Something symbolically enormous may have happened today: the Congressional Budget Office announced that the Government may have balanced the budget in fiscal year 1999'', that is the one we just finished, ''without spending Social Security money.

''If so, it would be the first time that has happened since 1960, when Dwight Eisenhower was President, gentlemen sported felt fedoras and women wore fox stoles.''

Mr. Speaker, this is truly great news. It is great news for all generations. What this really means, it means a more secure retirement for our parents. It means a much stronger economy for baby boomers and folks who are working. But, most importantly, it means a brighter future for our kids.

This is just a blow up of that article that appears in the New York Times, but it is written all over. It is a great story.

I want to come back to something and show my colleagues where we were just a few years ago. Because I think to understand the importance and the significance of this, we sort of have to look at where we were.

This is what the Congressional Budget Office was predicting just a few years ago with what was going to be happening in terms of the Social Security deficit projections. We were looking, in 1999, at a deficit of $90 billion. We were going in the wrong direction. So the American people said enough is enough. We have got to change course.

So what we did is we began to gradually reduce the growth in Federal spending. We have cut the rate of growth in Federal spending by more than half. As a result, today, we not only have a balanced budget ahead of schedule, but we believe, for the first time since Dwight Eisenhower was President, we actually have a balanced budget without stealing from Social Security.

Now that we have crossed this Rubicon, I think we have to make it clear that we are not going to turn back. If we are going to do that, I think we have really only several alternatives. One thing, of course, we can always do is raise taxes. There are more than enough of our friends on the left who believe that that is really the answer in terms of balancing our budget long-term.

The second, of course, is we could turn our backs on Social Security. We can begin to steal from Social Security again. We believe that is the wrong course.

The only other real alternative we have in terms of balancing the budget and saving Social Security would be to cut spending.

Now, in the next couple of days, we are probably going to be faced with that simple choice: Are we going to raise taxes? Are we going to steal from Social Security? Are we going to cut spending?

I happen to believe that the third option is the only one that the American people will accept. I also happen to believe that the fairest way to cut that spending would be across the board.

Our leadership and people on the Committee on Appropriations are working on a plan whereby we would cut spending 1 percent across the board. I think that is the fairest thing to do. I think that is what the American people want us to do.

As I say, after wandering in the wilderness of deficit spending, of enormous deficits, including borrowing from Social Security for 40 years, we have finally crossed the River Jordan. Now that we have, we have it within our power to make certain and make it clear to future generations that we are not going back.

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, 1 year ago, a mother in Wyoming received news that tragically changed her life forever. Her son, an openly gay University of Wyoming student, was kidnapped, robbed, beaten, and burned by two male assailants. Left exposed to the elements, latched to a ranch fence for 18 hours, the young man Matthew Shepard died at a local hospital 6 days later. He lost his life as a result of bigotry and hate.

One year later, we stand on the House floor empty handed, unable to provide any real comfort to the mothers and fathers of the Matthew Shapards of our Nation. One year later, we stand on the House floor to mourn the death of Matthew, yet, failed to honor his life in any meaningful way. One year later, we are working to ensure that the Hate Crimes Prevention Act of 1999 becomes the law of the land, yet a real threat exists that we may not succeed.

□ 1800

Mr. Speaker, it is not fair to the families of America. It is not fair to the families who have lost a loved one as a result of hate. It is not fair for these families to have to wait for Congress to recognize their need and honor the lives of the loved ones they lost. It is not fair for Congress to remain silent while these programs loudly demand action.

Hate can occur in any community. In Jasper, Texas, three white men dragged a 49-year-old black man for two miles while he was chained to the back of a pickup truck. In Ft. Campbell, Kentucky, a 21-year-old Private First Class was brutally beaten with a baseball bat in his barracks because he was gay.

In my district over the Fourth of July weekend, hate erupted with a vengeance. A madman full of rage and with a gun took the life of two men and forever changed the lives of many families.

This madman left us grieving for Ricky Byrdsong and his family and Woo-Joon Yoon, an Asian student from Bloomington, Indiana, and angry for the assault on Jewish men peacefully observing the Sabbath.

Ricky Byrdsong lived in Skokie, Illinois, in my district. He was a loving husband, a father, a leader in the community, a former basketball coach at Northwestern University, a man of deep religious faith, and a constituent. He was murdered in cold blood. His only crime was the color of his skin. He was African-American.

Many skeptics say we do not need this bill. But tell that to the family of Ricky Byrdsong or Matthew Shepard.

I urge my House colleagues on the Commerce-State-Justice Conference Committee to agree to include the hate crimes prevention act in the final bill. We must expand and improve the Federal hate crimes law and punish those who choose their victims based on race or gender, ethnicity, sexual orientation, or physical disability.

It would also make it easier for Federal law enforcement officials to investigate and prosecute cases of racial and religious violence.

State and local authorities currently prosecute the majority of hate crimes and will continue to do so under this legislation. Keeping the Hate Crimes Prevention Act in the appropriations bill will increase Federal jurisdiction to allow Federal officials to assist State and local authorities to investigate and prosecute hate crimes. It will also provide State and local programs with grants designed to combat hate crimes committed by juveniles.

While serving in the Illinois State House, my colleagues and I were successful in strengthening State laws dealing with hate crimes. I am looking forward to working with my colleagues here in the Congress to translate successes on the State level to the national stage.

The Hate Crimes Prevention Act is such an opportunity to send a clear and powerful message that the safety of all people is a priority and anyone who threatens that safety will face the consequences.

As a Member of Congress who represents one of the most diverse districts in the Nation, I strongly believe that we must ensure the passage of this act. Hate crimes if left unchecked not only victimize our citizens but debase and shame us all.

SENATE MESSAGE

A message from the Senate by Mr. Lundregan, one of its clerks, an-

nounced 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. 1906) ''An Act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.''

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Wisconsin (Ms. BALDWIN) is recognized for 5 minutes.

Ms. BALDWIN. Mr. Speaker, I rise today in support of H.R. 1082, the Hate Crimes Prevention Act.

In August, the House Committee on the Judiciary, on which I sit, held a hearing on hate crimes. We heard testimony from Carole Carrington. I am sure my colleagues are familiar with her story.

Her daughter, granddaughter, and a dear family friend were murdered in Yosemite National Park last February. The murderer was finally captured a few months later after brutally murdering another woman near Yosemite.

Why did this man kill these four women? Because they were women. He claims to have fantasized about killing women for the last 30 years. He did not know any of his victims. He targeted them simply because they were women.

Mr. Speaker, this great Nation was founded on the desire for freedom, freedom from oppression, freedom from religious persecution, freedom to participate as full citizens.

Our Nation's founding principles revolve around the concept of individual liberties and the freedom to live our lives in a free and open society. We have long recognized that personal safety and security are essential for a person to exercise the rights and obligations of citizenship.

Governments are created by men and women in part to protect and defend citizens from violence to ensure that they are able to exercise their personal liberties.

Hate crimes are intended to intimidate the victim and to limit those freedoms. Hate crimes are designed by the perpetrators to create fear in the victim. The woman who was attacked on a dark street lives in fear of another attack. The African-American family that has a cross burned on their lawn remembers that threat far after the scorch marks on the grass have been washed away. The gay teenager who is beaten by classmates may never feel safe in school again.

Hate crimes are meant to instill fear. And the fear that hate crimes instill is not simply targeted at the immediate victim. The fear is aimed at members of the group. Hate crimes are different than any other violent crime because they seek to terrorize an entire community, be it burning a cross in someone's yard, the burning of a synagogue, or a rash of gay bashings.

This sort of domestic terrorism demands a strong Federal response because this country was founded on the premise that a person should be free to be who they are without fear of violence.

A member of the other body, the Republican chairman of the Senate Committee on the Judiciary, said, ''A crime committed not just to harm an individual but out of a motive of sending a message of hatred to an entire community is appropriately punished more harshly, or in a different manner, than other crimes.''

I do not know for sure what causes hate. I am sure the expert have some ideas. But fear of the unknown combined with stereotyping of groups that reinforces that fear probably has something to do with it.

I know that hate crime legislation cannot cure the hate that still resides among some in our country, but this legislation can provide more protections for groups who are targeted and send an important message that Congress believes that hate crimes against any group are a serious national problem that deserves to be addressed.

One year ago, a young University of Wyoming student, Matthew Shepard, was brutally murdered because he was gay. We all know the story. But Matthew's murder had a profound personal impact on me. It reminded me that I could be targeted simply because of who I am.

It was at the height of my campaign when they found Matthew's body. The word spread quickly among my many university student volunteers, and I could see the hurt and fear in their eyes as they talked about what happened to this young university student, a person their age.

A number of my volunteers were gay or lesbian and they were in shock. It affected so many of us profoundly and personally.

Hate crimes are an attack on society, an attack on tolerance, an attack on freedom. This Congress ought to act swiftly to pass the Hate Crimes Prevention Act.

Mr. Speaker, I yield to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentlewoman for yielding. I would like to associate myself with the words of the gentlewoman from Wisconsin for her leadership on this issue.

Let me say directly to the American public, this is desperately needed legislation. We have in our climate today too much anti-Semitism, too much racial hatred, too much homophobia, and people who are singled out based on those parameters are targeted by those that hate others because of who they are, because of their gender or orientation or color of skin.

This should not be permissive in this society of ours as we enter the 21st century, and we have to deal with this and we have to confront it and we have to educate our children because these crimes are devastating.

We had a boy killed in our community recently in West Palm for the same motivation, because he was gay. We have heard crime after crime similar to these Matthew Shepard cases that are wrenching the heart and soul out of our country.

So I applaud the gentlewoman for her leadership. I join my colleague in urging the Congress to adopt hate crime legislation to federalize these crimes. Because, again, these are not singular acts. These are acts by despicable people who seek out people based on race, gender, sexual orientation. They are mean-spirited and they must be dealt with with the full effect of the law so, hopefully, we can turn the tide on these crimes and get people to recognize that the punishment will be severe, it will be swift, and maybe they will think twice before they inflict their hatred on others.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

(Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HATE CRIMES—OTHER NOT-SO-WELL-KNOWN CASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WEINER) is recognized for 5 minutes.

Mr. WEINER. Mr. Speaker, I do not know where Sylacauga, Alabama, is. But in February of 1999, Billy Jack Gaither, a gay man, was abducted and beaten to death with an ax handle and set afire among burning tires in a remote area.

And frankly, Mr. Speaker, I do not know where Texas City, Texas, is either. But that is a place where two black gay men, Laaron Morris and Kevin Tryals, were shot to death and one of the men was left inside a burning car.

And very frankly, Mr. Speaker, I do not know where Kenosha, Wisconsin, is, although I have heard of it. But that is a place where, in May of 1999, a 27-year-old man intentionally swerved his car onto a sidewalk to run over two African-American teens. After hitting the two cyclists, he left the scene and kept driving until stopped by police. Eight years earlier, the same man ran his car twice into a stopped van carrying five African-American men and drove away.

I do not know where those places are. But very frankly, Mr. Speaker, I think

many Americans do not know where Laramie, Wyoming, was until about a year ago Matthew Shepard, an openly gay 21-year-old university student, was savagely beaten, burned, tied to a wooden fence in a remote area, and left to die in subfreezing temperatures.

There is nothing about these cases that reflects poorly on those individual towns across America. In fact, hate crimes like these, unfortunately, are happening in towns big and small, major metropolises, small neighborhoods all across this country.

Since 1991, when the Department of Justice started keeping hate crime statistics, they found after surveying hundreds of police department law enforcement agencies around this country that about 4,600 hate crimes had been committed. When they did a similar survey in 1997, they found that that number had nearly doubled to over 8,000.

This is an epidemic, Mr. Speaker. Matthew Shepard made us all gasp in horror. But now we in Congress have an opportunity to act.

Not so long ago, in 1990 and 1994, this House did act in passing the Hate Crime Statistics Act and Hate Crimes Sentencing Enhancement Act. But we have seen again and again that that law needs to be strengthened. We learned frankly from cases all across this country that there are problems with the current law that we are obligated to fix.

The Federal prosecution of hate crimes can only happen if the crime is motivated by race, religion, national origin, color, and the assailant intended to prevent the victim from exercising a very narrowly defined protected right, like voting or attending school.

The law is so narrowly written that we are seeing problems with prosecutions all around this country. In 1994, a Federal jury in Fort Worth, Texas, acquitted three white supremacists of Federal civil rights charges arising form unprovoked assaults on African-Americans, including one incident where the defendant knocked the man unconscious as he stood near a bus stop.

□ 1815

Some of the jurors revealed after the acquittal that although they were absolutely convinced that the crime was racially motivated, they could not find that it fit into one of these narrow racially protected activities. The same happened in 1992 when two white men chased a man of Asian descent from a nightclub in Detroit and beat him to death. The Department of Justice, with a great deal of help from the State and locality, tried to prosecute it using the current hate crimes law and failed because the law was too narrowly crafted.

We have an opportunity with the bill that is currently before the House Committee on the Judiciary to deal with this problem, to broaden the crimes which the Federal Government, with the help of the States and localities, can prosecute. We have seen over and over again that if the Federal Government brings its forces to bear, that we can make a difference.

Mr. Speaker, sometimes this House is criticized for acting only in the face of abject crisis. I believe that that crisis has been shown to us by the horror of Matthew Shepard. Now is the opportunity for us to act in this time of crisis, to pass the Hate Crimes Enhancement Act, to finally begin to do something to stop that increasing trend of hate crimes. I cannot promise anyone in this Chamber that if we were to pass this act, there will not be people with hate in their hearts, there will not be people who do horrific things in small towns and big cities all across this country. But I do know we have an obligation to act, because what happened to Matthew Shepard was not just a blow to that small town, it was not just a blow to gay rights, it was not just a blow to that person's family, it was a blow to our national family. It was a horror that all of us must address.

IN SUPPORT OF THE HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, we are faced with an historic opportunity once again this year to pass legislation to combat violent hate crimes that continue to plague our country.

Last year, despite the brutal killing of Matthew Shepard simply because he was gay, we failed to incorporate the Hate Crimes Prevention Act into a bill to fund the Justice Department. We must not make the same mistake again this year.

In the year that followed Matthew Shepard's death, thousands of hate crimes were committed and Congress failed to protect gays, lesbians, bisexuals, transgender individuals and others from these heinous crimes.

Tragically, we are all far too familiar with the violent acts of terrorism that are sweeping our country. The August 10 shooting of a Filipino-American letter carrier, shooting to death, three young children who were shot and two adults at the Los Angeles Jewish community center is one of a series of brutal hate crimes that continue to plague victims, families, communities and the Nation. These violent acts come on the heels of the July 4 shooting spree in Illinois and Indiana, and the burning of three synagogues in northern California.

Congress has been far too slow in responding to the hate crimes that continue to threaten our communities all across America. Week after week we hear horror stories of murderers attacking innocent people because they are, or are perceived, to be members of a certain community, because they are of a particular ethnic group, or thought to be of a particular ethnic group, or race or color or creed or sexual orientation. These hate crimes devastate families and local communities and they also send a chill down the backs of everyone else that belongs to the same group.

Remember, hate crimes are especially odious because they victimize more than just the individual victim, they also are acts of terrorism directed against an entire class of citizens. When a hate crime is committed, it sends a message to every member of the targeted group that they risk their lives simply by being a member of a targeted group. No American should have to be afraid to live in any community because they are threatened with violence because of who they are.

We should instruct the conferees to accede to one version of the Senate language, to agree to add gender and disability and sexual orientation to the Federal hate crimes law. There is a necessity to do this in order so that we can give help to States that have their own hate crimes laws but need Federal assistance in investigating crimes.

The Senate has already passed the Hate Crimes Prevention Act as an amendment to the Commerce, Justice, State and Judiciary appropriations bill which is now in the conference committee. Over the summer, I organized a group of 62 other Members of the House, both Republicans and Democrats, to join together and urge the conferees to include the Hate Crimes Prevention Act in the final appropriations bill. I hope we are successful and that we can pass meaningful reform this fall. It is certainly within our grasp, but we need all the help we can get to urge other Members of the House and of the Senate to include this vital legislation, the Hate Crimes Prevention Act, in the final version of the appropriations bill.

We must all redouble our efforts to pass sensible hate crimes prevention legislation this year. We must continue our fight to protect American families from violent bigotry and from vicious acts of hatred. Our constituents and the citizens of this great country expect no less of us.

IN SUPPORT OF HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I am proud to rise today and speak in favor of the Hate Crimes Prevention Act of 1999 which is cosponsored by myself and 184 of my colleagues in this House.

Just a few weeks ago, our country was shocked when a gunman entered a Jewish community center in Los Angeles, shooting at innocent children. His intent, and I quote, ''sending a message

by killing Jews.'' What kind of message was he sending? A message of hatred.

One year ago yesterday, in Laramie, Wyoming, a young man named Matthew Shepard was killed. The reason? Because he was gay.

In Jasper, Texas, a man was murdered and dragged through the streets because he was an African-American.

All of these incidents are hate crimes. They do not just affect the group that was killed, they affect each and every one of us.

This is especially troubling to me because of the rash of anti-immigrant billboards and posters in my district of late which falsely blame immigrants for all of society's problems. Having spent my entire life in Queens County in New York, I recognize the problems faced on a daily basis by minorities who strive to eliminate any form of discrimination still present in our society. Unfortunately, the billboards of late only tell that discrimination is alive and well.

I believe the Hate Crimes Prevention Act of 1999 is a constructive and measured response to a problem that continues to plague our Nation. Violence motivated by prejudice. This legislation is also needed because many States lack comprehensive hate crime laws.

I understand there are some people who believe that hate should not be an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough as is. I answer with the most recent figures from 1997, when 8,049 hate crimes were reported in the United States, 8,049 crimes, because of hate. According to the FBI, hate crimes are underreported. So the actual figure is much, much higher.

I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was no premeditation. Committing armed robbery carries a higher punishment than petty larceny. There are degrees to crimes. Local governments and State governments and the Federal Government recognize that. And committing a crime against someone because of their race, color, sex, sexual orientation, religion, ethnicity or other group should warrant a different penalty. These crimes are designed to send a message, ''We don't like your kind and here is what we're going to do about it.'' So why can we not punish crimes motivated by hate differently than other crimes?

Mr. Speaker, this legislation does not punish free speech as some have contended. Nowhere does it say you cannot hold a certain political belief or view or a particular philosophy. What it does say is that if you commit a violent act because of those beliefs, you will be punished and punished differently.

Hate crime laws are also constitutional. The U.S. Supreme Court's ruling in Wisconsin v. Mitchell unanimously upheld a Wisconsin statute which gave enhanced sentences to a defendant who intentionally selects a victim because of the person's race, religion, color, disability, sexual orientation, sex or nation of origin.

I believe we ought to stand up as a Congress and as a country to pass the Hate Crimes Prevention Act to make our laws tougher for the people who carry out these heinous crimes.

The Senate has already included it as part of the fiscal year 2000 Commerce-Justice-State appropriations bill. I would urge the House conferees to recede to the Senate on this section. At the very least, H.R. 1082 should be brought to the House floor for consideration. We must end the hate that is permeating our society.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report ''detailing payments made to Cuba . . . as a result of the provision of telecommunications services'' pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 13, 1999.*

IN SUPPORT OF HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, under the Violent Crime Control and Law Enforcement Act of 1994, Congress has defined a hate crime as ''any act of violence against a person or property based on the victim's race, color, gender, national origin, religion, sexual orientation or disability.''

I am here today, Mr. Speaker, to talk about the victims of hate crimes that provide a real-life definition.

James Byrd, Jr., an African-American male victim, chained to the back of a pickup truck and dragged along a dirt road, murdered by supporters of a white supremacist organization.

Thanh Mai, a Vietnamese-American victim who died from a split skull after being taunted and called a ''gook'' and struck to a cement floor.

A Latino-American family victimized by arsonists who burned down their home after spray-painting racist messages on the walls.

Women in Massachusetts victimized by a sexual batterer who was found to have violated the State's hate crime law for his biased crimes against women.

Jewish children victimized by shootings at their community center by a man who had connections to an anti-Semitic organization.

And today, we remember Matthew Shepard, a 21-year-old college student who was brutally and savagely beaten, strapped to a fence like an animal and left to die, all because of his sexual orientation.

These are only a few of the human faces that fell victim to intolerance, bias and bigotry. In fact, FBI statistics reveal that in 1997, a total of 8,049 biased motivated criminal incidents were reported. Of these incidents, 4,700 were motivated by racial bias, 1,400 by religious bias, 1,100 by sexual-orientation bias, 800 by ethnicity/national origin bias, and 12 by disability bias.

□ 1830

The number of incidents reported in my home State of Maryland was 335.

As we discuss this issue, I believe that there are two questions our Nation must answer: First, why should we care?

I submit to my colleagues today that we should care because our Nation was built on a foundation of democracy and independence for all. Our Declaration of Independence states that we hold these truths to be self-evident, that all men are created equal, and they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. We all take pride in these words, Mr. Speaker, but we all have a duty as American people to recognize this principle applies to all of our Nation's citizens regardless of their race or national origin, gender, sexual orientation, religion or disability status.

As cosponsor of the Celebrating One America resolution that this House passed today by unanimous consent sponsored by my good friend from New York (Mr. RANGEL), I believe that we should reach out across our differences in ethnicity, race and religion to respect each other and to celebrate in friendship our unity and one America. We must all remember that although we are a melting pot of various cultures, ideals and physical make-ups, we are all one human race.

As one 16 year-old recently wrote:

''He prayed, it wasn't my religion;
He ate, it wasn't what I ate;
He spoke, it wasn't my language;
He dressed, it wasn't what I wore;
He took my hand, it wasn't the color of mine;
But when he laughed, it was how I laugh, and when he cried, it was how I cry.''

The second question our Nation must answer is: How can we put an end to hate violence?

The American people must take action. A resolution will require a united and determined partnership of elected officials, law enforcement entities, businesses, community organizations, churches and religious organizations and schools.

Congress must also take action. Yes, statistics have shed light on the prevalence of hate crimes in our society, however hate crimes are often under reported. Although we gathered significant information as a result of the Hate Crimes Statistics Act, this act makes the reporting of hate crimes by State and local jurisdictions voluntary, leaving gaps in information from various jurisdictions.

As such, I call for immediate passage of the Hate Crime Prevention Act, and I ask that we all join together. But most significant, non action translates into silence, and as Martin Luther King stated, We will remember not the words of our enemies, but the silence of our friends.

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

(Mr. STRICKLAND addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. MEEKS) is recognized for 5 minutes.

Mr. MEEKS of New York. Mr. Speaker, it is truly a sad occasion that as we are about to enter the next millennium that we do have to stand on the floor of the United States House of Representatives still asking that all people be treated fairly. I listened to the word of my colleague, the gentleman from Maryland (Mr. CUMMINGS), when he stated that this country was built upon the notion that all men are created equal. Unfortunately, I have to disagree with that because our history in this country shows that unfortunately we do not consider African Americans equal, we do not consider women equal, but we are learning, and we are moving. And it would be my hope that as we are about to enter to the next millennium, that we would understand the error of our ways, and move forward and let it be known that we understand the history, the true history, of this country, and we are going to rectify it and not allow those individuals who become victims of hate to continue to suffer. We in this House, Mr. Speaker, must send a loud and clear message that those who want to hate others because they are different than they, it will not be tolerated.

In my lifetime I have seen individuals lynched and no one called to justice. In my lifetime, and we are not talking about a long time ago, I have seen individuals spat upon because of a different sexual orientation. I wish that we did not have to be here, but in 1999, in 1998, we had incidences like James Byrd dragged to death in the back woods by three white supremacists. We had Matthew Sheppard brutally murdered by three young men who despised his sexual orientation. We had places of worship, three synagogues in Sacramento, destroyed by arson. African American churches throughout the south still burned down. Bomb threats, death threats to the Muslim community immediately following the Oklahoma bombings.

Tolerance is not in America yet.

All these situations have one thing in common. They were the results of hate crimes committed due to the ignorance and nontolerance of individuals.

This Nation has consistently prided itself on its acceptance of all people; at least, that is what we say. What we have an opportunity now to do is to put our actions behind our words, for words alone mean nothing. It is the action behind the words that give the words value.

We commend ourselves, and I can know, sitting in the House, we talk about all other countries we do not want to do business with because we say that they are human rights violations. Well, we must first make sure that we take care of our own family and make sure that we are standing on the proper moral ground to begin with because how can you condemn someone else when you are not standing strong to make sure that your own home is in the best of shape?

During the 1960's, for example, people of all colors, races and creeds came together to fight against the racial intolerance that was directed specifically that time against African Americans and other minorities, and as a result of that united effort, this body passed major legislation known as the Civil Rights Act as a statement and tried to put some teeth and power behind the words: All men; and we should say all men and women; are created equal.

It is now time for us to take an additional step in that direction by attaching the Hate Crimes Prevention Act to the Commerce, Justice and the State appropriations bill. This act will make the intent of Congress clear and will put power behind the words that we will not tolerate hate crimes.

In conclusion, Dr. King said:

Injustice anywhere is a threat to justice everywhere.

Let us make our voices loud and clear; let us put power behind our words.

ANNOUNCEMENT OF INTENTION TO OFFER A MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 1501 tomorrow. The form of the motion is as follows:

I move that the managers on the part of the House at the conference on the disagreeing votes of the two houses on the Senate amendment to bill, H.R. 1501, be instructed to insist that the committee of conference should immediately have its first substantive meeting to offer amendments and motions including gun safety amendments and motions; and 2, the committee of conference report a conference substitute by October 20, the 6-month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment. H.R. 1501 is the Juvenile Justice Reform act of 1999.

The SPEAKER pro tempore. The form of the motion will appear in the RECORD.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MOORE) is recognized for 5 minutes.

(Mr. MOORE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PASS THE HATE CRIMES PREVENTION ACT AS QUICKLY AS POSSIBLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 60 minutes as the designee of the minority leader.

Ms. STABENOW. Mr. Speaker, first, as we begin this evening, I want to associate myself with the comments of my colleagues this evening concerning Matthew Sheppard and all of those who have found themselves the victims of hate crimes and the great necessity to pass the Hate Crimes Prevention Act as quickly as possible.

This evening I am joining with colleagues to speak out in support of efforts to restore Medicare cuts that have been too deep and have gone on too long, and we have an opportunity in this session before we leave to fix it, and we need to do that as quickly as possible.

The Balanced Budget Act of 1997 included numerous cuts to Medicare payments, to health care providers, and the original intent was to slow the growth of the costs of Medicare by cutting approximately $115 billion over 5 years. Recently the Congressional Budget Office has projected, however, that Medicare spending has been reduced by almost twice that amount. Clearly Congress went too far.

These are not simply numbers that we are talking about. These are people, these are families, these are doctors and nurses trying to provide care,

home health care providers, nursing homes that are trying to provide care, hospitals, teaching hospitals that are trying to make ends meet with cuts from the Federal Government that have gone too far.

Earlier this year 80 Members of the House joined me in sending a letter to the President asking him that as he put together his Medicare reform package that he not choose to cut Medicare further. I am very pleased that he heard our message and that in fact he did not choose to cut Medicare further but instead proposed restoring $7 billion worth of cuts. That is a good first step, but it is not enough for us to be able to truly solve the problem that faces our health care providers across the country.

Many of us have cosponsored numerous bills that seek to resolve specific problems that have arisen with the balanced budget agreement. Just this year I have cosponsored 10 bills myself that cover specific issues ranging from hospital outpatient prospective payment systems to the $1,500 cap placed on therapy services. My colleagues joining me tonight are deeply concerned and involved in this issue.

The sheer number of bills alone that have been introduced and cosponsored by people on both sides of the aisle should send a strong message to the leadership that we need to act now. Time is running out. For too many time has already run out, and shame on us if we do not act now.

Just today key members of the Committee on Ways and Means and the Finance Committee on the Senate side have introduced marks for legislation to mark up future bills. I am pleased that Senator DASCHLE has introduced a comprehensive bill that addresses a number of the issues we will speak to this evening.

Tonight is our opportunity to outline our priorities for what this legislation should address. Solving the balanced budget agreement concerns involves dollars, Federal dollars, but as I indicated earlier, we have seen more than twice the amount cut that is necessary for Medicare's portion of the balanced budget agreement, and we are now facing surpluses, we are debating surpluses over the next 10 years. For many of us, we have been fighting to put Social Security and Medicare first. We have an opportunity to do that, and an important part of putting Medicare first is to restore the cuts that have been made and provide an opportunity for people to receive the health care that they need and deserve.

□ 1845

Tonight we are going to talk about real pain that real people are suffering as a result of the deep cuts.

Let me take just a moment in each of the three major areas and then ask my colleagues to respond as well. Let me speak to Michigan. I have had an opportunity to travel across Michigan speaking to hospital providers, nursing homes, home health care providers. Michigan hospitals alone are expected to bear between $2.5 and $3 billion, not million, billion dollars in cuts as a result of the balanced budget agreement. That is a 10 percent cut in their Medicare reimbursements since 1997.

Now, to put that in perspective, 10 percent of the Medicare services to hospitals are providing in-patient care, persons staying overnight. We are talking about a 10 percent cut that could wipe out in-patient care in Michigan. Michigan is already suffering. Schoolcraft Memorial in Manistique, Michigan is suffering devastating losses of the VBA and they recently made the painful decision to close their maternity ward. Now, this is an area where now women are going to have to travel at least 50 miles, travel about an hour in order to deliver their babies. What if there is an emergency? What if that hour is too late?

I have talked with hospitals in Marquette, Michigan in the upper peninsula; in northern Michigan, in my hometown in Sparrow Hospital and the Medical Regional Center and down in the metropolitan area of southeastern Michigan, Detroit Medical Center, Henry Ford Health Systems. In fact, Henry Ford Health Systems located in Detroit announced recently just last week, in fact, that 1,000 employees not directly involved in patient care will be asked to voluntarily retire or will be laid off. One thousand employees, and we have discussions of hospitals, whole hospitals closing.

What is it that we need for our hospitals? We need to repeal the balanced budget agreement transfer provisions. I have cosponsored with colleagues H.R. 405 that would repeal the transfer provision. Currently, hospitals are not discharging patients to nursing homes because the paperwork and regulations are just too difficult. Secondly, we need to limit the reductions for outpatient care. This is a number one concern for hospitals, and I am pleased to have cosponsored H.R. 2241 that would limit reductions to outpatient care.

We need to limit reductions for in-patient care as well, and I am pleased to have cosponsored H.R. 2266 with the gentlewoman from New York (Mrs. LOWEY) that would increase payments to hospitals for in-patient care. We need to provide more support for our rural hospitals in communities like Manistique that are feeling the need to close their facilities for delivering babies.

We need to increase Medicare's commitment to graduate medical education. Our esteemed colleague and ranking member on the Committee on Ways and Means, the gentleman from New York (Mr. RANGEL) has recognized the importance of this issue and I am pleased to be cosponsoring legislation, H.R. 1785, that would stabilize payments to hospitals for the indirect costs associated with graduate medical education.

In the areas of nursing homes, the major feature of the balanced budget agreement that has impacted skilled nursing facilities was the implementation of the Medicare perspective payment system for in-patient services and the establishment of caps on therapy services. The impact of these provisions could range from decisions by nursing homes to no longer provide services that are not adequately reimbursed to limiting the amount of services that a patient can receive. The prospective payment system has dramatically changed the way skilled nursing facilities approach Medicare patient admissions.

Now, skilled nursing facilities require more information prior to a Medicare admission because they have to assess the overall costs and compare that to the costs of reimbursement that they are receiving, and too many times this is keeping our frailest and sickest patients out of our nursing facilities.

The other obstacle to care that nursing facilities are facing is the arbitrary cap of $1,500 for therapy services. The Balanced Budget Act created a $1,500 cap for physical and speech therapy together, and another $1,500 cap for occupational therapy. These caps are way too severe. They are not allowing patients to receive the services that they need. Once the beneficiary reaches the cap, the nursing facilities must seek payment from the patient or decide whether or not to continue care. Our nursing homes need to lift the arbitrary therapy cap, and we need to reduce the cuts from the prospective payment services.

Finally, an area that has been hit extremely hard by the balanced budget agreement cuts, and that is the area of home health care. The Balanced Budget Agreement was expected to cut Medicare spending on home health by $16 billion, but earlier this year when CBO reestimated the Medicare budget baseline, that number had more than doubled. Right now, we are seeing Medicare payments to home health agencies reduced by over $48 billion. Not $16 billion, $48 billion. This is $32 billion more than Congress intended, and this needs to be addressed now. These numbers can be overwhelming when we look at what this means for patients.

Mr. Speaker, 28 agencies have closed in Michigan. Twenty-eight agencies have closed in Michigan, and over 2,400 agencies have closed nationally or have stopped providing service. I remember, Mr. Speaker, being on the floor a year ago, a number of us, working on this issue of home health care, organizing a national rally to address home health care cuts, and at that time we said there were 1,200 agencies that had closed and that if nothing was done, we would see that double. We do not want to be right about that, but in fact, it has doubled. I do not want to be here a year from now saying it has doubled again and people have lost their services and that families have found themselves in horrible situations as a result

of trying to care for a loved one at home or, at the same time, finding themselves in a situation where someone needs to be placed back into the hospital or in a nursing home when they could, in fact, be at home or be with loved ones.

We have numerous examples, and I know my colleagues will speak to this as well.

What do our home health agencies need? We need to first eliminate the 15 percent cut that is currently scheduled for next year, October 2000. We need to establish a payment system to cover what are called outliers or the costliest and most expensive patients that are difficult right now for home health agencies to serve as a result of the cuts. We need to provide overpayment relief. We need to revise the per-visit limits to at least 108 percent of the medium which is simply right now just too low to cover the sickest and the frailest patients. And, we need to develop an equitable perspective payment system for home health.

We can achieve these goals. We can fix this problem. We have in front of us an opportunity. We are talking about budget surpluses for the next 10 years, not budget deficits. We have people that are not receiving health care in a country with the greatest health care systems available in the world, and yet too many are not able to receive them. We can fix this, and I am pleased tonight to be here with my colleagues that are going to share as well in their thoughts as they relate to how this affects their States.

Let me first call on the gentleman from Illinois (Mr. DAVIS) who has been one of the leaders as well on this question of restoring Medicare cuts. I am so pleased the gentleman is here this evening.

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentlewoman. Let me commend the gentlewoman for not only her leadership on this issue, but for the leadership that she has provided on a number of issues not only affecting your home State of Michigan, but actually affecting the lives of people all over America. I am indeed pleased and delighted to join with the gentlewoman tonight as we talk about this problem.

Mr. Speaker, the Balanced Budget Act of 1997 ushered in the largest cuts in Medicaid spending since 1981. Cuts estimated at $17 billion over five years, and $61.4 billion over 10 years. These cuts amount to and account for more than 9 percent of the supposed savings under the Balanced Budget Act. Two-thirds of the cuts in Medicaid are from reductions or limits on disproportionate share or additional reimbursements to hospitals. These are payments to hospitals serving a disproportionate share of low-income, Medicaid and uninsured patients. Ten-year cuts, $40.4 billion. Twenty percent of the reductions shift the cost of Medicaid deductibles and coinsurance while the very poor to physicians and other providers of care. Most of the remainder of the cuts come from the repeal of the Buyer amendment, requiring minimum payment guarantees for hospitals, nursing homes and community health centers. 10 years worth of cuts, $6.9 billion.

There were several other provisions which were particularly cruel. The phaseout of the health center cost reimbursement with 10-year cuts totaling $1.3 billion, and the counting of veterans' benefits as income with 10-year cuts totaling $200 million.

Mr. Speaker, as disastrous as these cuts are, they are not the end of the story, or even the worst of the story. The impact of the so-called Balanced Budget Amendment on Medicare has been even more staggering, and it is not an exaggeration to state that the long-term existence of Medicare is not guaranteed. The byzantine logic of the Balanced Budget Amendment extended the life of Medicare by slowing the rate of growth in Medicare's payments to providers and shifting some home health services out of Part A. But the Balanced Budget Amendment did nothing to fundamentally address the problem of insuring the health of future generations of seniors.

Medicare is based on the principle of spreading the risk for our seniors through a system of insurance funded through our tax system. Medicare has been one of the most successful Federal programs in our history. But now, Medicare faces new challenges, largely because we are living longer. By the year 2030, we expect that the number of beneficiaries will double, reaching a total of 76 million, or almost 20 percent of our population. This has raised questions about how will we continue to fund the program.

The Balanced Budget Amendment shortsightedly attempts to address the problem by saying that the government can no longer afford to pay for health care for our seniors. The implication is that our Nation can no longer afford health care for seniors and that they should be left to fend for themselves for that portion of health care no longer covered by Medicare.

Most Americans, though, reject such a notion. We reject the notion that the wealthiest Nation in the history of the world cannot take care of the health of its seniors. This is an affront to those who have worked all of their lives. It is also not based on fiscal reality. By undermining the concept of a universal insurance pool for all seniors, these cuts actually will increase the inequities and costs in the system. The so-called unrestricted fee-for-service plan which removed the cap on what providers are allowed to charge and the Kyl amendment, which would allow providers to contract directly for services outside Medicare are direct attacks on the concept of a common insurance pool.

□ 1900

While we debate the future of Medicare, and I would note that a one-half of 1 percent increase in the payroll tax would extend the Medicare program another generation to the year 2032, but we have turned away from real solutions and the impact of our hospitals is exploding like a bombshell.

The 5-year impact of the balanced budget amendment will amount to $2.7 billion. Large urban hospitals will absorb more than $2 billion of those cuts in the State of Illinois alone.

The State of Illinois has 20 congressional districts. Thus, each district accounts for 5 percent of Illinois' population. However, my district, the 7th District, will absorb $468 million of the Medicare cuts. That is 16.9 percent of all the cuts in the State. Over the next 5 years, in my district, hospitals will absorb cuts that are equivalent to more than 75 percent of their 1997 base year Medicare payments, and tertiary teaching hospitals will absorb more than a billion dollars in cuts over the 5-year period.

So, I would say to the gentlewoman from Michigan (Ms. STABENOW), this problem exists all over America and as we move towards finding a solution, the solutions that the gentlewoman has articulated, the legislation that she and others of us have cosponsored, provides a tremendous opportunity to move ahead and arrive at real solutions to these problems.

So, again, I commend the gentlewoman for the leadership that she has shown, for bringing us here this evening to discuss this issue, and I trust that America will follow the lead of the gentlewoman and help us find solutions to this very serious problem, and I thank the gentlewoman.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Illinois (Mr. DAVIS) for his comments. I know that his State of Illinois is not unlike Michigan and all of us across the country right now are having those conversations with our hospitals and our nursing homes and home health facilities, and most importantly with our families that are represented and served by those providers who want to serve them, who are quality facilities but are finding themselves in very difficult situations as a result of the Congress. We can change that. It is up to us and it is long overdue.

I would like now to call on another colleague of mine from Illinois. Illinois is filled with wonderful leadership and I am so pleased to have a Member who has come to this body in her first term and has become an instant leader on a number of issues, the gentlewoman from Illinois (Ms. SCHAKOWSKY), who is here with us this evening to speak as well.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from Michigan (Ms. STABENOW) for yielding me this time. I would like to thank the gentlewoman from Michigan for her tireless work on this important issue and for organizing this discussion tonight and also to associate myself with the comments of my colleague from Illinois.

Recently, I joined him some days ago, speaking out on the need to restore payments for hospitals, particularly those hospitals that serve a disproportionate number of uninsured and poorly insured patients, and those that train medical professionals.

Unless we act now, Illinois hospitals and hospitals across the country will have insufficient resources to provide the quality and timely care that our constituents deserve.

I also wanted to say that there was a recent report by George Washington University researchers Barbara Smith, Kathleen Maloy and Daniel Hawkins which provides a clear warning signal that home health services are also threatened by the cuts that the balanced budget amendment had. Three million acutely and chronically ill senior citizens and Medicare beneficiaries with disabilities are depending on home health care services.

Hospital stays are getting shorter. More and more Medicare patients are being sent home with ongoing medical needs. In many cases, home health services, if available and appropriate, are cost effective substitutes for hospital and nursing home care. Despite the overwhelming and growing need for quality home services, the George Washington University study demonstrates that the interim payment system required by the balanced budget amendment is having adverse impacts. Because of cost constraints, the majority of home health agencies have already changed their case mix. They are looking for patients with less complex and less expensive problems, and they are avoiding patients that have more complicated and more expensive needs. In other words, those people who are most in need of home health services are most at risk of losing them.

The study concluded that in reaction to patient cuts, home health services are cutting staff but not just the administrative staff but specialists, such as occupational and speech therapists and, again, quality care is being compromised. Those payment cuts are having a serious effect on patients, and they are also costly. Evidence is mounting that without adequate home care more Medicare patients are being readmitted to hospitals and nursing homes, adding to health care costs. Clearly, we need to act now to restore home health service payments to adequate levels.

Before I conclude, I want to talk a little bit about the effect of payment cuts on hospice care. Many of us have had the experience of caring for a loved one who is terminally ill. My beloved father, Irwin Danoff, lived with me and my husband until he died in 1997, and we were fortunate enough to have hospice care provided by the wonderful people at the Palliative Care Center of the North Shore.

At a time of great need, hospice provided medical care and medical devices but so much more; the comfort, the dignity, the support and the respect not only for him but for our family as well. Half a million patients a year depend on hospice care. Since 1982, when the benefit was initiated, millions of patients have been able to die in dignity and in comfort because of hospice. Unless we act now to provide for payments, patients and families may be unable to get the care and support they need.

The hospice rate per day is supposed to cover all the costs related to terminal illness, including physicians, oversight services, counseling, prescription drugs, home health aides. It allows hospice providers to provide coordinated care and keeps patients and families from having to deal with multiple providers, at such an extremely critical and emotionally draining time. I speak from experience.

The plain facts are that the hospice daily rate has not kept pace with the cost of providing the hospice service. We believe that terminally ill patients should receive pain medication and pain management, which is what my father needed, to make sure that their final days are not days of agony. In 1982, when the hospice benefit began, it assumed the drug cost would account for 3 percent of the daily rate. In today's dollars, that equals about $2.50 a day for pain medication, and that is just inadequate. In fact, on average the cost of providing drugs to hospice patients is between $12 and $14 a day. Some drugs may cost $36 a dose, like Duragesic, a pain relief drug, or Zofran, an effective anti-nausea drug. It costs $100 a day, but if a person needs it, they need it.

The resources are needed to make sure that with new technologies available to treat acute pain symptoms that those technologies actually get to those who need them. Not only does hospice make sense for patients, it makes sense for Medicare as a whole because it is such a cost effective way of providing care.

A 1995 Lewin study found, for example, that every dollar spent on hospice actually saves $1.52 in Medicare dollars that would otherwise be spent. I hope that we will act to provide adequate hospice payments. The first step would be to ensure that hospice providers receive their full Medicare update so that payments more accurately reflect actual costs. It is the compassionate thing to do. It is the medically appropriate thing to do. It is the right thing to do.

Again, I want to thank my colleague, the gentlewoman from Michigan (Ms. STABENOW), for organizing this discussion.

Ms. STABENOW. Mr. Speaker, I also thank the gentlewoman from Illinois (Ms. SCHAKOWSKY) for her comments. I am so pleased that she raised hospice. That is such an important service. In Michigan, I was pleased as a member of the State House of Representatives to help pass the law that we now have on the books in Michigan, and I know for my own family as well that hospice has been a very important service. When we look at all of these issues, it is the continuum of care we are talking about. Unfortunately, when we are not adequately funding one area it just moves over into the next. So we need to look at this comprehensively on behalf of families.

It is now my pleasure to turn to the gentleman from Massachusetts (Mr. MCGOVERN), who is a sponsor of H.R. 1917. The gentleman from Massachusetts (Mr. MCGOVERN) and I have been working together on this issue it seems like for a long time, too long, and I know that he is deeply involved and cares passionately about this, and I want to thank the gentleman for his leadership. He has been there since the beginning when we have been trying to resolve the issues, particularly around home health care. I want to thank the gentleman for his leadership.

Mr. MCGOVERN. Mr. Speaker, I appreciate those comments and I too want to commend the gentlewoman from Michigan (Ms. STABENOW) for her leadership and for her commitment on health care issues. I do not know anybody in this Congress who has fought harder for the rights of patients or for quality care for all more than she has. She really has done a great job not only for the people of Michigan but for the people of this country and I am really proud to be part of this special order tonight with her to talk about what we need to do to correct some of the imbalances in the Balanced Budget Act and how we can make sure the people get the quality health care that they deserve in this country.

Let me begin by saying that, in my opinion, Congress made a mistake back in 1997 when we passed the Balanced Budget Act. I voted against the Balanced Budget Act back then because I thought the cuts in Medicare were too deep, were too drastic, but I did not realize then and I do not think the most ardent supporters of the Balanced Budget Act realized then, that the cuts would be as deep or as drastic as they have turned out to be.

As has been pointed out, CBO has analyzed that the cuts are about $200 billion more than anticipated. That is a lot of money, even by today's standards. That means that hospitals and home health care agencies and other health services are being cut by $200 billion more than Congress even anticipated those cuts to be.

I think part of our job as legislators is to fix what is wrong. Even if we pass something that, with good intentions, if we look back on it and realize that mistakes were made we have to have the courage and we have to have the fortitude to fix it. I think this is one such case.

Now, there is not a person in this House who has not met with hospitals in their districts, who has not met with home health care agencies in their district or visiting nurse associations or people who run hospice centers or nurses or doctors or patients who have

not complained about these cuts in the Balanced Budget Act.

In my State of Massachusetts hospitals will lose $1.7 billion over 5 years. That is a pretty hefty amount of money. The bad news is that they have yet to face 90 percent of the cuts. The worst is yet to come.

I have hospitals in my district, teaching hospitals and community hospitals, that are very good, that really I think are models of efficiency, that provide good quality care to the people who utilize them. They are getting frustrated with the remarks that come out of Washington that they just need to trim the fat a little bit more and everything will be okay. Well, to those who say that hospitals need to trim more fat, I would invite them to my district to tour through some of the hospitals that are located in my district and they will realize that there is no more fat to trim.

In fact, what hospitals are cutting back on now are programs that benefit the elderly, that benefit children, that benefit the neediest people in our communities. What hospitals are doing now is they are cutting back on their nursing staff. I was recently visited by a CEO of one of my hospitals who told me he used to make it a practice over the years to visit the various floors in his hospitals and talk to the nurses and try to find out what he needed to do to make their jobs easier, what he needed to do to make the quality of care provided to patients better.

□ 1915

He says that recently because of the cutbacks when he goes by and tries to talk to the nurses, they do not have time to talk to them. They are so overwhelmed, they are so overburdened with the patients because they are so short staffed that they do not have the time to talk to him anymore.

What is happening is that the quality of care that this hospital and other hospitals used to provide to patients is suffering. Nurses are doing a great job. They are doing an incredible job. But in too many hospitals, in too many health care facilities, they are being overworked. That is happening because of what we have done in this Congress, and we need to fix it. Again, it is not just teaching hospitals, it is community hospitals. Hospitals all across the country are paying a price.

Now, we also have a problem with home health care agencies. As the gentlewoman from Michigan (Ms. STABENOW) pointed out, we have been working on this issue since 1997.

Home health care was a wonderful phenomena. It allows families to stay together. If a loved one is sick, in the old days, before home health care, one would end up having to put that loved one into a long-term nursing care facility, because one was just incapable of being able to care for that person at home.

Home health care agencies or visiting nurse associations across the country have arisen, and they have allowed families to stay together. They have done so in a way that I think is very cost efficient.

Now, because of the cutbacks in the balanced budget act, in Massachusetts, since 1997, over 20 agencies have closed. When an agency closes, that means that that person, who used to rely on that agency for home health care, has to try to find another agency to provide the home health care; and, oftentimes, they cannot do it.

Oftentimes, they may be the sickest of patients, and they can have a difficult time trying to find another agency who will want to pick them up. Therefore, they are then forced to deal with the reality that they have to go into a long-term nursing care facility.

To those who think we are saving money, the reality is we are not. It is a heck of a lot cheaper to provide somebody home health care every single day of the week than it is to force that person into a long-term nursing care facility.

So what we are doing here in Congress really is not controlling health care costs. What we are doing is actually inflating health care cost because the cost to care for these people is going to increase, not decrease.

I will say one other thing. If we do not fix this problem now, the governors of our States across this country are going to realize that Congress had just handed them a big unfunded mandate on their States, because when somebody goes into a long-term nursing care facility, that is funded mostly by Medicaid, and the States pay a large portion of that.

So when the governors of this country start to realize that their State budgets are going to have to take more and more of their resources and put it into Medicaid to pay for what is happening, and that is people going from homes into long-term nursing care facilities, we are going to see the switchboard up here on the Capitol light up, and justifiably so.

We should not be passing these costs on to the States. It is not fair. Every cost we pass on to the States means the States are going to have less money for education, less money for transportation, less money for the environment. It is simply wrong, and we need to do something about it.

I have introduced a bill, as the gentlewoman from Michigan pointed out, H.R. 1917, the Home Health Care Access Preservation Act, that would deal with providing coverage for the sickest patients, the so-called outliers, the patients that tend to be the most costly. We do not want those people to fall through the cracks.

This is a modest step to try to help deal with some of the adverse impacts of the Balanced Budget Act with regard to home health care. I hope that this Congress will act on it. We have over 100 cosponsors. It is a bipartisan list of cosponsors. We need to do something about that, and we need to do something now.

I will conclude here by simply posing a question as to whether or not we have the political will to fix this problem. We certainly have the resources. We certainly have the money. As the gentlewoman from Michigan pointed out, we are not dealing with deficits in 1999. We are dealing with surpluses.

The question is: What are our political priorities? Do we want to make sure that hospitals have necessary funding? Do we want to make sure that home health care agencies do not close? Do we want to make sure that hospices are adequately funded to make sure that health care facilities have the funds to be able to employ enough nurses and enough doctors?

If that is our priority, then we are going to act, and we are going to make sure that we have a budget that fixes some of the problems as a result of the Balanced Budget Act.

The other question is: Will the Republican leadership of this Congress allow us to fix some of the mistakes that were made in the Balanced Budget Act? Will they allow us to bring legislation to the floor? Will they allow us to have input on the budget so we can actually fix this problem? Or is it going to be business as usual? Are we going to let this thing just pass and more people will suffer as a result of it?

Make no mistake about it, if we do not fix this, we are going to see more and more hospitals close. When a hospital closes in the community, it is not easy for the people of that community. It is not easy just to go to the next hospital, because the next hospital may be several miles away.

When a home health care agency closes in an area, that means that people are going to lose their home health care and be forced with the difficult question as to whether or not to have to enter long-term nursing care.

When patients are denied care, when programs are closed, people suffer. I think that all of us in this Congress have heard loud and clear from our constituents all across this country about what the adverse impacts of this Balanced Budget Act have been. I think we have an obligation, we have a moral duty to fix it. We have an opportunity now to fix the inadequacies of the Balanced Budget Act. I hope that we do it.

I will be working and fighting alongside the gentlewoman from Michigan (Ms. STABENOW) who I know will be out there leading the fight, as she always has, to make sure that people get the quality care that they deserve. I again just want to thank her for all the wonderful work that she has done. Again, I meant it when I said it in the beginning, that I do not know of anybody in this Congress who has fought longer and harder for good quality health care for people than she has. I am proud to be here with her today.

Ms. STABENOW. Mr. Speaker, I thank the gentleman from Massachusetts. He is absolutely correct. This is a question of priorities. This is about

our deciding what the priorities for the country are.

I remember a few months ago when colleagues in this House and Senate in the majority felt that the priority was a tax cut, a tax cut that was geared to the top 1 percent wealthiest individuals in the country, and they were able to pass a tax cut that took basically all of the on-budget surplus, almost $800 billion, much more than we are talking about here.

We are talking about less than a tenth of that, few percentage points of that to help with Medicare so that people have health care that they need when they need it. So the priority was to do that. The President said no. He vetoed that.

We now have an opportunity to come back and do what I know the gentleman from Massachusetts (Mr. MCGOVERN) and I have been saying all along, which is put Social Security and Medicare first. The first step with Medicare is to restore the cuts. We have to do that so that we can then go on to strengthen it.

I often think about the fact that, in my mind, Social Security and Medicare are great American success stories. Prior to Social Security, half of the American seniors were in poverty. Today, it is less than 11 percent. Prior to Medicare being enacted in 1965, half the seniors could not purchase insurance, could not get health insurance.

Today one of the great things about our country is that, if one is 65 years of age, one knows, or if one is disabled, one knows that one is able to have basic health care provided to one in this country. This is something we should be proud of. I do not understand why it is now, when we are faced with the opportunity to decide what our American priorities are for the next 10 years, why we are fighting with the majority to restore what everyone agrees were cuts that went too far.

Mr. MCGOVERN. Mr. Speaker, I just want to echo what the gentlewoman from Michigan has just said. When I go around to my district, what people are talking about is, not tax cuts for the wealthy, but they are talking about good quality health care for all. They are talking about expanding Medicare, which I have yet to find anybody who thinks that Medicare is a bad idea. Everybody in my district thinks it is a great idea. It is one of the most successful social programs in the history of this country. They want to expand Medicare to provide a prescription drug benefit. They would rather have a prescription drug benefit than see Donald Trump get a tax cut.

Those are the choices we are faced with right now. We have a surplus, as the gentlewoman pointed out. The resources are there. Are we going to take that surplus, invest it in Social Security, invest it in Medicare, make sure that hospitals have the funding that they need, make sure that we have enough nurses and doctors, make sure that our home health care agencies can stay strong, make sure that there is a prescription drug benefit for all Medicare eligible senior citizens? Are we going to do that, or are we going to blow this opportunity?

We have a moment in our history where, because of a good economy, we have this surplus. If we cannot fix these problems now, if we cannot extend some of these benefits now, then when will we be able to do it?

Ms. STABENOW. Mr. Speaker, I totally agree. I would much rather be here, as I know the gentleman from Massachusetts would, talking about how we modernize Medicare with the prescription drug coverage than to say that we are here having to talk about restoration of cuts or hospitals closing, literally closing.

I do not think there is yet a total understanding of the depth of the cuts and the suffering and the struggle that is going on today; whole hospitals closing or maternity wards closing or home health agencies.

A wonderful agency that I have worked with in Brighton, Michigan, the first time I visited there, it was two floors with nurses, home health providers on two floors that were serving people in Livingston County. I went back after the BBA was enacted. It is now one floor. The other floor is totally empty.

What does that mean? That means those home health nurses, those individuals that were providing care to people in their homes are no longer available there to do that. It also means job loss. We are talking about supporting small business.

When a hospital closes, when Henry Ford Health Systems has to lay off or early retire 1,000 people, those people are caring for their families. We are not just talking about the care, we are talking about jobs, incomes, the ability of people to care for their own families. So this is serious.

My concern is that we have a very short window of opportunity now to fix this, 3 weeks, 4 weeks possibly, certainly just a matter of weeks. We know there are bills that have been introduced. There are people that are talking about the issue. We need to get beyond the talk. The gentleman from Massachusetts and I have been talking about this for a long time. It is now time to do something about it.

Mr. MCGOVERN. Absolutely. Mr. Speaker, one thing I hope that we do in this Congress is, not simply pass sense of Congress resolutions to say that we feel your pain, I hope we pass legislation that has some teeth in it, that actually puts some of the money back into hospitals and health care in this country.

People are suffering all over this country because of these cuts. And we have an obligation in this Congress to fix the problem and to take some of these resources that have been generated by a strong economy, that have produced this surplus, and put it back into health care to make sure that people have the very best health care in the world.

I mean, this is the United States. We have the finest health care technology, the best doctors, the best nurses, the best facilities in the world. The problem is that a lot of people cannot take advantage of them because they do not have the resources or the money to do so.

The gentlewoman from Michigan has heard from her constituents. I have heard from my constituents. People come into my office because their loved one has just lost their home health care or because their HMO will not reimburse a particular service that they had done because they are being told because Medicare reimbursements or because of caps on therapy, because of programs that hospitals have that are being cut off.

I mean, it is painful to watch as people come into our office and tell us these sad stories. But what is more frustrating than listening to these stories is the fact of knowing that we have the ability to fix this, and so far we have not done it.

I think we just need to keep the pressure on, and I hope that the people who are watching will keep the pressure on, because we have an opportunity to, right now. This budget deal should not go through unless there are some real fixes in there for hospitals. We are going to do a weekend here to fight the good fight.

I again thank the gentlewoman for this special order and for all of her great efforts.

Ms. STABENOW. Mr. Speaker, let me just say in conclusion as well, I again thank the gentleman from Massachusetts (Mr. MCGOVERN). I thank my other colleagues. To those that are having the opportunity to listen this evening, I would hope that they would pick up the phone and call their Representative, call their Senator, be involved, e-mail, mailings, whatever means they have of communicating. Now is the time to do that.

□ 1930

We do have the best health care system in the world. But right now we are in a situation where we are jeopardizing people's health, people's quality of life, and in many cases, unfortunately, their lives. And it is not necessary. This is fixable. We can do something about it. Medicare works. It is a great American success story. We need to make sure we keep it that way.

FEDERAL GOVERNMENT BALANCES BUDGET WITHOUT DIPPING INTO SOCIAL SECURITY

The SPEAKER pro tempore (Mr. COOKSEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHAFFER. Mr. Speaker, this evening I will lead a special order on behalf of the leadership of the majority party. Our focus tonight is to talk

about a number of remarkable events that have occurred today, not the least of which was the announcement that the Federal Government has in fact balanced its budget for 1999 and it appears to have done so without dipping into Social Security at all.

This is a long-standing goal of the Republican party and one goal to which we are exceedingly proud to represent.

But before I get into that subject, I want to yield the floor to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding. I do plan to participate in part of his discussion. But before we get into that, I just wanted to respond to the comments of the previous speakers on the issue that was being discussed and just give some additional comments.

Today, the gentleman from California (Mr. THOMAS) had a press conference at which he announced the development of a bill dealing with the Medicare issue and which the amount of money to be appropriated as well as administrative actions we are requesting be taken from the President will resolve the problem and will deal with all the issues and problems that were mentioned by the preceding two speakers.

I also want to clarify, as Paul Harvey says, to give the whole story; and that is that many of the points that they were belaboring the Republican party for are in fact a direct result of the actions of the President and of his employees, particularly those at the Health Care Financing Administration. They have cut far more deeply than the legislation the Republicans got through asked them to do.

As a result of that, the home health care agencies are severely in trouble, the rural hospitals and skilled nursing units are also in trouble, and even the major city hospitals are in trouble.

The other factor that should be mentioned is that the President, who does have the responsibility for this and who has criticized us for not acting on this, has not come to the Congress with any suggestions of how to deal with it and has not initiated any actions as a result of the problem, although much of it he could do administratively through requests directed to the Health Care Financing Administration.

So there is more to the story than was explained in the last 60 minutes, and I just want to make sure everyone in the House and in the Congress, as well as in our Nation, is aware of the fact. It is a broader story. The President has not acted as we think he should have.

Furthermore, the Health Care Financing Administration has cut more severely than the Congress intended; and Congress has taken action and will conduct a hearing on that, in fact, and final action on the bill in committee this week to ensure that the additional funds will be allocated for hospitals, skilled nursing units, and for home health care. We hope this will go a long way toward resolving the problem.

Mr. SCHAFFER. Mr. Speaker, reclaiming my time, I look forward to the return of the gentleman to continue discussing some additional topics.

Again, I want to go back to the news that was revealed here in Washington today. In fact, I brought with me a copy of the New York Times. This is an article that my colleagues would find if they ventured back to page 18–A. It is kind of remarkable, I point that out, because this is a landmark announcement and many in the media are hoping that this kind of news remains buried in the back of newspapers.

In fact, if my colleagues look this up on the New York Times website, they find it even deeper into the paper. But I wanted to bring it on the floor today and magnify the impact of the article to show the impact and how big this really is.

Yesterday, the Congressional Budget Office announced that the Government may have balanced the budget in fiscal year 1999 without spending Social Security money.

Now, that is a remarkable accomplishment. There still remains some additional accounting that needs to come forward as we shore up those numbers. But as of yesterday, it appears that we balanced the budget in 1999 without dipping into the Social Security Trust Fund.

Now, I just cannot overstate at all the magnitude of this announcement and how important this is. When the Republicans took over the United States Congress back in 1994, they pledged to balance the budget by the year 2002; and that seemed at the time to be a reasonable time frame to get to the point of balancing the budget. It was misrepresented by many.

In fact, if my colleagues remember some of the rhetoric coming out the White House and from some of our friends on the left side of the aisle, they claim that balancing the budget would represent some kind of undue hardship on the American people, that balancing the budget entails drastic and dramatic cuts in Federal programs.

If my colleagues remember, they talked about the notion that we would see seniors out on the streets and we would see children who would be denied meals and things of that sort and opportunity for education. But balancing the budget really did not entail dramatic cuts in spending. It did entail reductions in the overall growth of Federal spending over a certain time frame, and we did that to the extent that we allowed the American economy to catch up with Washington's spending habits by changing the appetite in Congress to spend and spend and spend and to reform the attitude that used to be very prevalent here to one of frugality.

We allowed the American people to catch up with the spending in Washington, and it resulted in a balanced budget not on target for the year 2002 but a full 4 years ahead of schedule and in fact in 1999 balanced without dipping into the Social Security revenues. Again, a remarkable success.

I will tell my colleagues how remarkable it really is. If we look at what Congress projected back in January of 1995, here is where we saw the Social Security deficit projections at that point in time.

In 1995, we expected that in 1999 we may be seeing a $90-billion deficit in Social Security projections for this year for 1999. We beat those odds. We, in fact, managed not only to balance the budget but to exercise the kind of regulatory restraint and concern for tax relief that really stimulated economic growth throughout the country that allowed the American people to beat those numbers, to beat those progressions from back there in 1995, to do it in a way that allowed us to balance the budget in 1999, without dipping into Social Security.

Once again, the article that we find in the New York Times and elsewhere around the country this morning is one that I really hope the American people have an opportunity to evaluate and to consider. Because what this article tells us, Mr. Speaker, is that we are far ahead of schedule, we are far further along at this point in time than the American people ever gave us credit for when we took over the Congress.

This is an example of the Congress under promising and over delivering. And I just cannot help but to remind the House one more time that that promise that I described as under promising was made back in 1994 to balance the budget by 2002 at the time seemed like it was insurmountable.

In fact, there is a quote in the article from an individual named Robert Reischauer. He is the Director of the Budget Office or was from 1989 to 1995. Listen to what he says. He says, ''If any budget expert told you in 1997 that we would have balanced the budget in 1999, that person would have been committed to an asylum.''

Now, that is said with tongue in cheek certainly, but I think it shows the drama of how Washington has just been rocked by this particular announcement and decision.

We have moved forward with a plan to try to stop the President's raid on Social Security. The President proposed when he stood here at the rostrum just at the beginning of the year to deliver a State of the Union address and laid out a plan to once again dip into the Social Security revenues to balance the budget for this year. He moved forward on his plan and his party's plan to move forward to a balanced budget, again dipping into the Social Security program in order to accomplish that.

Well, the Congress has a very different message for the President, and that is we do not need to dip into the Social Security Trust Fund any longer. We should stop the White House raid

on the Social Security Trust Fund and we should move forward on a better plan to allow Congress to balance the budget and live within its means without robbing the security of current retirees and future generations.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. EHLERS) who has returned and joined us again.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding. I would like to make a few additional points.

First all, we talked in the past year about the tax cuts and the need to give money back to our citizens if we have a surplus. But let me point out to my colleagues how the citizens of our country are getting more money back than we could give them through a tax cut.

Now, how could that possibly be? The point is simple. When I came here in late 1993, early 1994, we were running at an annual deficit of over $300 billion per year. We were going in the hole that much every year, using every penny I might add of the Social Security surplus. And then in the space of a short time, 5 years, we have changed that. And instead of a $300-billion deficit way done here, we are now up to over a $100-billion surplus. This is a $400-billion difference.

Now, why does this help the people? It helps them in a lot of ways. First of all, we do not have as much interest to pay as we would have otherwise. But more directly, every economist I have talked to says, because we are not out there as a Government borrowing these huge amounts of money, the interest rates will go down and their estimate is the interest rate has dropped between one percent and two percent simply because we have balanced the budget and we have a surplus instead of the deficit.

Now, how does that affect the average citizen? Just think about that for a moment. If the interest rates, just averaging the numbers they have given, is about 1½ percent lower, and recognizing that the average American home is worth $100,000 and so people have gone on to get a mortgage of roughly that amount for their first home on a $100,000 mortgage, a 1½ percent difference in interest rates means they are saving $1,500 per family, just on the mortgage every year, they are saving $1,500 a year because they have a lower interest rate on their mortgage.

That is astounding. That is bigger than any tax cut we talked about giving them, even though we had proposed a very healthy tax cut in the Republican tax cut proposal. But we actually have given them more money back already just by balancing the budget and having a surplus because it has affected the economy. And this applies to purchases of cars, credit card debt, anything of that sort.

So the average American is saving a lot of money just because we have balanced the budget, and that is very important to remember.

The other point I would make about the comment from the gentleman from Colorado (Mr. SCHAFFER), and he has hit it right on the nose, once again, it amuses me, a couple of months ago we were being wrongly criticized by the folks on other side of the aisle that Republicans were raiding Social Security of all things. How could we do that? That was terrible. And even my Republican colleagues are starting to feel bad about this. Are we really doing that? We must not do that.

So I got up and spoke at the Republican Conference a few weeks ago and said, hey, folks, remember, we may possibly dip into the Social Security reserve just a little bit yet this year and not do it next year, but I do not think we will even have to do that. But remember that the last several years the Democrats have not just dipped into it, they have run off with the whole pot. They have spent every single cent of the Social Security reserve for the past few years.

Now, that is intolerable and it certainly means that they cannot criticize us for any actions we take in that regard this year but, rather, should thank us and congratulate us because we are determined not to touch this Social Security surplus, which is generated because people are paying more into Social Security than is currently be being taken out. And that money has to be saved for the future when the current people paying it in will retire and need their money back.

Mr. SCHAFFER. Mr. Speaker, this Congress has not balanced the budget without dipping into Social Security since 1960. We have to go back almost 40 years to find a schedule when the Congress acted in a way that honored and respected the full intent of Social Security and did not use the trust fund as some kind of a slush fund.

□ 1945

You have to go back quite a long ways. In the ensuing 40 years that the other party, the Democrat Party has run this Congress, their record and legacy to the American people has been a perpetual use and abuse of the Social Security trust fund by year after year after year dipping into that trust fund in order to pay for the wants and desires of people here in Washington, D.C. It is a great day when we are able to turn the tables, turn things around and go back to the ways the Congress used to run the budget, and, that is, to pay for the things that government wants to spend with the dollars that are on hand today and not borrow and raid the Social Security trust fund.

Mr. EHLERS. Just a brief comment on that, and a slight correction, but the correction is to make a point. There were several years in the late 1970s when Congress did not take anything out of the Social Security surplus. The reason for that is that there was no Social Security surplus. So what did they do? They still overspent but added it to the national debt. If you wonder why we have an almost $6 trillion national debt at this point, you can recognize what happened in those years. You just look to it, and see that they just kept the spending on and added it to the national debt. I do not want to imply that you are wrong in any way, but the point is simply they could not take any in those few years because there was not any. It was about 6 years longer.

Mr. SCHAFFER. I appreciate the gentleman making that correction.

I yield to the gentleman from Montana.

Mr. HILL of Montana. I thank the gentleman from Colorado for yielding. I just want to reiterate the point that for 40 years when the other party controlled the House of Representatives, not one penny was set aside for the future of Social Security. When there were surpluses, they were spent. Obviously one of the reasons that there were increases in Social Security taxes is because the surpluses were spent and eventually went into deficit which incidentally is what the problem is. One of the problems that we are facing is that sometime around 2014, 2015, there are not going to be Social Security surpluses again. The account will go into deficit. That is, the taxes going in will not be enough to pay the benefits going out. If we do not set aside the surpluses now, those extra dollars that are being paid in, the excess Social Security taxes, if we do not lock them away now for that purpose, then we are going to be faced with the kind of choices which were faced in the early 1980s which are massive tax increases or cut in benefits. In fact, what the trustees of Social Security say is that it is going to be a 25 percent reduction in benefits or a one-third increase in the taxes in order to keep it solvent. That is why maintaining the discipline that got us to this point is so important.

I just want to point out a couple of things that I think kind of have been forgotten, I think many of my colleagues have forgotten, because it is a whole host of policies that were implemented with the new majority. When the new majority, when Republicans took over the House, let me remind you where we were. We had skyrocketing debt. Medicare was on the verge of bankruptcy. Social Security was facing bankruptcy. We were swimming in red ink. We had a record tax increase. If you recall in 1993, President Clinton and Democrats passed the largest tax increase in the history of the country. So when Republicans got elected to Congress, what did we do? We said, ''First of all, we have got to reform government.'' We said, ''Let's reform welfare.'' That helps us two ways. One, it can reduce the burden on the budget, but the other thing is that when people are working and paying taxes, they are adding to the equation rather than taking from the equation. We said, ''Let's shift power to the States,'' give States the authority to run programs more efficiently and use

that money better to get more done. We did that. We said we would balance the budget. How would we do that? We said rather than balancing the budget the way the President proposed, by raising taxes, we were going to do it by constraining spending. And, in fact, we eventually lowered taxes.

And so we saved Medicare from insolvency. People forget that just 3 years ago, we were facing the insolvency of Medicare this year or next year. Now it appears as though Medicare is going to be solvent well into the next century, sometime around 2015, without any changes, and certainly we can make changes to extend that further. It makes me breathless to think of how much we have accomplished in 3 years or 4 years of a Republican Congress. But there is more to do. If we are really going to save Social Security, if we are going to make changes to Medicare that we know that need to be made, we have got to maintain the spending discipline.

If you think about it, and I thought about this, on every single appropriation bill that we passed, the leading Democrat on the Committee on Appropriations has come to the floor and he has made the following statement: ''This is a great bill; it just doesn't spend enough money.'' The problem is that we have spent all the money that there is, all the surplus there is except Social Security. If we are going to spend anything more than what we propose to spend, it is going to start the raid on Social Security again. That is where we have to maintain the discipline. We have to maintain the discipline on the rate of growth of spending if we are going to maintain this balanced budget and if we are going to save Social Security for the long term.

Mr. SCHAFFER. The Democrats on the other side of the aisle like to accuse Republicans, particularly in this Congress have engaged in what they call a do-nothing Congress. I guess if you evaluate progress in Washington based on their standards, we may be guilty of that because their standards involve creating new programs, building new government regulatory structures, manipulating a tax code which usually results in taking more money from the American people and bringing it here to Washington. I am not making this up. They have a 40-year record of coming to this floor and solving every problem in America by creating new programs, new government, new bureaucratic structure, new rules, new regulations, new laws, new taxes, new ways to spend it. That seemed like real progress to them. The result is trillions of dollars in debt and overexpenditures.

So while we have been accused of being a do-nothing Congress, I think the record is quite the opposite and now we are starting to see the fruits of that quiet, behind-the-scenes labor that we have been involved in day after day after day. The results are we got government out of the way in many areas where business is concerned and job creation and wealth creation and economic growth, we lowered the tax burden on the American people, we allowed the American people through the power and economic strength of a free market capitalistic system that the United States represents to create more wealth in America, to catch up with Washington, D.C., to surpass where we were in 1999 in spending to allow us to begin to pay down the debt quicker, to allow us to focus on tax relief that will enable us ultimately to stimulate economic growth even further, to put more Americans back to work by reforming the welfare system and creating more jobs, to create a stronger and more vibrant education system throughout the country, to establish as a top priority defending our Nation through a strong national defense system.

Americans frankly have to look hard to find these kinds of articles, because the White House and the President's allies in the national media like to put these great big stories on page A–18 as we can see right here in the New York Times. You have to flip a few pages before you find a landmark announcement like this that the ''Budget Balances Without Customary Raid on Social Security.'' Look at the headline right there. How many years have we been working for this very goal and President after President after President stood right up there at that podium, speaker after speaker has come down to these microphones in the well, party after party have all stated this as a primary goal, only one party has managed to accomplish that, it is the Republican Party and we managed to do that within the last 6 years that we have been running the Congress.

This is truly a big announcement. Doing something in Washington sometimes means stopping the bad ideas that emanate from the other end of Pennsylvania Avenue. As I stated earlier, the Clinton-Gore spending proposals entailed raiding the Social Security trust fund this year to the tune of about $32 billion. That is equivalent to the yearly Social Security income for one out of every 10 seniors. Let me restate the number again. The Clinton-Gore plan proposed to raid the Social Security trust fund by $32 billion this year. That is equivalent to a 10 percent cut in every senior's Social Security check. By raiding the Social Security trust fund as the Clinton-Gore plan entailed to the tune of $32 billion, their plan was equivalent to every senior citizen not receiving a Social Security check for the entire month of July. We accomplish something big by stopping those ridiculous plans that come out of the White House. It allows seniors to have a more comfortable retirement and enjoy their golden years, it allows for economic growth, to put more people back to work, it allows for Americans to afford more education for their children and for themselves when it comes to higher education.

Before I yield again to the gentleman from Michigan, let me just make one more distinction between what they consider progress on the Democrat side and what we consider progress. Their idea of promoting education opportunity in the United States of America is taking tax dollars from the American people, confiscating those tax dollars, requiring them to be sent here to Washington, D.C. so that politicians can redistribute that wealth to the American people in general or to different political projects and so on, but at times to government schools. That is a fine thing. There is a legitimate cause for the Federal Government to appropriate dollars for education. I do not dispute that at all. But we can do even more. By balancing our budget, by being fiscally responsible here in Washington, D.C., that allows the American people to be full participants in an academic marketplace, picking and choosing the kinds of academic settings that make the most sense for them, picking the kinds of programs that will most directly allow them to enter into the workforce, whether that be through a traditional liberal arts education or one that is involved in technical training of various sorts. That is the point that the gentleman from Michigan has really led this Congress on. I yield to the gentleman on that note.

Mr. EHLERS. I thank the gentleman from Colorado for yielding. Let me just make a couple of final comments on Social Security and then I will say something about education.

I happened to pick up this morning a sheet from the Committee on Appropriations' office because I was interested in digging out these numbers. The chairman of the Committee on Appropriations had managed to get this out last week. In terms of the money taken from the Social Security trust fund to help balance the budget, if you go back to 1960 as you mentioned earlier, the problem starts then but the amounts are fairly small. Nothing in 1960, $431 million in 1961, then really low again, then up to $600 million, but very modest amounts, until 1967. What happened in 1967? President Lyndon Johnson, with the unfortunate agreement of the Congress, combined all the money in the Federal budget into what is called the unified budget. Now, that sounds nice but I have to tell you, I was angered back then. I was not involved in politics at all. I never dreamed I would be involved in politics. But I thought that was voodoo economics, to coin a phrase, that they were cheating, because they were taking all the funds, the gas tax trust fund that people pay to get roads built, the aviation trust fund, the Social Security trust fund, Medicare trust fund, combined it all into one. And then look at the figures of what happened after that. Immediately, that year, almost $4 billion, the highest amount that had ever been taken out of the Social Security trust fund. And it continues to be high, partly to cover the cost of the Vietnam War. Then it dropped down in 1976 to zero. Why? Because there was

no surplus left in the Social Security fund. And then in 1984, 1983 and 1984, we revamped the Social Security tax and really increased it. It is now for many people, the lower income people, the highest tax they pay, for Social Security. So there is a fresh influx of money. And immediately the Federal Government began using that money once again to cover the deficits. It goes up, it starts modestly again, $212 million, before long it is up to $58 billion, then continues all the way up to $60 billion in 1995 and so forth, until we finally got in office and started chopping it down.

Now, the other point I would like to comment on is the one made by the gentleman from Montana (Mr. HILL), about this is not the end-all just because we balanced the budget. We have to make up for all that money that was taken out and basically is added to our national debt. We have to begin paying back the national debt to correct the problems we have had ever since President Johnson went in the other direction in 1967. I am very pleased that last year we got the gas tax trust fund off-budget, so now when people pay their fuel tax, it actually goes into roads, bridges, highways and all the things that it was supposed to go into instead of being used for other purposes. This year, we are trying to get the aviation gas tax off-budget so the ticket tax that people pay when they travel will be used for better airports, runways and so forth. I hope someday personally that we can get the Social Security trust fund off-budget so we cannot even tinker with it and take that money out of there. That is a long-term goal.

Now to shift gears a little bit and make some introductory comments about education. What should we do for education in this country from the Federal level? Here it is quite different from the previous topic we discussed. We have been criticizing the Democrats for a long time on their fiscal management, but I will commend them, just as I commended the Republicans, on their desire to improve education in the United States. I think that desire is shared throughout this entire Chamber.

□ 2000

But there is a basic difference in philosophy, and I think it is very important to highlight that. The approach of the other party is to have a Washington down program; in other words, it starts here, we think of the ideas, we do the work here, and we filter all that down, and in the process we lose a lot of money.

We can tell endless stories, and you may hear some of those later from my colleagues about the money that is wasted in that.

The Republican philosophy is, first of all, that the Federal Government has a limited role in K–12 education. That is not the job of the Federal Government to dictate how the schools should operate; it is our job to try to help them in ways that they determine are best, and so that we should serve as a resource for the local and State governments as they attempt to run our schools and that our program should make sense. Furthermore, it is our philosophy that the Federal money should go directly down to the local schools where it will do some good.

Right now, current estimate I am aware of is that only about 65 percent of the education dollars from Washington actually get down to the classroom. Thirty-five percent is lost in administration and other parts of the bureaucracy. Our goal, by virtue of a resolution we passed just yesterday, is to get 95 percent of the Federal money right down in the classrooms where it will do some good.

Also, it is not the Republican philosophy to mandate precisely how that money is to be used. Just compare, for example, President Clinton's proposal to provide 100,000 new teachers. Now that is a noble gesture, but what would be accomplished? Governor Wilson in California tried to do exactly the same thing, and he found out that in fact the result was not what he had expected. Adding teachers to the California system, reducing class size, did not help. If you look at the students' scores, they really did not change. Why not? Because there are not enough qualified teachers available in California or, in fact, in the United States, and so they proceed to hire 100,000, or I forget precise number; they hired a large number of new teachers, most of whom are not qualified, and there was no net improvement in the schools.

Rather than taking a Federal approach that says we will help you hire 100,000 new teachers, a far better approach is to say we want to hear from you at the local level what you could do to improve education in the schools and to work with them, and that has been the emphasis in the Committee on Education and the Workforce of which I am a member. And we have just passed out major legislation today, two different bills which will help the schools, but give them much greater flexibility than they have had in the past and reduce the amount of money spent at the Federal level trying to evaluate programs, telling them what to do and saying: You do it our way or the highway.

So I think it is very important to recognize the distinction in philosophy. The people of this Nation can pick and choose which philosophy they want, but I happen to think just from my years in education; I spent 22 years teaching. As far as my money is concerned that I send to the Federal Government, Mr. Speaker, I would rather have it come back to the local schools and the teachers where they know how to use it and can use it well.

Something else the Federal Government can help in tremendously is that we have to recruit and train and keep good teachers. Over the next decade we are going to lose 2 million teachers in the schools. There is going to be a great shortage, and that is something the Federal Government can help with through various scholarship programs to make sure that we get the best possible teachers, we train them the best possible way and we make sure we keep them and that they do not go off to other jobs.

Mr. SCHAFFER. Mr. Speaker, I would like to yield back for a couple of questions perhaps and just some observations.

Your expertise is in science, is in physics, and, you know, the third international math and science study was released, I think about a year ago, showing that there is something to be concerned about in the United States where our graduates are concerned and their competitive rating compared to the rest of the world. Our results were not quite nationally where we would like to see them, but to contrast that we see pockets throughout the United States where school districts and specific schools are doing remarkably well and where our students are, in fact, the best in the world. But trying to allow for a system to occur where children anywhere at the K–12 level, or even at the higher ed level, have access to good professors and good school teachers that get the basics of math and science at the very early ages and are able to cultivate those skills into marketable and competitive skills as they grow is the real challenge for the country.

And you are right. There seems to be an attitude by some in Washington, typically on the Democrat side of the aisle, that suggest that we here in Washington can magically come up with the answers, spend a little money, create a few new rules, and we will resolve that issue. But I think that our answer is right, that the strength really does lie out there in the States. They may need the resources and support of the Federal Government, but they do not need us to take over, and I yield to the gentleman to comment on that point.

Mr. EHLERS. Mr. Speaker, I will be pleased to comment on that. You have touched on something that means a lot to me and I pursued a long time.

For those who are not aware, I just mentioned that I happen to be a physicist, I have a doctorate in nuclear physics, and never in my life intended to get into politics, enjoyed teaching and research, but here I am.

I was given an assignment by the previous Speaker of the House to work on improving our Nation's science policy and improving math and science education, and I am continuing this year under the direction of Speaker HASTERT and the Chairman of the Committee on Science, the gentleman from Wisconsin (Mr. SENSENBRENNER) both of whom have a deep interest in this and have given a lot of help and support.

And you are quite right. The third international science and mathematics

study which compared students from our high schools with students from high schools across the country really, I think, shamed us in the sense that our students came out near the bottom. They were at the bottom in physics, they were barely above the bottom in mathematics, and overall there were only two nations below us in the rankings of knowledge of math and science in high school.

Mr. SCHAFFER. If I remember right, it was Cyprus and South Africa.

Mr. EHLERS. Yes, in the overall rating, and we were behind Slovenia and a lot of other nations. This was all developed nations of course.

It was a real shock, but there are other factors.

Just recently our science Olympiad students went to compete on an international level, and they were bright students. I met with them, and they were very capable. But once again we did not win the international championship, and it was certainly not the fault of the students. It is just that we have to do a better job throughout our educational system of educating and preparing.

Now there are several reasons for that. Number one, of course, is to produce good scientists and engineers, and that is very important in this technological age because, as my colleagues know and have heard repeatedly here, over one half of our economic growth today comes from science and technology, and if we do not train the people, we are going to lose that to other nations. We already are losing some and have to Japan which spends more on this, on scientific research and training, than we do, a greater percentage of their gross domestic product, and also Germany does the same, and, believe it or not, South Korea is almost overtaking us. So we have to watch this very carefully and do a better job.

But there are other reasons why we have to do a better job in math and science education, and that is I am personally convinced that within 20 years you will not be able to get a decent job in America without some good understanding of science and technology. It even happens in my office here, and you would not think a congressional office would be that way.

But I have told my employees; I said, just imagine, suppose you had worked here 20 years ago, and you fell into a Rip Van Winkle sleep, and you just woke up this morning and came to work here. Would you know what to do? And everyone of them said, no, they would not have the slightest idea because they could not even operate the telephones because telephones are basically computerized today. They obviously could not operate the computer, so they could not get letters out, and they could not handle mail and so forth.

And you just go right down the line, so many things we do. If I asked them to find out what is in a particular bill, they would not know how to get on the Internet or the Intranet and look it up. We work much more efficiently in the Congress today because of our computerization, but it takes knowledge and skill, and the more that they learn in the school, the less they have to be trained when they get a job.

That relates to another issue of what I call workplace readiness. We are spending a huge amount of money in this country, individual companies are spending that, training their employees to be able to do their work when they hire them, and we certainly have to do a better job of preparing them for the workplace.

Third major reason for improving math and science education is just better educated citizens and voters. We deal with a lot of complex scientific issues here. How are the voters going to be able to judge us and judge the issues if they do not have some background in it?

And similarly in the marketplace, as consumers; how are they going to be able to judge individual products when they evaluate the claims? As my colleagues know, are these claims, too, or are they not, particularly when you get to health supplements, or health care or issues like that. It is very complex, and we certainly need to do a better job of training them.

Now how can we do that? Again, I mentioned earlier trying to find, train and keep better teachers. But there is more to it than that. There are a lot of teachers out there who did not receive adequate training. We should not talk in terms of they cannot do their job, is that not terrible? We should say, hey, they were trained in a different era.

Our job in the government is to try to offer retraining, and that is why I have been a very strong advocate of what is called professional development, helping teachers who are out there, doing a good job but suffering because they have not had the proper training and they do not generally have the best textbook because there are not really good textbooks out there in many of these areas. Let us help them by providing professional development funds so that they can learn more about it.

I am impressed every time that I go in the class. The teachers really want to do the job well, and they really are fearful when they have not had adequate training, and that is what we have to provide.

One last thing the Federal Government could do without interfering with the local schools, but helping them a lot, and that is by funding research on better ways to teach, particularly teaching math and science. There are a lot of new ideas out there, and I have another aspect of that. I am hoping that we can, as a Federal Government, fund a national clearinghouse which will take all the supplementary materials available from chemical companies, from NASA, from the National Oceanic and Atmospheric Administration. They all have individual units. Put them all on the Internet, have them all catalogued so if a teacher wants to go and do a unit on Antarctica; there is an interest now because they are trying to save this doctor down there. She can just go right to the Net, she can give her students experiments that are ready on the Internet and say, hey, we read about Antarctica; why is it so cold there? And they can do a unit right that day.

Mr. SCHAFFER. Your comments about science technology and education give me a perfect opportunity to switch the subject and jump to another topic that the gentleman from Montana and I work on quite a lot as western legislators.

But, as my colleagues know, there are a lot of scientists that we count on and rely on and training that we hope to impart in our universities and research universities with respect to forestry. Forestry, the area of forestry, seems that science has kind of gone by the wayside especially with some of the latest decisions that have come out of the White House. The National Forest system is a system that was designed back in 1910 as a system, or was it 1903? Somewhere back there in the early part of the century as a service designed to manage these vast natural resources that the American people own and enjoy and maintain to help stabilize our economy, to utilize these lands for multiple use, and that concept of multiple use is, as I say, going by the wayside. The President made an unfortunate announcement just today that has caught many of us in western States I cannot say by surprise, but it has certainly grabbed our attention because it has tremendous economic consequences, and I will yield to the gentleman from Montana to elaborate further on the President's most recent antics on National Forest management.

Mr. HILL of Montana. Mr. Speaker, as my friend from Colorado commented, this is not a good day for rural western America. The western States, as my colleagues know, those of us from the west often have to remind our colleagues from the east how big our western States are and how much of our western States are public lands. My State is 148,000 square miles, and about 30 percent of that is public land, Forest Service land and BLM lands, and the concern that we have and I have today is the President announced today that he is going to be locking up about 40 million acres of US Forest Service land, in essence making it de facto wilderness area. As my colleagues know, the Congress and the Constitution provides that the Congress will determine whether or not lands will be designated as wilderness, and the President by executive order has in effect allocated this 40 million acres to wilderness.

And you made note of the Forest Service. The total Forest Service acres in the country is about 191 million acres, so this is over a fourth or over a

fifth of the total US Forest Service acres, and this designation means there is going to be less access. They are going to close roads, they are going to remove roads, they are going to eliminate timber harvest in these areas, no mining.

□ 2015

In fact, if the previous activities of the administration are any indication, there will be little recreation in these lands, too.

Mr. SCHAFFER. Mr. Speaker, if the gentleman will yield for a request, and that is, would the gentleman just explain to the House what this wilderness designation means, because for many people, this term wilderness sounds like a great thing. That sounds like a good thing. We like wilderness when it comes right down to it, but the term ''wilderness designation'' has a very specific legal meaning, which robs the American people of access to their precious lands.

I would ask the gentleman to just go into that a little further and make sure we do not skip over that point, because it is an important distinction that we need to reinforce here on the floor.

Mr. HILL of Montana. Mr. Speaker, the gentleman is exactly right. Sometimes I think people confuse the idea of wilderness with wild areas, and those do not have the same meaning at all. Wilderness has a legal meaning, a very specific legal meaning, and it means that the land can only be used in more primitive ways.

For example, if people want to enter the land, they have to do it by horseback or on foot or hike in, they could not even take a bicycle in there. So motorized vehicles are not allowed in there, chain saws are not allowed in there. Basically they are areas that are allowed to remain entirely wild and allow natural forces to be at work.

Mr. SCHAFFER. Mr. Speaker, if the gentleman will yield, so the elderly, the handicapped, the infirm who currently enjoy access to their national forests, under the new designation, the de facto wilderness designation, what happens to them?

Mr. HILL of Montana. Well, those people will not have access to those areas. But even more important than that, the gentleman from Colorado has counties I know in his State and I have some in my State, and in fact, I have one county where 97 percent of the land in the county is Forest Service land. So that community really depends on that land for its livelihood, whether it is timber harvesting or mining, and of course the people recreate on that land. They hunt and they fish, pick berries. All of those things occur on that land. All of that kind of activity will be restricted in these areas under the President's designation.

Now, the President is saying, this is his environmental legacy. The President is trying to establish legacies for his administration. But the record, the environmental legacy with regard to public land management of this administration is dismal. It has been an absolute failure. It has failed the environment. The General Accounting Office has reported to the Congress, and the gentleman serves on the Committee on Resources with me, that the condition of our western forests is in a disastrous condition, catastrophic condition. When they say catastrophic, they mean that the ecology of these areas is subject to catastrophic risk. Catastrophic fire risk, risks for disease and infestation. This administration's record in managing this resource is dismal.

But also, its impact on these rural communities has been abysmal. These communities rely on these lands for grazing and for timber harvesting and for mining, and all of those sorts of things, recreation, and the President is basically saying, there will be no more of that.

This latest decision on the part of the President really will put the nail in the coffin for many of these rural communities. Much of the economy of this country has prospered over the course of the last decade, but in rural America, things are not so good. In agriculture, we suffered a great deal.

Those communities that are dependent on the public lands and appropriate management of the public lands have suffered greatly. The economy of those communities is in trouble; unemployment rates are extremely high. In my State, many of those counties have unemployment rates of 15 to 20 percent. And what happens when we have that kind of unemployment, the social fabric of the community breaks down, churches cannot afford to stay in business, schools suffer.

As the gentleman knows, these rural communities share in the income that the government produces from the development of these resources. All of that the President is writing off. And it is because, of course there are not many votes out there, there are not a lot of people out there. So the President is more interested in the people that can contribute millions of dollars of soft money to his campaign. He is interested in supporting the people, the glamorous people in Hollywood and the Silicon Valley. But these are the salt of the earth people; these are people with simple needs. The President today has said that these people do not matter, and it is a disaster for rural America.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my friend from Montana and my colleague from Colorado for taking this time on the House Floor to really address these issues of vital concern. I listened to my friend from Montana talk about the counties. As he explained his own situation, I thought about Gila County, Arizona. Ninety-seven percent of the land in Gila County, Arizona is under some governmental control. The bulk of it is under Federal control.

And, there is a misnomer at work. My colleague from Colorado mentioned the designation of wilderness, but there is a far more misleading moniker given to these federally controlled lands. Mr. Speaker, for our friends in the east and indeed in the Bay Area of San Francisco and other major metropolitan areas, when we hear the term ''public land,'' that suggests in the mind's eye a public library, a public park, a public facility. But in essence, Mr. Speaker, a far more accurate moniker is federally controlled land.

So many of our colleagues from the east fail to understand the distinction. The State of Arizona, the youngest of the 48 contiguous States, not becoming a State until Valentine's Day of 1912 under President William Taft, Arizona, as a condition of its Statehood had to offer, in essence, a dowry to the Federal Government. And that dowry, if you will, was over half the landmass of the State of Arizona given to the Federal Government.

Now, our friends in the east, our friends in the inner city fail to understand what that means. Because the fact is, vast holdings of land as personal property are not found in the State of Arizona or in the American west. But I must tell my colleagues, I get a kick out of those in the think tanks who talk about welfare or socialist cowboys, as if applying for grazing permits is somehow pledging one's trough to the Federal Government. Mr. Speaker, my constituents have no choice. They do not own the land. And yet, time and again they are good stewards of the land that they lease from the Federal Government.

But what we see here is really yet another gulf between rhetoric and reality. My colleague from Montana mentioned the contributions to the Clinton-Gore campaign. Let the record show, and I say this unapologetically and clearly to the American people, Mr. Speaker, vast sums of money came from the Communist Chinese to those coffers, and yet the partisan press wants to ignore that inconvenient fact. Yet, we also see, even as the Clinton-Gore gang extols the virtues of campaign finance reform which, for that crowd, is akin to Bonnie and Clyde at the height of their crime spree holding a press conference calling for tougher penalties on bank robbers, they also wrap up rhetoric about the children.

Mr. Speaker, I would note for this House the vote that took place earlier this summer on the new Education Land Grant Act, what my staff has nicknamed HELGA, the Hayworth Education Land Grant Act, which deals with public land, federally controlled land and sets up a uniform method of conveyance at a minimal cost to rural school districts in 44 of our States, but especially in the American west. And, Mr. Speaker, even though the left insisted on a rule to bring that to the floor and debate, in the final analysis, even the left could not abandon the logic of that common sense approach,

and all 421 Members of the Congress who were here on that day voted in the affirmative for the new Education Land Grant Act.

How sad it is, Mr. Speaker, that the President, who rhetorically embraces the cause of children, has asked a liberal Senator in the other body to put a hold on that legislation. The gulf between rhetoric and reality is profound.

I yield to my friend from Colorado.

Mr. SCHAFFER. Mr. Speaker, I thank the gentleman for yielding. We only have just about 5 minutes left, but I want to say the Education Land Grant bill that the gentleman has introduced is a brilliant bill and earned quite a lot of support here in the House, and I would submit it did so because it typified the original deal, if you will, that existed with all of these Federal lands that we are here discussing, the national forestlands in particular, but also some of the other Federal lands. That is, these lands should be managed for multiple use, keeping in mind that they are to be used for livestock raising, for timber harvests, for mining, for recreation, for wildlife habitat management, for a whole assortment of forest products being used and taken from the forests, all of that within the context of sound forest management. Because if one is not in the forest working the land, taking care of it, keeping the diseased trees treated, getting the bugs out, helping to thin the forests so that they do not catch fire or deplete water resources and so on and so forth, if we fail to do all of those things, not only do we damage the environmental integrity that we are concerned about our national forests, but at the same time, by pushing people off of public lands, we do lose a valuable source of income for schools, for communities. Because these public lands, while they do not pay taxes, there is what is called a payment in lieu of taxes that comes from the economic activity that is generated by those lands.

So when the President pushes this policy forward, and I would ask the gentleman from Montana to elaborate further on this point, further restricting access to public lands means further restricting the economic activity on those lands; it means further restricting the management of those lands, and it threatens not only the forest health, but threatens severely the economic livelihoods of thousands of communities not just across the west, but across the whole country.

But I think disproportionately, that burden falls in our respective districts.

I yield to the gentleman.

Mr. HILL of Montana. The gentleman is exactly right. I have 10 national forests in my district, so when we learned of the President's intention to announce this, it was in the Post last week, we called those regional supervisors and said, how is this going to impact the regional forests? What we found is that the White House had not consulted with the regional forests or with the individual forest supervisors, with the biologists that are out there in the field. This is a policy that was made up in the West Wing of the White House, not by the land managers out there that understand the resource.

That is why this policy, seven years of this administration, has been so devastating to the natural resources in the west, because they have made these as political decisions. They are decisions that have been made by people that do not understand these communities; they do not understand these resources, and they have made the wrong decisions.

They say they want to preserve the West, but as the gentleman from Arizona pointed out, the reason that the West is such a wonderful, beautiful place is the people that live there have been outstanding stewards of this land for as long as we have been there, and that has included multiple use of the land. We have mined the land, we have timber harvests, grazing on the lands, hiking, recreation on the land, and the resource is an incredible resource.

We know how to take care of the land, work with the land, live with the land. Frankly, we also understand that people are part of the environment too, that the environment is not just about birds and animals, it is about people too, and that a healthy environment for these communities is a prosperous community with opportunity as well.

That is what the President does not understand, that this decision is just the next step in this administration's top-down perspective on managing this natural resource. It is not only bad for these communities and for my district and my State, but it is bad for the environment as well.

I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Montana.

Just one final point. Again, the gulf between rhetoric and reality. In the 1960s, critics of Lyndon Johnson spoke of a credibility gap. With this administration, sadly, we have a credibility canyon such as the gulf between rhetoric and reality, and as my friend from Montana was making this point, Mr. Speaker, I could not help but think of the slogan of the Clinton-Gore 1992 campaign: Putting People First. How falsely that rings in the years of western Americans.

I yield to my friend from Colorado.

Mr. SCHAFFER. Mr. Speaker, I want to thank the gentleman from Arizona, the gentleman from Montana and the gentleman who has left us now from Michigan for joining me in this Special Order, and we will come back as often and as frequently as we can to talk about the great accomplishments of the Republican Party.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). The Chair will remind Members to refrain from characterizing Senate action.

THE BUDGET AND FEDERAL PUBLIC LANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, while we are preparing up here to discuss my main topic this evening which will be the Federal public lands, the management tools, the history of multiple use in this country, Colorado water, Colorado recreation, and Colorado jobs, while we are preparing to set up for that, I want to mention a couple of comments on a subject that involves every state in the Union, and that is our budget.

□ 2030

Back here, we are right in the midst of some very tentative negotiations, very fragile negotiations would be an appropriate way to discuss it. The Federal budget is important to every citizen in America. This Federal budget helps determine the future of our generation and the kind of debt and the kind of opportunities we give to the next generation and the next generation and the next generation.

We have some very strong policy points that must be adopted or must be carried out, and those policy points are the Republicans' top priorities in regards to these budget negotiations. Number one, the defense of this country, this country must maintain a strong defense. We cannot be the second strongest kid on the block.

Number two, education. We can have a strong military. We can have a good economy but if we do not have a strong educational system, and when I talk about a strong educational system history will show that the best educational system is not run from Washington, D.C. down, as the Democrats would have it done but it is run from the local school districts up, education is absolutely crucial.

The third thing, for 40 years, while the other party was in control, they ran deficits year after year after year. It is very interesting to see them all of a sudden adopt fiduciary and fiscal responsibility to the taxpayers of this country. The plan and the budget we have to come up with, we will come up with, has to reduce that Federal debt.

In fact, I remember all the criticism given by the other side, the Democrats, when we took the majority: Do not fill us full of baloney that they are going to get rid of the annual deficit; do not tell us how the cuts in the programs and cutting government waste, which is one of our big targets, is going to help get rid of the annual deficits.

Well, today it is as if they were part of our team back then. They did not cooperate much. Some of them did but not all of them. Today they have forgotten all about that. We do not have

annual deficits. In fact, last year we had a $1 billion surplus, after Social Security. We have heard a lot of discussions out there on Main Street about, well, maybe there is a surplus but it includes Social Security money. We have heard Republican after Republican and some conservative Democrats say, look, Social Security has to be preserved; we cannot count that in that surplus.

Last year we really had a true surplus of $1 billion. Well, the key here and the key in our budget is to be able to go forward and take care of that Federal debt. We have the deficit taken care of. Now we have to shift from the annual deficit, which happens every year, did happen for 40-some years with the exception of a couple of years, I think in 1963 and 1964, now we have that taken care of, at least we are barely on top of it, and now we have to look at reducing the Federal debt. That is a high priority.

What is the other priority in these budget negotiations? Medicare. I can say that colleagues on both sides of the aisle are concerned about that, but concern is one thing. Doing something about it is something else. Of course, the final thing, Social Security, I do not know anybody that is not concerned about Social Security. I know a lot of people, however, that are not confident in Social Security and Social Security being there when they need it or being there when their children or their children's children need it. Those are our priorities in this Republican budget.

I can say when there is a so-called surplus, it is very easy to go out to the country, to go out to the communities and promise everybody that wants money that money. Those are the people that do not get it done. Those are the people that promise it. They are the ones that do not gather a lot of firewood for the fire at the campsite. It is very easy to do that, but the real tough decision is the party; the party that really has the tough decision is the party that has to try and balance this budget.

We have committed to the American people we will do everything we can to avoid spending Social Security money and at the same time enhance the military, enhance education, reduce the debt, help Social Security and help Medicare.

I think we are pretty darn close to doing it. That is the good news I have tonight, but let me say it is going to require some sacrifice. Now, we ask all to sacrifice. Now, I do not think cutting government waste is a real sacrifice, although some people make a living off government waste. I think it is something pretty easy to do, but there are a lot of programs out there that are good programs but maybe not urgent programs or necessary programs. We are asking the citizens of this country, team up with us. We can save Social Security. We can do something about Medicare. We can reduce the Federal deficit. We can do something for education. We can have a strong defense in this country, and we can do it in a fiscally responsible way, but it means we have to tighten our belt.

It is always easy to pick between a good program and a bad program. That choice is pretty easy. Our choices today are between good and good programs. These are not easy choices, and in the way our legislative body is created the minority party does not have that responsibility so it is very easy for them to go out and promise to every American that certain products or programs or services will be delivered.

It is our job on this side to put the money in the account. We write the checks. We do not complain, but we know that we have to ask for a tightening of the belt. Now one of the things we are talking about is an across-the-board, 1 percent maybe, 1 percent out of every dollar, reduction in some of these agencies to help us save Social Security, get money into Medicare, help education, help the military defense and reduce the Federal debt. That is all we are asking.

Think about it on a person's own family budget, Mr. Speaker, at home at night. When someone's daughter or son comes home and says, dad and mom, if we can just save one penny on the dollar it can really help me with my future.

That is exactly what we are doing here. We are looking at the generation of their son's, their daughter's age or their grandson's or their granddaughter's age, we are looking at them and they are asking us to save one penny on the dollar. Let us reduce our expenditures by one penny on the dollar. Guess what? We can do it without going into the Social Security money. We can put money into education, we can put money into defense, we can reduce the debt and we can help Social Security, obviously, and Medicare. Those are important issues for us to consider. I will keep everyone advised as these negotiations continue to go on.

FEDERAL PUBLIC LANDS SHOULD REMAIN PUBLIC

Mr. MCINNIS. Mr. Speaker, I would now like to shift gears and talk about the Federal public lands. The largest landowner in the United States is the Federal Government, and by far, by far, the largest owners of land are the Federal Government, the State government, the city government, the local districts, et cetera, et cetera, et cetera. We depend very heavily on the use of public lands.

I thought I would begin tonight by showing some examples of some beautiful public lands. Now, I am a little biased in this regard. My State, the State I represent, is the State of Colorado and I have been very fortunate to represent the 3rd District of the State of Colorado. Many people have been to Aspen, many have heard of Glenwood Springs or Steamboat or Telluride, or Durango, Breckenridge, Summit County, Grand Junction. There are a number of different communities that some people have visited. They know about the Colorado Rockies. The Colorado Rockies are a gem. They are a diamond for the United States.

We need to do what we can do to preserve those while at the same time, while at the same time, allowing people to live out there. We are going to cover a little of that.

Let me, first of all, point out, this is in the district, I will use my red pointer here, we will see the red pointer on the sky above the mountains. This is the Maroon Bells, one of the most beautiful settings and I am sure many of my colleagues have been there. This is fall, obviously, which can be seen by the colors. Many, many thousands and thousands of visitors, whether handicapped, whether 19 years old and have great big legs, everybody gets to have access that can get here can go up there and see this beautiful, beautiful gem of our country, the Maroon Bells.

I know the Maroon Bells. I was born about 40 miles away. My brother climbed the Maroon Bells when he was 14 years old right there on that peak where the red dot is. Unfortunately, during that climb, a rock came off the top. He was in outward bound school, and it killed his instructor. He was 14 or 15 years old. We have a lot of family history and there are a lot of people in this country that have a lot of history in these mountain ranges. I am from the mountains. So are many of us, but the mountains are something we believe in. We have a strong heritage with the mountains. We want to protect the mountains.

Now, that is what this looks like today. See my red beeper, my little light there, the lake, that is how it looks today. Why does it look like that today? Is it because we allowed oil well drilling to go up on top of it? No. Is it because we put mines in there? No. Is it because we clear cut all the sides? No. Is it because we let them fish out the lake? No. Is it because we let them pollute the water? No.

What is my point? My point is that for 200 years and before that with the Native Americans, we have taken care of this land. Washington, D.C. would like to convince us that this thing is full of oil rigs, that the timber, that the small families that make a living off timber, go up there and clear cut this land, that the fishermen fish out the streams, that the streams are polluted and that the only way to do this is move the West Wing of the White House to now have that command center for the western United States. They think it matches: West Wing, western United States. So they come up with a program, 40 million acres.

Now, what does 40 million acres mean? Many people, if they own a home, they are on a lot size, maybe they have, I do not know, half an acre, a half an acre, where their home is located. Imagine 80 million times that

half an acre that they own and that is what the President today has proposed to, in essence, take off limits.

What I am saying here is, these are assets, these are museum pieces. These mountains are beautiful. We know this. We want to protect them, but we have to use common sense and in using common sense we cannot just do it for the elite people of this country. We have to consider the common man of this country, and I say that generically. We have to speak for the common person in this country. Do not forget about them.

Not everybody can have a farm or a ranch in Aspen, Colorado. Not everybody can own a home in Aspen, Colorado. I certainly could not afford it and most of my colleagues on this floor could not afford it, but that should not keep us from being able to go up and enjoy it. It should not keep us from being able to go up and recreate on it, like skiing. I can say within eyesight of Maroon Bells, one can see several of the major ski areas in the world. Have they polluted the Maroon Bells? No. Have they caused clear cutting in the Maroon Bells? No. Do they provide jobs for Colorado? Yes, thousands of jobs. Do a lot of people get to enjoy the recreation of skiing in Aspen, Colorado? Yes, lots. We have to be careful about allowing an administration, who by the way rarely sets foot in Colorado and last year when they locked off a big chunk of the State of Utah, they announced it, the President announced it, in the State of Arizona.

Come put your hands in the soil; come put your hands in the dirt, Mr. President. Come see what you are doing before you do it. Know a little something about it before you talk about it.

I know about it. I was raised there. My family has been there for generations.

Let me show my next display here. These are the Fourteeners. Look at this. All over Colorado, I will point out, there is the young Compadre Peak. This one is the mount of the Holy Cross right here where my finger is. I will put the red pointer so it can be tracked by the red pointer. Columbine Park, look at all of these.

□ 2045

We have over 54 of them. Over 14,000 feet in Colorado form these beautiful mountain ranges. Do my colleagues see any clear-cutting that has gone on? No. Do my colleagues see any oil rigs? No. Do my colleagues see tents and cities and condominiums and town homes all over those 14,000 foot peaks?

No. Why do my colleagues not see them? It is because we protect this land. But we protect it with common sense. We do not lock everybody out of there. One can ski on some of those mountains. One can cross country ski.

In the summer, guess what? We have discovered something. It is a wonderful sport. It is a fabulous sport. Mountain biking. One gets to mountain bike a lot of this. Does it tear up those mountains? No. Are people who use those mountains responsible for the most part? Yes. For the ones who are not, let us go after them.

If this is an asset, if they are going to abuse it, kick them off. But do not kick them off in general just because they are human beings. Do not put all of the four systems of the United States into a museum.

The Federal lands, I will show my colleagues a couple other here real quick. This right here, this is a winter scene here in Colorado. Take a close look at that. Look at that snow. Do my colleagues see bulldozer tracks through that snow? No. My colleagues do not even see snow machine tracks through that snow. Why? Because we have designated trails. We manage those lands out there.

Those lands are not just important to the United States. They are important to those of us who make a living off of those lands. My in-laws, for example, David and Sue Ann Smith, my colleagues ought to visit them. They live in Meeker, Colorado. You want to talk about salt of the earth people. You want to talk about environmentalists. Do my colleagues know why they are environmentalists? They have got their hand in the soil every day.

Ask him what he thinks about that ranch. Ask him what he thinks about that ranch when people come up and offer him millions of dollars for that property. They do not want to sell it. They love that land. The Smith family is pretty representative of most of the ranching families.

I mean, the President is about to go out and destroy the way of the West, the territory. Remember the judge from the Supreme Court, ''Go west, young man. Go west.'' Maybe it was Greeley, Horace Greeley said that. ''Go west, young man. Go west.''

Do not wipe it out. Do not make it an urban area. Do not restrict it for the President's museum at the White House. Work with us and help us protect this in a common sense approach, a common sense approach.

This is Colorado. These are more peaks that I want my colleagues to see. Beautiful, absolutely beautiful. Those are protected. President Clinton does not need to skip in and protect them any more than they are protected right now. We are preserving them. We know how to take care of this land.

What I am saying to my colleagues, in my district alone, and I say my district, the people's district that I am lucky enough and fortunate enough to represent, in that district alone, we have over 23 million acres of government-owned land, 23 million acres. We take darn good care of that land. We have a lot of uses of that land: recreational land, recreation, wilderness areas. We do have some timber. We have very little mining left anymore. We have a lot of different uses for that land.

President Theodore Roosevelt, I want to quote him, because the President in the last couple of days wants to put out an image that he is the Theodore Roosevelt, the Teddy Roosevelt who rode in on the bucking Bronco to save the West. Let me tell my colleagues what Teddy Roosevelt said. I think it is very important here because he talks to the common man. President Teddy Roosevelt was known as a common man. He understood the ways of the east. He understood the ways of the West. I think before somebody lifts themselves to that standard, they ought to at least qualify for it.

Let us talk about Teddy Roosevelt. ''Conservation. Conservation means development as much as it does protection. I recognize the right and the duty of this generation to develop and use the natural resources of our land. But I do not recognize the right to waste them or to rob by wasteful use the generations that come after us.''

That is the approach, the balanced approach. In essence, what he is saying is there is a right for people to use these lands. But there is no right, no right by the people that use these lands to destroy these lands for future generations.

We have got really two extremes: One end of the spectrum over here, one end of the spectrum over here. This end of the spectrum says, ''hey, we ought to be able to go out there and mine it and clear-cut it and develop it all we want.'' Over here on this extreme, we have got organizations like Earth First. ''Lock them out. Put everything in wilderness. Take away the right of multiple use.'' I will talk about multiple use here in a minute. Take away those rights.

But do my colleagues know what? Most people in America and certainly most of the people that live here feel that, in the middle ground there, we can do both. We can allow some ski areas. We can allow cross country skiers. We can allow mountain bikers. We can raft on those wonderful, beautiful rivers in Colorado. We can hike.

Yeah, we can allow a power line to go across them to some of our communities that are circled by Federal lands. There are things we can do with Federal lands. We are going to restrict it. We are going to be balanced.

On the other hand, they also say there are places, the same group that says one can ski and ride on mountain bikes and raft down the rivers, that same group, the middle group, as I call it, the real Westerners, as I call it, also believe, hey, there are some areas like the Maroon Bells that we just saw, like this area right here to my left, just like this area where my hands are. There are some areas we need to lock those away. Let us put those into wilderness. Those are appropriate wilderness.

Or let us create a National Park, just like Senator CAMPBELL and I did with the Black Canyon National Monument. We just converted it to a National Park. Or let us create a new monument, or let us make this a special-use

area, or let us give this a species status, a certain endangered protected status. There is a reasonable ground in there.

What the President has done is laid his chip. He has staked out his ground on this extreme. To me, that is as offensive as the people over here that stake out their claim that say we ought to be able to mine it at any cost. Let us go in and cut the timber. We do not need selected timber cuts. Let's go in and cut it. That is as extreme as the President is attempting to do over here for Earth First, and that is clear-cut those forests, abandon those forests, and put them into the museum.

Let us talk about a concept that is very important, very important for the United States and for all of us to understand during my discussion this evening.

That is the concept of multiple use. Now, many of us, many of my colleagues may have never heard of what multiple use means. Well, obviously, one puts use together with multiple. It means many uses, many different kinds of uses.

Remember, just a couple of minutes ago in my comments, I talked about skiing, mountain biking, rafting, grazing, grazing one's cattle, timber, mining, lots of different uses, wilderness, environmental, fishing, things like that. Those are multiple uses.

I think this map is an excellent illustration if my colleagues can follow my red dot on the map. Obviously this is a map of the United States. This is government lands. My colleagues can see where the blob of government lands are. They are not in the east. There are some in the Carolinas. There are some up here in the northern part and Illinois and the Great Lakes. But the big bulk of Federal lands are right here.

Well, when the United States acquired these lands through different acquisition methods, the population was all along here in the east, and they decided they needed to move the population to the west.

Follow the red dot out to the west. Well, when they got them out here to Ohio and Nebraska and Kansas and Texas, Oklahoma, and some of these States out here, those are pretty fertile States. The way to encourage people to go out west when we wanted to settle the frontier back in the last century was to give them land grants or let them go out and put a stake in the ground and claim that land, 120 acres or 160 acres.

Let us go back to the map. In these areas, for example, in Kansas, in Nebraska, in the Dakotas, out here in the midwest farm country, one can support a family on 160 or 320 acres or some other type of government land grant.

But what was happening, and Washington was aware of it, is there were not many people coming into the mountains. They were not going into this area. They wanted to settle this area of the West. The question came up, how do we encourage our pioneers to go to the west, to go beyond the Colorado Rockies or to get into the Rockies and into the mountains and go west? How do we encourage people to settle? Shall we give them 160 acres under land grant like we have to settle the midwest and up to Kansas and so on?

Well, the answer came back pretty simple. One is dealing with different terrain. The mountains cannot support per acre what the Great Plains States can support per acre. So if we give 160 acres to somebody for agriculture, and that was the driving industry, obviously back then, the agriculture and mining, if we give it to them for agriculture, they are not going to be able to make it off 160 acres. In fact, they need thousands of acres to do what somebody can do on 160 acres of real fertile land or 220 acres of real fertile land.

So they thought about it, and said, we cannot go out politically, and it may not even be right to go out, and give citizens several thousand acres of land simply through a land grant program. What can we do? How do we resolve this?

Therein was the birth of multiple use. That is a concept. That concept was the government said, okay, and again follow my pen on the demonstration here, the way we can get people to go up into this territory of the United States, let us introduce this concept of multiple use, which simply means that the government retains the ownership of the land, we will call it public lands, but the people have a right to use the lands.

Now, when I grew up, and when my father and mother grew up before me, and so on down back in the generations, there was a sign that hung out there. We still see it once in a while. But there was a sign that hung out there on public lands. For example, when one would go into the White River National Forest, one would see a sign that said ''Welcome to the White River National Forest.'' Underneath it hung a sign that said a land of many uses. That is what the sign said.

Today there is a very concentrated attempt to take off the sign that says a ''land of many uses'', throw it in the trash, and put on a sign that says ''no trespassing.'' That is the defeat of the concept of multiple use.

Now, maybe this would have worked. I doubt it, but maybe that ''no trespassing'' would have worked 150 years ago. But the government itself, this country itself encouraged its citizens, encouraged its people to become pioneers. Go out and settle the West. Be cowboys. Be farmers. Help this country. We need people in the West.

So generation after generation after generation, including not only my family, but my wife's family and our children, has spent generations in those mountains. That is how we make a living.

If one wants to put up one's ''no trespassing'' sign to those of us in the West, one will break us. We are not large in number. We are large in heart. We have got a lot of heart in our feeling about this. But one will break us. Keep putting up that ''no trespassing'' sign. Unfortunately, a lot of people that are encouraging that are these over here on this extreme that I spoke about earlier.

My colleagues have to imagine, if they can pretend for a minute, that they are a ranch owner, that they own their own ranch. There are several things that they need to do to be a responsible ranch owner.

Number one, they need to visit. They need to go out into their fields. They need to get their hand into the dirt. Number two, they need to understand nature. They need not to defy nature. They need to work with nature. Nature renews a lot of natural resources such as water, only if they treat it right. So they have to understand nature.

The other thing that they have to do is manage different segments of that ranch. They may want to manage the strawberry patch on their ranch a little different than they manage their grazing area where they have got their cattle.

Well, it is the same thing here. The United States has millions and millions of acres in public lands. Let me give my colleagues some of those statistics. Ninety-one percent, almost 92 percent of the land that the Federal Government owns, almost 92 percent of the land that the Federal Government owns is in the western United States. Thirty-seven percent, almost 37 percent of the land in the State of Colorado, primarily in the mountains, is owned by the Federal Government.

□ 2100

The Forest Service, the BLM, and the National Park Service manage 95 percent of this land. The National Wild and Scenic Rivers system contains 10,900 miles of wild, scenic and recreational rivers. We have got a lot of land out there, and most of it is owned in the mountains by the Federal Government.

How do we manage that land? What kind of management tools do we have? Let me talk to my colleagues about a few of them. In order to manage Federal land, we do not need to lock everything up, as some proposals like the President. He says take 40 million acres. Again, colleagues, picture what 40 million acres is. Imagine how many people make a livelihood off of 40 million acres, 40 million.

We have lots of ways we can manage that land and protect it so it looks just like the beautiful Maroon Bells that I just got done showing my colleagues, or like the 54 Peaks over 14,000 feet that I just got down showing you, or the snowy scene in the Colorado Rockies that I just got done showing my colleagues.

We have ways to manage that land, protect it for the future, but reach that balance that Teddy Roosevelt spoke

about. Teddy Roosevelt said, ''you have a right to develop.'' That was the word back then. Of course, it is a sin to use that word today. But back then that is exactly the word that Teddy Roosevelt meant. Today we use the word ''use,'' you have the right for use. But you do not have the right for waste. You don't have the right for abuse, for destruction. And he is right. He is absolutely right.

Well, how do you manage this to help protect it? We have national parks. We have national monuments. We have national preserves. We have national reserves. We have national lake shores. National seashores. National rivers. National wild and scenic rivers. I just told you eleven-some thousand miles. National scenic trails. National historic sites. National military parks. National battlefield parks. National battlefield site. National battlefields. National historic park. Reserve study areas. National memorials. National recreation areas. National parkway. Coordination areas. National forests. National scenic areas. National byways. National scenic research area. Conservation research programs. National research and experimental areas. National grasslands. National conservation areas. Special management areas. National forest primitive areas. National game refuges. National wildlife preserve areas. National wildlife refuges. National wildlife protection areas.

We have lots of tools in our arsenal to manage these public lands. We should not just go to one tool. We should not put everything in a national park. We should not put everything in a national wilderness.

Mr. President, before you put 40 million acres, 40 million acres, in essence locking people out of it, look at what the consequences are to the people who have preserved it all of these years.

It is very, very important for us to understand a couple other ramifications, not just the soil, not just the land, but right here. With my cold tonight, I have been sipping on water to keep my voice because I feel it very important to talk to you. But that is water.

In Colorado, let me give my colleagues a little quote from the poet Thomas Ferrell. It is in the Colorado State Capital. I saw it when I served in the State legislature. And the quote is, ''Here is a land,'' talking about Colorado, ''Here is a land where life is written in water.'' ''Here is a land where life is written in water.''

Colorado is a very unique State. In Colorado we must be overly protective of our water rights. Number one, it is something that a lot of other people want. Colorado provides water for probably 18 to 23 other States. Believe it or not, the country of Mexico has water rights in the State of Colorado for some of that water.

Colorado is the only State in the Union, the only State in the Union, where all of our water goes out of the State. We have no free flowing water that comes into the State for our usage.

In Colorado, we are an arid State, an arid State, meaning we do not get much rain. When you look at those beautiful mountains, you say, wow, it looks pretty rich to us. But we do not have the kind of thick vegetation that a lot of my colleagues do in the East in their district. In the East, their problem is getting rid of water. In the West, our problem is storing water.

We have to store it because since we do not have much rain, the only real opportunity we have for mass volumes of water is for the spring runoff, assuming we get the winter snows. And that spring runoff only lasts for about 65 maybe at the most 90 days. So over the balance of time, we have got to have it, we have got to store it, or we do not get it.

Now, what happens is that the water law in Colorado is unique, as well, and the same for a lot of the western water law. It is different than the East, as I mentioned earlier. It is entirely different. But there are some organizations out there who understand this, and those organizations really have two things in mind.

One, stop any kind of use from the water and that is one way to drive people out of those mountains. And the second thing is, let us take the water for our own use.

I do not know many organizations in the East who have the interests of the people of the State of Colorado or have the interests of the people in the West in mind when they look at our water rights. They look at our water rights like a great big piece of apple pie and they are hungry and they think it ought to be theirs, although they did not bake it or anything else. They think it ought to be theirs. So they put their arm around us and they talk to us friendly and they do all kinds of things, but their goal is to put that apple pie in their mouth and keep it out of our stomach. That is what their goal is.

So what do we do. We have to be protective. And when the President comes out and does as he did today, set aside 40 million acres of public lands to essentially lock them up, when he does that, what are the implications to water in the West?

Well, I can tell my colleagues right now that the National Sierra Club, that Earth First, and some of these kind of organizations, their goal is that every acre he locks up ought to have with it implied water rights. You ought to be able to reach outside that acre. Let us say this is an acre of land right here. This is an acre of land. They would like to have the Government step outside of this acre, up here or over here or over here, to control water rights. These are very, very valuable rights.

And in essence, what the next argument will be is, hey, we realize that President Clinton back in 1999 set aside 40 million acres and certainly what he wanted to do is to also lock up the water necessary for all of those 40 million acres even though we may not be using the water for agriculture or anything. We have certain water rights, like we want the quality, et cetera, et cetera, and they start reaching outside that territory.

It happened in Colorado. We have the Wilderness Act. When the Wilderness Act was enacted by this Congress by the United States House of Representatives and of course the Senate and the President, there was never any kind of discussion of water rights.

In about 1985, Judge Cain out of the Federal District Court said, although there were no water rights for the Federal Government, although the Federal Government does not seem to have any automatic water rights, there must have been an implication for water rights so the Federal Government now has implied water rights for the wilderness areas.

We have been fighting that battle for a long time. Same thing is going to happen here, my colleagues.

Now, for you in the East, my colleagues, so what? We need the water. What do you mean ''so what''? That is our lifeblood. Remember my quote? ''Here is a land,'' speaking of Colorado, ''Here is a land where life is written in water.'' ''Here is a land where life is written in water.'' It is a huge difference to us.

What are some of the other things that these 40 million acres can do, the other implications? We do not know. But it could be all of a sudden there are air rights for the Federal Government. All of a sudden the Federal Government could reach out to an adjacent town, say Silt Colorado or Grand Junction, Colorado, or Glenwood Springs, Colorado, which borders the White River National Forest, or Meeker, Colorado, which borders the White River National Forest on the north side, and they could say to those communities, you know something, you have too many cars in your community, you have too many people burning wood fireplaces. And those communities could say, we understand that. We try and do our own. No, no, no. Here is what the Federal Government out of Washington, D.C., is going to tell you communities in the West how you are going to run your communities.

There are lots of implications to the action that the President has taken today. Now, what they will try and give you is an allusion that if we do not follow the President's lead, if we do not listen to the advice of Earth First, if we do not adopt point by point the national policies of the National Sierra Club, that these beautiful mountains that I showed you a picture of will be destroyed, that the water in the West will be polluted, that the trees will be clear-cutted.

Well, let me tell you what happens if we follow their agenda. Write off mountain biking. Forget skiing. Forget river

rafting. Forget the other recreational uses that we have out there, hunting, going throughout in a 4-wheel drive vehicle on marked trails, all of the different kind of things that you can recreate with in Colorado. In the long-run, those could very easily be diminished significantly, maybe never ended completely, because we have some private property.

Although, every ski area, to the best of my knowledge, and I have almost all of them in the Third Congress District, in my district, almost every one of them is on public land. Those are the kind of implications that we are speaking about here.

It sounds warm and fuzzy today. And it is very easy to appeal to the entire country by saying what I have done is to do as Teddy Roosevelt or, as I just heard somebody on TV say, it is the most significant thing we have done for the environment in centuries.

Do you know what the most significant thing we have done for the environment in centuries? We have let the people that live in those mountains help manage those mountains. We let the people who really have their hands in the soil every day.

Now, my hands are not in soil. But take a look at my father-in-law's hands or my mother-in-law or my parents or many, many people out there in Colorado. I could give you name after name after name. What we have done right is let those people who are on the ground there every day, every hour help us manage those lands. We did not kick them off.

Now, once in a while we have had abuse and we get rid of them. And maybe we need to tighten the laws on that. I am up for that. And I am not for saying that we do not have additional areas out there where these kind of restrictions should be placed. But 40 million acres by simply throwing a fishnet over the western United States? That is what has happened. The President got a big fishnet and just threw it as far as he could and out it floated over the western United States. And wherever there is public lands, ha-ha, we will lock it up.

I am not attempting here to be provocative, to try and be derogatory. What I am trying to do here is, one, make us all cognizant of what life in the western mountains is all about; number 2, the fact that we have beautiful, beautiful diamonds out there, meaning the mountains, and we all want to protect those; and three, I want to tell you, do not just write us off. We have too much to lose. We are fellow citizens and we live in a beautiful, large expansive area, but there are not a lot of us out there. So it may be pretty easy for many of my colleagues just simply to write us off. But I am asking you not to do that. Take a look at what it really means, what kind of impact you are going to have.

You are going to hear in the next few days many statements about how bad mountain bikes are I guess. Probably more realistically, they will take some kind of thing that just on its face they will want to make it sound offensive. Logging, for example.

You know, I have known a lot of small families, these are not the big logging companies, these are small families that are in the logging business. Why do you want to wipe them out? Manage them. Do not wipe them out. Help them. Do not destroy them.

My gosh, Mr. President, I wish that you could go to dinner some night. Go to dinner tonight. What you should have done is made this announcement of this lock-up of this 40 million acres and then gone to dinner with a small family in Colorado somewhere that cuts timber and does it responsibly. How happy do you think they are tonight? It is going to destroy some people out there.

But that will not happen. The people in Washington, D.C., especially down the street, are not going to take time to see what the impact is on people. As my good colleague the gentleman from Arizona (Mr. HAYWORTH) said earlier, this President committed to put people first, they are not going to go out and see where it puts people.

Instead, it is much easier to be politically warm and fuzzy and say the West is being destroyed and we in the East must step into the West and defend it, defend it against itself.

□ 2115

We have got to protect those people, those families and pioneers out there in the West, those ranchers, those river rafters, those hikers, those skiers, those residents that live out in the West. We have got to protect them from themselves. They are destroying themselves.

That is what the image is here in Washington, D.C. That is exactly what the image is that this President is trying to portray to you people with this sign, with this signature of 40 million acres set aside.

Mr. Speaker, in Colorado most of us that live out there, including myself, my family, my wife's family, we are not wealthy people. We are there because we have a job. I have been fortunate. I have a job representing those people. But all five of my brothers and sisters, all of my nieces and nephews, all of my cousins, there are probably 30 or 40 first cousins, they are all over Colorado. Why are we able to stay in Colorado? Because we have a job. We have a job. That may not sound like a lot. Up here we get paid. We have got an automatic job for 2 years. Back there some of these people depend on their jobs almost day to day.

Let me give my colleagues an example of what kind of jobs we have in Colorado. On the White River National Forest, the White River National Forest has two predominant uses. Two-thirds of the forest, the predominant use in two-thirds of it is recreation. In one-third of the White River National Forest, the predominant use is wilderness. We have locked it up. I voted for that and it was appropriate to do that. But we intentionally left two-thirds open for recreation. Why? Number one, they do it in a responsible fashion. Two, it provides resources that are not available. You cannot put a ski mountain out in Ohio. They do not have a lot of skiing in Kansas. They do not have much skiing in Mississippi or Missouri or Louisiana or Nevada. They have some in the Sierras, but not much. Colorado has got the natural resource for it. What does that do, that White River National Forest, just that forest? Thirty-five thousand jobs. My neighbors in a lot of cases have those jobs. That is how we are able to stay out in Colorado. We are not Johnny-come-lately. We did not just jump out to Colorado all of a sudden to live. Our families, many of our families have lived there for generations. My family and my wife's family have lived there for many, many generations, but we still welcome people to come out to Colorado. Sure we think it has grown too fast, we wish it were not growing so fast, but we do not think we have the right to shut the door because they did not shut the door on us back in the 1870s when my family came in or the 1880s when Lori's family came in, they did not shut the door on us. They said, Come on in, but we only ask you one thing when you come to Colorado or when you come to the Rockies or Utah, Wyoming or Montana: Be responsible, help us make this a good community to live in, help us retain the beauty of this State, help us follow what Teddy Roosevelt said and, that is, there is a right to use the land but there is not a right to destroy the land.

We think we can use the land, the Federal public lands in Colorado or in the Rockies or in the West in a responsible fashion. I happen to think you can build a ski area and manage it in a responsible way. Many of you have skied in Colorado. Many of your constituents have skied in Colorado. You have been there. You have seen that a lot of those areas, they are managed okay. It has been a fun family vacation. It was a nice way to recreate. Then when you take a look at the areas that are cleared for the ski runs, they are just a pinpoint, a pinpoint in the forest. Many of you have had the opportunity to river raft in the State of Colorado, or Utah or Wyoming or Montana. It is a blast. If you have not done it, do it. It is a great time. And it is a great family activity. We have not destroyed the rivers. We have been doing what Teddy Roosevelt said to do: ''Use it but don't destroy it.''

Some of you may have never heard of Lake Powell but many of you probably have. Do you know what Lake Powell has done for families in this country, how many families are down there instead of having their kids running out to the mall or dad running down to work? They are down together on a little boat on Lake Powell. That lake does a lot. It recreates. ''Use it but

don't destroy it.'' The Roosevelt theory. It is a lot different than the other theories that have come out. When we talk about this, when we talk about where we are going with the future, I have got to tell you, as long as I am in this elected office, I am going to stand as strongly as I can for Colorado and for water rights in the West. I am not just saying that. Because never in my entire career have I felt more of a challenge to the taking of Colorado water than I do today. And never in my career have I felt more of a challenge to those 35,000 jobs on the White River National Forest. Those are not indirect jobs, those are direct jobs. That is not 35,000. In fact, it is 35,000 families live off that forest.

I have never felt a larger threat in my political career to those jobs than the vision coming out of Washington, D.C., the vision that we cannot manage it, the vision that they need to protect us, to protect us from ourselves. How many of you have ever mountain biked out in Colorado? That is a relatively new sport. But if you have, you have really gotten into some of that terrain and you have been able to access it, you did not have to hike for miles, you have been able to ride in there on your bike. Minimal damage to the environment. We managed it well, despite the fact that Washington thinks they need to protect us from ourselves. We followed the Roosevelt theory: ''Use it but don't abuse it.''

It is the same thing with any other type of activity you can imagine, whether it is kayaking, whether it is hiking, and so on. You get my message, my drift, what I am saying here.

Now, what about some of the other issues? What about some of the other jobs? I do not think it is shameful to have a sporting goods store and sell sporting goods in Colorado. I do not think it is wrong for a small family to try and go out and harvest some timber. By the way, if you harvest timber with correct management, it is healthy for the forest, it is a renewable resource and, by the way, every one of you in this room tonight, every one of your constituents uses wood that is taken out of some forest somewhere at some time. Every chair in here. You look around. You know what I mean. Wood is everywhere. It is a renewable resource. But you have to follow the Roosevelt theory. The Roosevelt theory is: ''Use it but don't abuse it.''

It saddens me to think that here in Washington, D.C., frankly a lot of the national press is buying this hook, line and sinker, they are biting at it just like that, it troubles me that back here in the East, that even the administration in the West Wing, they do not go to the western United States, they make this decision in the West Wing. They have got some confusion there. It bothers me that they are using a deception upon the American people that this land out there, that we are not taking care of that land. It is public land. It is all of our land. I am telling you, we have been on it for a long time. We have lived on it for a long time. We have worked it for a long time. We have used it for a long time. And we have not abused it for a long time.

Folks, do not be sold on this. Do not automatically assume that the West is being destroyed because of the fact that we have ski areas. Do not automatically assume that the West is being destroyed because we have mountain bikes. Do not automatically assume that the West is being destroyed because we allow people to river raft and hike and hunt. Do not automatically assume because it is not true. We do follow the Roosevelt theory: ''Use it but don't abuse it.''

I know that tonight my time is rapidly expiring, but I just want to reiterate a couple of things. Number one, do not forget that the pioneer spirit still exists for a lot of us. We are very proud of our heritage. We are Americans. But we also come from the West. I feel very respectful of the people of the East. But I am not an Easterner. I am a Westerner. I am not out here to destroy the life-style of the East, and I ask you people in the East, do not go out of your way to destroy our life-style in the West. We do not need the eastern United States, the bureaucracies in Washington, D.C. to protect us from ourselves. I think we, much, much better than some of my colleagues and some of the people in the East, understand that land much, much better than you ever will. We have got our hands in the soil. All of us can agree that a common-sense approach is what is reasonable. But that means that these people out here who want to clear-cut every forest, who want to put a ski area on every mountain, who want to build a house on every ridge, who want to put a highway wherever they want to, who want to build townhouses wherever they want, that means these people are going to have to be moved to the middle, and the people out here like Earth First and other hard-core groups out there who think they only have the title to the environment, who think they only have the knowledge to protect that land, who think only they have the historical background to manage that ranch for all of us, that group has also got to be brought to the middle. And here in the middle is not the leader of the United States today, the President of the United States, Bill Clinton. That is not who is here in the middle today. He is over here. What is in the middle today was what was in the middle at the turn of the century and many years ago, and, that is, Teddy Roosevelt. Teddy Roosevelt is who is in the middle.

And remember, and I will conclude with Teddy Roosevelt's comments, and I will paraphrase him: ''You have the right to use it but you don't have the right to abuse it or destroy it.'' Teddy Roosevelt had it right. It should be Teddy Roosevelt's path that we follow. Do not be misguided down the path of President Clinton. Follow the path of Teddy Roosevelt: ''Use it and enjoy it, but don't abuse it and destroy it.''

RECESS

The SPEAKER pro tempore (Mr. TOOMEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 27 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2307

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 7 minutes p.m.

CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH submitted the following conference report and statement on the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes:

CONFERENCE REPORT (H. REPT. 106–379)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2684) ''making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes'', having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFERS OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for disability examinations as authorized by law (38 U.S.C. 107, chapters 11, 13, 18, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits,

emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198), $21,568,364,000, to remain available until expended: Provided, That not to exceed $17,932,000 of the amount appropriated shall be reimbursed to ''General operating expenses'' and ''Medical care'' for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the ''Compensation and pensions'' appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to ''Medical facilities revolving fund'' to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by 38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61, $1,469,000,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by 38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487, $28,670,000, to remain available until expended.

VETERANS HOUSING BENEFIT PROGRAM FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during fiscal year 2000, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $156,958,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $3,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $214,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $57,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $2,531,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $415,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $520,000, which may be transferred to and merged with the appropriation for ''General operating expenses''.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans as authorized by 38 U.S.C. chapter 37 subchapter VI, $48,250,000, to remain available until expended: Provided, That no more than five loans may be guaranteed under this program prior to November 11, 2001: Provided further, That no more than fifteen loans may be guaranteed under this program: Provided further, That the total principal amount of loans guaranteed under this program may not exceed $100,000,000: Provided further, That not to exceed $750,000 of the amounts appropriated by this Act for ''General operating expenses'' and ''Medical care'' may be expended for the administrative expenses to carry out the guaranteed loan program authorized by 38 U.S.C. chapter 37, subchapter VI.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department; and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in the Department; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; aid to State homes as authorized by 38 U.S.C. 1741; administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under 38 U.S.C. chapter 17, and the Federal Medical Care Recovery Act, 42 U.S.C. 2651 et seq.; and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C. 8110(a)(5), $19,006,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $900,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 2000, and shall remain available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $900,000,000 shall be available until September 30, 2001: Provided further, That of the funds made available under this heading, not to exceed $27,907,000 may be transferred to and merged with the appropriation for ''General operating expenses'': Provided further, That the Department shall conduct by contract a program of recovery audits for the fee basis and other medical services contracts with respect to payments for hospital care; and, notwithstanding 31 U.S.C. 3302(b), amounts collected, by setoff or otherwise, as the result of such audits shall be available, without fiscal year limitation, for the purposes for which funds are appropriated under this heading and the purposes of paying a contractor a percent of the amount collected as a result of an audit carried out by the contractor: Provided further, That all amounts so collected under the preceding proviso with respect to a designated health care region (as that term is defined in 38 U.S.C. 1729A(d)(2)) shall be allocated, net of payments to the contractor, to that region.

In addition, in conformance with Public Law 105–33 establishing the Department of Veterans Affairs Medical Care Collections Fund, such sums as may be deposited to such Fund pursuant to 38 U.S.C. 1729A may be transferred to this account, to remain available until expended for the purposes of this account.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by 38 U.S.C. chapter 73, to remain available until September 30, 2001, $321,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities, $59,703,000 plus reimbursements: Provided, That project technical and consulting services offered by the Facilities Management Service Delivery Office, including technical consulting services, project management, real property administration (including leases, site acquisition and disposal activities directly supporting projects), shall be provided to Department of Veterans Affairs components only on a reimbursable basis, and such amounts will remain available until September 30, 2000.

GENERAL POST FUND, NATIONAL HOMES

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the ''General post fund'': Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000.

In addition, for administrative expenses to carry out the direct loan programs, $54,000, which shall be transferred from the ''General post fund'', as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail, $912,594,000: Provided, That of the funds made available under this heading, not to exceed $45,600,000 shall be available until September 30, 2001: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act.

NATIONAL CEMETERY ADMINISTRATION

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the maintenance and operation of the National Cemetery Administration, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of two passenger motor vehicles for use in cemeterial operations; and hire of passenger motor vehicles, $97,256,000: Provided, That of the amount made available under this heading, not to exceed $117,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $43,200,000: Provided, That of the amount made available under this heading, not to exceed $30,000 may be transferred to and merged with the appropriation for ''General operating expenses''.

CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $4,000,000 or more or where funds for a project were made available in a previous major project appropriation, $65,140,000, to remain available until expended: Provided, That except for advance planning of projects (including market-based assessments of health care needs which may or may not lead to capital investments) funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 2000, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2000; and (2) by the awarding of a construction contract by September 30, 2001: Provided further, That the Secretary shall promptly report in writing to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above: Provided further, That no funds from any other account except the ''Parking revolving fund'', may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until 1 year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only.

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $4,000,000, $160,000,000, to remain available until expended, along with unobligated balances of previous ''Construction, minor projects'' appropriations which are hereby made available for any project where the estimated cost is less than $4,000,000: Provided, That funds in this account shall be available for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by 38 U.S.C. 8109, income from fees collected, to remain available until expended, which shall be available for all authorized expenses except operations and maintenance costs, which will be funded from ''Medical care''.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by 38 U.S.C. 8131–8137, $90,000,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by 38 U.S.C. 2408, $25,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for fiscal year 2000 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for salaries and expenses shall be available for services authorized by 5 U.S.C. 3109.

SEC. 103. No appropriations in this Act for the Department of Veterans Affairs (except the appropriations for ''Construction, major projects'', ''Construction, minor projects'', and the ''Parking revolving fund'') shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No appropriations in this Act for the Department of Veterans Affairs shall be available for hospitalization or examination of any persons (except beneficiaries entitled under the laws bestowing such benefits to veterans, and persons receiving such treatment under 5 U.S.C. 7901–7904 or 42 U.S.C. 5141–5204), unless reimbursement of cost is made to the ''Medical care'' account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 2000 for ''Compensation and pensions'', ''Readjustment benefits'', and ''Veterans insurance and indemnities'' shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1999.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal year 2000 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from ''Compensation and pensions''.

SEC. 107. Notwithstanding any other provision of law, during fiscal year 2000, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund (38 U.S.C. 1920), the Veterans' Special Life Insurance Fund (38 U.S.C. 1923), and the United States Government Life Insurance Fund (38 U.S.C. 1955), reimburse the ''General operating expenses'' account for the cost of administration of the insurance programs financed through those accounts: Provided, That reimbursement shall be made only from the surplus earnings accumulated in an insurance program in fiscal year 2000, that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2000, which is properly allocable to the provision of each insurance program and to the provision of any total disability income insurance included in such insurance program.

SEC. 108. (a) The Congress supports efforts to implement improvements in health care services for veterans in rural areas.

(b) REPORT REQUIRED.—(1) Not later than 6 months after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a report on the impact of the allocation of funds under the Veterans Equitable Resource Allocation (VERA) funding formula on the rural subregions of the health care system administered by the Veterans Health Administration.

(2) The report shall include the following:

(A) An assessment of impact of the allocation of funds under the VERA formula on—

(i) travel times to veterans health care in rural areas;

(ii) waiting periods for appointments for veterans health care in rural areas;

(iii) the cost associated with additional community-based outpatient clinics;

(iv) transportation costs; and

(v) the unique challenges that Department of Veterans Affairs medical centers in rural, low-population subregions face in attempting to increase efficiency without large economies of scale.

(B) The recommendations of the Secretary, if any, on how rural veterans' access to health care services might be enhanced.

SEC. 109. The Secretary of Veterans Affairs may carry out a major medical facility project to renovate and construct facilities at the Olin E. Teague Department of Veterans Affairs Medical Center, Temple, Texas, for a joint venture Cardiovascular Institute, in an amount not to exceed $11,500,000. In order to carry out that project, the amount of $11,500,000 appropriated for fiscal year 1998 and programmed for the renovation of Building 9 at the Waco, Texas, Department of Veterans Affairs Medical Center is hereby made available for that project.

SEC. 110. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act for the Medical Care appropriation of the Department of Veterans Affairs may be obligated for the realignment of the health care delivery system in VISN 12 until 60 days after the Secretary of Veterans Affairs certifies that the Department has: (1) consulted with veterans organizations, medical school affiliates, employee representatives, State veterans and health associations, and other interested parties with respect to the realignment plan to be implemented; and (2) made available to the Congress and the public information from the consultations regarding possible impacts on the accessibility of veterans health care services to affected veterans.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

For activities and assistance to prevent the involuntary displacement of low-income families,

the elderly and the disabled because of the loss of affordable housing stock, expiration of subsidy contracts (other than contracts for which amounts are provided under another heading in this Act) or expiration of use restrictions, or other changes in housing assistance arrangements, and for other purposes, $11,376,695,000 and amounts that are recaptured in this account, and recaptured under the appropriation for ''Annual contributions for assisted housing'', to remain available until expended: Provided, That of the total amount provided under this heading, $10,990,135,000, of which $6,790,135,000 shall be available on October 1, 1999 and $4,200,000,000 shall be available on October 1, 2000, shall be for assistance under the United States Housing Act of 1937 (''the Act'' herein) (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, for amendments to section 8 subsidy contracts, for enhanced vouchers (including amendments and renewals) under any provision of law authorizing such assistance under section 8(t) of the United States Housing Act of 1937 (47 U.S.C. 1437f(t)), as added by section 538 of title V of this Act, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act: Provided further, That amounts available under the first proviso under this heading may be available for section 8 rental assistance under the United States Housing Act of 1937: (1) to relocate residents of properties: (A) that are owned by the Secretary and being disposed of; or (B) that are discontinuing section 8 project-based assistance; (2) for relocation and replacement housing for units that are demolished or disposed of: (A) from the public housing inventory (in addition to amounts that may be available for such purposes under this and other headings); or (B) pursuant to section 24 of the United States Housing Act of 1937 or to other authority for the revitalization of severely distressed public housing, as set forth in the Appropriations Acts for the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies for fiscal years 1993, 1994, 1995, and 1997, and in the Omnibus Consolidated Rescissions and Appropriations Act of 1996; (3) for the conversion of section 23 projects to assistance under section 8; (4) for funds to carry out the family unification program; (5) for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency; and (6) for the 1-year renewal of section 8 contracts for units in a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990: Provided further, That of the total amount provided under this heading, $40,000,000 shall be made available to nonelderly disabled families affected by the designation of a public housing development under section 7 of such Act, the establishment of preferences in accordance with section 651 of the Housing and Community Development Act of 1992 (42 U.S.C. 1361l), or the restriction of occupancy to elderly families in accordance with section 658 of such Act, and to the extent the Secretary determines that such amount is not needed to fund applications for such affected families, to other nonelderly disabled families: Provided further, That amounts available under this heading may be made available for administrative fees and other expenses to cover the cost of administering rental assistance programs under section 8 of the United States Housing Act of 1937: Provided further, That the fee otherwise authorized under section 8(q) of such Act shall be determined in accordance with section 8(q), as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998: Provided further, That all balances for the section 8 rental assistance, section 8 counseling, section 8 new construction, section 8 substantial rehabilitation, relocation/replacement/demolition, section 23 conversions, rental and disaster vouchers, loan management set-aside, section 514 technical assistance, and other programs previously funded within the ''Annual Contributions'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That all balances in the ''Section 8 Reserve Preservation'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated: Provided further, That the unexpended amounts previously appropriated for special purpose grants within the ''Annual Contributions for Assisted Housing'' account shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the amounts previously appropriated for property disposition within the ''Annual Contributions for Assisted Housing'' account, up to $79,000,000 shall be transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the unexpended amounts previously appropriated for carrying out the Low-Income Housing Preservation and Resident Homeownership Act of 1990 and the Emergency Low Income Housing Preservation Act of 1987, other than amounts made available for rental assistance, within the ''Annual Contributions for Assisted Housing'' and ''Preserving Existing Housing Investments'' accounts, shall be recaptured and transferred to this account, to be available for assistance under the Act for use in connection with expiring or terminating section 8 subsidy contracts: Provided further, That of the total amount provided under this heading, $346,560,000 shall be made available for incremental vouchers under section 8 of the United States Housing Act of 1937 on a fair share basis and administered by public housing agencies: Provided further, That of the balances remaining from funds appropriated under this heading or the heading ''Annual Contributions for Assisted Housing'' during fiscal year 2000 and prior years, $2,243,000,000 is rescinded: Provided further, That of the amount rescinded under the previous proviso, $1,300,000,000 shall be from amounts recaptured and the Secretary shall have discretion to specify the amounts to be rescinded from each of the foregoing accounts, $505,000,000 shall be from unobligated balances, and $438,000,000 shall be from amounts that were appropriated in fiscal year 1999 and prior years for section 8 assistance including assistance to relocate residents of properties that are owned by the Secretary and being disposed of or that are discontinuing section 8 project-based assistance, for relocation and replacement housing for units that are demolished or disposed of from the public housing inventory, and for enhanced vouchers as provided under the ''Preserving Existing Housing Investment'' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204).

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437), $2,900,000,000, to remain available until expended: Provided, That of the total amount, up to $75,000,000 shall be for carrying out activities under section 9(h) of such Act, and for lease adjustments to section 23 projects: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937: Provided further, That of the total amount, up to $75,000,000 shall be available for the Secretary of Housing and Urban Development to make grants to public housing agencies for emergency capital needs resulting from emergencies and natural disasters in fiscal year 2000: Provided further, That all balances for debt service for Public and Indian Housing and Public and Indian Housing Grants previously funded within the ''Annual Contributions for Assisted Housing'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

PUBLIC HOUSING OPERATING FUND

(INCLUDING TRANSFERS OF FUNDS)

For payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $3,138,000,000, to remain available until expended: Provided, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies and Indian tribes and their tribally designated housing entities for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $310,000,000, to remain available until expended: Provided, That of the total amount provided under this heading, up to $4,500,000 shall be solely for technical assistance, technical assistance grants, training, and program assessment for or on behalf of public housing agencies, resident organizations, and Indian tribes and their tribally designated housing entities (including up to $150,000 for the cost of necessary travel for participants in such training): Provided further, That of the amount provided under this heading, $10,000,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home Program administered by the Inspector General of the Department of Housing and Urban Development: Provided further, That of the amount under this heading, $10,000,000 shall be provided to the Office of Inspector General for Operation Safe Home: Provided further, That of the amount under this heading, $20,000,000 shall be available for a program named the New Approach Anti-Drug program which will provide competitive grants to entities managing or operating public housing developments, federally assisted multifamily housing developments, or other multifamily housing developments for low-income families supported by non-Federal governmental entities or similar housing developments supported by nonprofit private sources in order to provide or augment security (including personnel costs), to assist in the investigation and/or prosecution of drug related criminal activity in and around such developments, and to provide assistance for the development of capital improvements at such developments directly relating to the security of such developments: Provided further, That grants for the New Approach Anti-Drug program shall be made on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

For grants to public housing agencies for demolition, site revitalization, replacement housing, and tenant-based assistance grants to projects as authorized by section 24 of the United States Housing Act of 1937, $575,000,000 to remain available until expended of which the Secretary may use up to $10,000,000 for technical assistance and contract expertise, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost

of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided, That none of such funds shall be used directly or indirectly by granting competitive advantage in awards to settle litigation or pay judgments, unless expressly permitted herein: Provided further, That of the amount provided under this heading, $1,200,000 shall be contracted through the Secretary to be used by the Urban Institute to conduct an independent study on the long-term effects of the HOPE VI program on former residents of distressed public housing developments.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

For the Native American Housing Block Grants program, as authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (Public Law 104–330), $620,000,000, to remain available until expended, of which $2,000,000 shall be contracted through the Secretary as technical assistance and capacity building to be used by the National American Indian Housing Council in support of the implementation of NAHASDA and up to $4,000,000 by the Secretary to support the inspection of Indian housing units, contract expertise, training, and technical assistance in the oversight and management of Indian housing and tenant-based assistance, including up to $200,000 for related travel: Provided, That of the amount provided under this heading, $6,000,000 shall be made available for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided further, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed $54,600,000: Provided further, That for administrative expenses to carry out the guaranteed loan program, up to $200,000 from amounts in the first proviso, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739), $6,000,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $71,956,000.

In addition, for administrative expenses to carry out the guaranteed loan program, up to $150,000 from amounts in the first paragraph, which shall be transferred to and merged with the appropriation for ''Salaries and expenses'', to be used only for the administrative costs of these guarantees.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901), $232,000,000, to remain available until expended: Provided, That the Secretary may use up to 0.75 percent of the funds under this heading for technical assistance.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

For the Office of Rural Housing and Economic Development in the Department of Housing and Urban Development, $25,000,000, to remain available until expended: Provided, That of the amount under this heading, up to $3,000,000 shall be used to develop capacity at the State and local level for developing rural housing and for rural economic development and for maintaining a clearinghouse of ideas for innovative strategies for rural housing and economic development and revitalization: Provided further, That of the amount under this heading, at least $22,000,000 shall be awarded by June 1, 2000 to Indian tribes, State housing finance agencies, State community and/or economic development agencies, local rural nonprofits and community development corporations to support innovative housing and economic development activities in rural areas: Provided further, That all grants shall be awarded on a competitive basis as specified in section 102 of the HUD Reform Act.

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of guaranteed loans under the America's Private Investment Companies Program, $20,000,000, to remain available until September 30, 2002: Provided, That such costs, including the cost of modifying loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is guaranteed, not to exceed $541,000,000: Provided further, That the funds appropriated under this heading shall not be available for obligation until the America's Private Investment Companies Program is authorized by subsequent legislation and the program is developed subject to notice and comment rulemaking: Provided further, That if the authorizing legislation is not enacted by June 30, 2000, all funds under this heading shall be transferred to and merged with the appropriation for the ''Community development financial institutions fund program account'' to be available for use as grants and loans under that account.

URBAN EMPOWERMENT ZONES

For grants in connection with a second round of the empowerment zones program in urban areas, designated by the Secretary of Housing and Urban Development in fiscal year 1999 pursuant to the Taxpayer Relief Act of 1997, $55,000,000 to the Secretary of Housing and Urban Development for ''Urban Empowerment Zones'', including $3,666,000 for each empowerment zone for use in conjunction with economic development activities consistent with the strategic plan of each empowerment zone, to remain available until expended.

RURAL EMPOWERMENT ZONES

For grants for the rural empowerment zone and enterprise communities programs, as designated by the Secretary of Agriculture, $15,000,000 to the Secretary of Agriculture for grants for designated empowerment zones in rural areas and for grants for designated rural enterprise communities, to remain available until expended.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, to carry out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (the ''Act'' herein) (42 U.S.C. 5301), $4,800,000,000, to remain available until September 30, 2002: Provided, That $67,000,000 shall be for grants to Indian tribes notwithstanding section 106(a)(1) of such Act, $3,000,000 shall be available as a grant to the Housing Assistance Council, $2,200,000 shall be available as a grant to the National American Indian Housing Council, and $41,500,000 shall be for grants pursuant to section 107 of the Act including $2,000,000 to support Alaska Native serving institutions and native Hawaiian serving institutions, as defined under the Higher Education Act, as amended: Provided further, That $20,000,000 shall be for grants pursuant to the Self Help Housing Opportunity Program: Provided further, That not to exceed 20 percent of any grant made with funds appropriated herein (other than a grant made available in this paragraph to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974, as amended) shall be expended for ''Planning and Management Development'' and ''Administration'' as defined in regulations promulgated by the Department: Provided further, That all balances for the Economic Development Initiative grants program, the John Heinz Neighborhood Development program, grants to Self Help Housing Opportunity program, and the Moving to Work Demonstration program previously funded within the ''Annual Contributions for Assisted Housing'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

Of the amount made available under this heading, $23,750,000 shall be made available for capacity building, of which $20,000,000 shall be made available for ''Capacity Building for Community Development and Affordable Housing,'' for LISC and the Enterprise Foundation for activities as authorized by section 4 of the HUD Demonstration Act of 1993 (Public Law 103–120), as in effect immediately before June 12, 1997, with not less than $4,000,000 of the funding to be used in rural areas, including tribal areas, and of which $3,750,000 shall be made available to Habitat for Humanity International.

Of the amount made available under this heading, the Secretary of Housing and Urban Development may use up to $55,000,000 for supportive services for public housing residents, as authorized by section 34 of the United States Housing Act of 1937, as amended, and for grants for service coordinators and congregate services for the elderly and disabled residents of public and assisted housing: Provided further, That amounts made available for congregate services and service coordinators for the elderly and disabled under this heading and in prior fiscal years may be used by grantees to reimburse themselves for costs incurred in connection with providing service coordinators previously advanced by grantees out of other funds due to delays in the granting by or receipt of funds from the Secretary, and the funds so made available to grantees for congregate services or service coordinators under this heading or in prior years shall be considered as expended by the grantees upon such reimbursement. The Secretary shall not condition the availability of funding made available under this heading or in prior years for congregate services or service coordinators upon any grantee's obligation or expenditure of any prior funding.

Of the amount made available under this heading, $30,000,000 shall be available for neighborhood initiatives that are utilized to improve the conditions of distressed and blighted areas and neighborhoods, to stimulate investment, economic diversification, and community revitalization in areas with population outmigration or a stagnating or declining economic base, or to determine whether housing benefits can be integrated more effectively with welfare reform initiatives: Provided, that any unobligated balances of amounts set aside for neighborhood initiatives in fiscal years 1998 and 1999 may be utilized for any of the foregoing purposes: Provided further, That of the amount set aside for fiscal year 2000 under this paragraph, $23,000,000 shall be used for grants specified in the statement of the Managers of the Committee of Conference accompanying this Act.

Of the amount made available under this heading, $30,000,000 shall be available for neighborhood initiatives.

Of the amount made available under this heading, notwithstanding any other provision

of law, $42,500,000 shall be available for YouthBuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading: Provided, That local YouthBuild programs that demonstrate an ability to leverage private and nonprofit funding shall be given a priority for YouthBuild funding: Provided further, That of the amount provided under this paragraph, $2,500,000 shall be set aside and made available for a grant to Youthbuild USA for capacity building for community development and affordable housing activities as specified in section 4 of the HUD Demonstration Act of 1993, as amended.

Of the amount made available under this heading, $275,000,000 shall be available for grants for the Economic Development Initiative (EDI) to finance a variety of economic development efforts, including $240,000,000 for making individual grants for targeted economic investments in accordance with the terms and conditions specified for such grants in the statement of the managers of the committee of conference accompanying this Act.

For the cost of guaranteed loans, $29,000,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,261,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in section 108(k) of the Housing and Community Development Act of 1974: Provided further, That in addition, for administrative expenses to carry out the guaranteed loan program, $1,000,000, which shall be transferred to and merged with the appropriation for ''Salaries and expenses''.

The Secretary is directed to transfer the administration of the small cities component of the Community Development Block Grant Program for the funds allocated for the State of New York under section 106(d) of the Housing and Community Development Act of 1974 for fiscal year 2000 and all fiscal years thereafter to the State of New York to be administered by the Governor of New York.

BROWNFIELDS REDEVELOPMENT

For Economic Development Grants, as authorized by section 108(q) of the Housing and Community Development Act of 1974, as amended, for Brownfields redevelopment projects, $25,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall make these grants available on a competitive basis as specified in section 102 of the Department of Housing and Urban Development Reform Act of 1989.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,600,000,000, to remain available until expended: Provided, That up to $15,000,000 of these funds shall be available for Housing Counseling under section 106 of the Housing and Urban Development Act of 1968: Provided further, That $2,000,000 of these funds shall be made available as a grant to the National Housing Development Corporation for a program of housing acquisition and rehabilitation: Provided further, That all Housing Counseling program balances previously appropriated in the ''Housing Counseling Assistance'' account shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act, as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $1,020,000,000, to remain available until expended: Provided, That not less than 30 percent of these funds shall be used for permanent housing, and all funding for services must be matched by 25 percent in funding by each grantee: Provided further, That the Secretary of Housing and Urban Development shall conduct a review of any balances of amounts provided under this heading in any previous appropriations Acts that have been obligated but remain unexpended and shall deobligate any such amounts that the Secretary determines were obligated for contracts that are unlikely to be performed and award such amounts during this fiscal year: Provided further, That up to 1 percent of the funds appropriated under this heading may be used for technical assistance: Provided further, That all balances previously appropriated in the ''Emergency Shelter Grants'', ''Supportive Housing'', ''Supplemental Assistance for Facilities to Assist the Homeless'', ''Shelter Plus Care'', ''Section 8 Moderate Rehabilitation Single Room Occupancy'', and ''Innovative Homeless Initiatives Demonstration'' accounts shall be transferred to and merged with this account, to be available for any authorized purpose under this heading.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

For assistance for the purchase, construction, acquisition, or development of additional public and subsidized housing units for low income families not otherwise provided for, $911,000,000, to remain available until expended: Provided, That $710,000,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for the elderly under such section 202(c)(2), and for supportive services associated with the housing of which amount $50,000,000 shall be for service coordinators and continuation of existing congregate services grants for residents of assisted housing projects, and of which amount $50,000,000 shall be for grants for conversion of existing section 202 projects, or portions thereof, to assisted living or related use, consistent with the relevant provision of title V of this Act: Provided further, That of the amount under this heading, $201,000,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act, for project rental assistance, for amendments to contracts for project rental assistance, and supportive services associated with the housing for persons with disabilities as authorized by section 811 of such Act: Provided further, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of such Act for tenant-based assistance, as authorized under that section, including such authority as may be waived under the next proviso, which assistance is five years in duration: Provided further, That the Secretary may waive any provision of such section 202 and such section 811 (including the provisions governing the terms and conditions of project rental assistance and tenant-based assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

FLEXIBLE SUBSIDY FUND

(TRANSFER OF FUNDS)

From the Rental Housing Assistance Fund, all uncommitted balances of excess rental charges as of September 30, 1999, and any collections made during fiscal year 2000, shall be transferred to the Flexible Subsidy Fund, as authorized by section 236(g) of the National Housing Act, as amended.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 2000, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $140,000,000,000.

During fiscal year 2000, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $100,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $330,888,000, of which not to exceed $324,866,000 shall be transferred to the appropriation for ''Salaries and expenses''; not to exceed $4,022,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses, $160,000,000: Provided, That to the extent guaranteed loan commitments exceed $49,664,000,000 on or before April 1, 2000, an additional $1,400 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below $1,000,000), but in no case shall funds made available by this proviso exceed $16,000,000.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), including the cost of loan guarantee modifications (as that term is defined in section 502 of the Congressional Budget Act of 1974, as amended), $153,000,000, including not to exceed $153,000,000 from unobligated balances previously appropriated under this heading, to remain available until expended: Provided, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, of up to $18,100,000,000: Provided further, That any amounts made available in any prior appropriations Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed $50,000,000; of which not to exceed $30,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned

by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $211,455,000 (including not to exceed $147,000,000 from unobligated balances previously appropriated under this heading), of which $193,134,000, shall be transferred to the appropriation for ''Salaries and expenses''; and of which $18,321,000 shall be transferred to the appropriation for the Office of Inspector General. In addition, for administrative contract expenses necessary to carry out the guaranteed and direct loan programs, $144,000,000: Provided, That to the extent guaranteed loan commitments exceed $7,263,000,000 on or before April 1, 2000, an additional $19,800 for administrative contract expenses shall be available for each $1,000,000 in additional guaranteed loan commitments over $7,263,000,000 (including a pro rata amount for any increment below $1,000,000), but in no case shall funds made available by this proviso exceed $14,400,000.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

During fiscal year 2000, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $200,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,383,000 to be derived from the GNMA guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,383,000 shall be transferred to the appropriation for departmental ''Salaries and expenses''.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $45,000,000, to remain available until September 30, 2001: Provided, That of the amount provided under this heading, $10,000,000 shall be for the Partnership for Advancing Technology in Housing (PATH) Initiative and $500,000 shall be for a commission established in section 525 of title V of this Act.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, $44,000,000, to remain available until September 30, 2001, of which $24,000,000 shall be to carry out activities pursuant to such section 561: Provided, That no funds made available under this heading shall be used to lobby the executive or legislative branches of the Federal Government in connection with a specific contract, grant or loan.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFER OF FUNDS)

For the Lead Hazard Reduction Program, as authorized by sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992, $80,000,000 to remain available until expended, of which $1,000,000 shall be for CLEARCorps and $10,000,000 shall be for a Healthy Homes Initiative, which shall be a program pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970 that shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related environmental diseases and hazards: Provided, That all balances for the Lead Hazard Reduction Programs previously funded in the Annual Contributions for Assisted Housing and Community Development Block Grant accounts shall be transferred to this account, to be available for the purposes for which they were originally appropriated.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and non-administrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $1,005,733,000, of which $518,000,000 shall be provided from the various funds of the Federal Housing Administration, $9,383,000 shall be provided from funds of the Government National Mortgage Association, $1,000,000 shall be provided from the ''Community development block grants program'' account, $150,000 shall be provided by transfer from the ''Title VI indian federal guarantees program'' account, and $200,000 shall be provided by transfer from the ''Indian housing loan guarantee fund program'' account: Provided, That the Secretary is prohibited from using any funds under this heading or any other heading in this Act from employing more than 77 schedule C and 20 noncareer Senior Executive Service employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 9,300 employees: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to convert any external community builders to career employees, and after September 1, 2000 to employ any external community builders: Provided further, That the Secretary is prohibited from using funds under this heading or any other heading in this Act to employ more than 14 employees in the Office of Public Affairs: Provided further, That of the amount made available under this heading, $2,000,000 shall be for the Millennial Housing Commission as established under section 206.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $83,000,000, of which $22,343,000 shall be provided from the various funds of the Federal Housing Administration and $10,000,000 shall be provided from the amount earmarked for Operation Safe Home in the appropriation for ''Drug elimination grants for low-income housing'': Provided, That the Inspector General shall have independent authority over all personnel issues within the Office of Inspector General.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, including not to exceed $500 for official reception and representation expenses, $19,493,000, to remain available until expended, to be derived from the Federal Housing Enterprise Oversight Fund: Provided, That not to exceed such amount shall be available from the General Fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the General Fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the General Fund estimated at not more than $0.

ADMINISTRATIVE PROVISIONS

FINANCING ADJUSTMENT FACTORS

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project owners with incentives to refinance their project at a lower interest rate.

FAIR HOUSING AND FREE SPEECH

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2000 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a government official or entity, or a court of competent jurisdiction.

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS GRANTS

SEC. 203. Section 207 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999, is amended by striking wherever it occurs ''fiscal year 1999'' and inserting ''fiscal years 1999 and 2000''.

REPROGRAMMING

SEC. 204. Of the amounts made available under the sixth undesignated paragraph under the heading ''COMMUNITY PLANNING AND DEVELOPMENT—COMMUNITY DEVELOPMENT BLOCK GRANTS'' in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2477) for the Economic Development Initiative (EDI) for grants for targeted economic investments, the $1,000,000 to be made available (pursuant to the related provisions of the joint explanatory statement in the conference report to accompany such Act (Report 105–769, 105th Congress, 2d Session)) to the City of Redlands, California, for the redevelopment initiatives near the historic Fox Theater shall, notwithstanding such provisions, be made available to such City for the following purposes:

(1) $700,000 shall be for renovation of the City of Redlands Fire Station No. 1;

(2) $200,000 shall be for renovation of the Mission Gables House at the Redlands Bowl historic outdoor amphitheater; and

(3) $100,000 shall be for the preservation of historic Hillside Cemetery.

ADJUSTMENTS TO INCOME ELIGIBILITY FOR UNUSUALLY HIGH OR LOW FAMILIES INCOMES IN ASSISTED HOUSING

SEC. 205. Section 16 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(2)(A), by inserting before the period the following: ''; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes''; and

(2) in subsection (c)(3), by inserting before the period the following: ''; except that the Secretary may establish income ceilings higher or lower than 30 percent of the area median income

on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes''.

MILLENNIAL HOUSING COMMISSION

SEC. 206. (a) ESTABLISHMENT.—There is hereby established a commission to be known as the Millennial Housing Commission (in this section referred to as the ''Commission''.

(b) STUDY.—The duty of the Commission shall be to conduct a study that examines, analyzes, and explores—

(1) the importance of housing, particularly affordable housing which includes housing for the elderly, to the infrastructure of the United States;

(2) the various possible methods for increasing the role of the private sector in providing affordable housing in the United States, including the effectiveness and efficiency of such methods; and

(3) whether the existing programs of the Department of Housing and Urban Development work in conjunction with one another to provide better housing opportunities for families, neighborhoods, and communities, and how such programs can be improved with respect to such purpose.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 22 members, appointed not later than January 1, 2000, as follows:

(A) Two co-chairpersons appointed by—

(i) one co-chairperson appointed by a committee consisting of the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate; and

(ii) one co-chairperson appointed by a committee consisting of the ranking minority members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate, and the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate.

(B) Ten members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives.

(C) Ten members appointed by the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate and the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assemblying, or applying capital resources from a variety of sources to the successful development of affordable housing or the revitalization of communities, including economic and job development.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

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

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

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

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding 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.

(5) 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.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) REPORT.—The Commission shall submit to the Committees on Appropriations and Banking and Financial Services of the House of Representatives and the Committees on Appropriations and Banking, Housing, and Urban Affairs of the Senate a final report not later than March 1, 2002. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate on June 30, 2002. section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

FHA TECHNICAL CORRECTION

SEC. 207. Section 203(b)(2)(A)(ii) of the National Housing Act (12 U.S.C. 1709(b)(2)(A)(ii)) is amended by adding before ''48 percent'' the following: ''the greater of the dollar amount limitation in effect under this section for the area on the date of the enactment of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 1999 or''.

RESCISSIONS

SEC. 208. Of the balances remaining from funds appropriated to the Department of Housing and Urban Development in Public Law 105–65 and prior appropriations Acts, $74,400,000 is rescinded: Provided, That the amount rescinded shall be comprised of—

(1) $30,552,000 of the amounts that were appropriated for the modernization of public housing unit; under the heading ''Annual contributions for assisted housing'', including an amount equal to the amount transferred from such account to, and merged with amounts under the heading ''Public housing capital fund'';

(2) $3,048,000 of the amounts from which no disbursements have been made within five successive fiscal years beginning after September 30, 1993, that were appropriated under the heading ''Annual contributions for assisted housing'', including an amount equal to the amount transferred from such account to the account under the heading ''Housing certificate fund'';

(3) $22,975,000 of amounts appropriated for homeownership assistance under section 235(r) of the National Housing Act, including $6,875,000 appropriated in Public Law 103–327 (approved September 28, 1994, 104 Stat. 2305) for such purposes;

(4) $11,400,000 of the amounts appropriated for the Homeownership and Opportunity for People Everywhere programs (HOPE programs), as authorized by the Cranston-Gonzalez National Affordable Housing Act; and

(5) $6,400,000 of the balances remaining in the account under the heading ''Nonprofit Sponsor Assistance Account''.

GRANT FOR NATIONAL CITIES IN SCHOOLS

SEC. 209. For a grant to the National Cities in Schools Community Development program under section 930 of the Housing and Community Development Act of 1992, $5,000,000.

MOVING TO WORK DEMONSTRATION

SEC. 210. For the Jobs-Plus Initiative of the Moving to Work Demonstration, $5,000,000 to cover the cost of rent-based work incentives to families in selected public housing developments, who shall be encouraged to go to work under work incentive plans approved by the Secretary and carefully tracked as part of the research and demonstration effort.

REPEALER

SEC. 211. Section 218 of Public Law 104–204 is repealed.

FHA ADMINISTRATIVE CONTRACT EXPENSE AUTHORITY

SEC. 212. Section 1 of the National Housing Act (12 U.S.C. 1702) is amended by inserting the following new sentence after the first proviso: ''Except with respect to title III, for the purposes of this section, the term ''nonadministrative'' shall not include contract expenses that are not capitalized or routinely deducted from the proceeds of sales, and such expenses shall not be payable from funds made available by this Act.''.

FULL PAYMENT OF CLAIMS

SEC. 213. (a) Section 541 of the National Housing Act is amended—

(1) by amending the heading to read as follows: ''PARTIAL PAYMENT OF CLAIMS ON DEFAULTED MORTGAGES AND IN CONNECTION WITH MORTGAGE RESTRUCTURING''; and

(2) in subsection (b), by striking ''partial payment of the claim under the mortgage insurance contract'' and inserting, ''partial or full payment of claim under one or more mortgage insurance contracts''.

(b) Section 517 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 is amended by adding a new subsection (a)(6) to read as follows: ''(6) The second mortgage under this section may be a first mortgage if no restructured or new first mortgage will meet the requirement of paragraph (1)(A).''.

AVAILABILITY OF INCOME MATCHING INFORMATION

SEC. 214. (a) Section 3(f) of the United States Housing Act of 1937 (42 U.S.C. 1437a), as amended by section 508(d)(1) of the Quality Housing and Work Responsibility Act of 1998, is further amended—

(1) in paragraph (1)—

(A) after the first appearance of ''public housing agency'', by inserting '', or the owner responsible for determining the participant's eligibility or level of benefits,''; and

(B) after ''as applicable'', by inserting '', or to the owner responsible for determining the participant's eligibility or level of benefits''; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''or'';

(B) in subparagraph (B), by striking the period and inserting '', or''; and

(C) by inserting at the end the following new subparagraph:

''(C) for which project-based assistance is provided under section 8, section 202, or section 811.''.

(b) Section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544), as amended by section 508(d)(2) of the Quality Housing and Work Responsibility Act of 1998, is further amended in paragraph (4)—

(1) by inserting after ''public housing agency'' the first time it appears the following: '', or the owner responsible for determining the participant's eligibility or level of benefits,''; and

(2) by striking ''the public housing agency verifying income'' and inserting ''verifying income''.

EXEMPTION FOR ALASKA AND MISSISSIPPI FROM REQUIREMENT OF RESIDENT ON BOARD

SEC. 215. Public housing agencies in the states of Alaska and Mississippi shall not be required to comply with section 2(b) of the United States Housing Act of 1937, as amended, during fiscal year 2000.

ADMINISTRATION OF THE CDBG PROGRAM BY NEW YORK STATE

SEC. 216. The Secretary of Housing and Urban Development shall transfer on the date of the enactment of this Act the administration of the Small Cities component of the Community Development Block Grants program for all funds allocated for the State of New York under section 106(d) of the Housing and Community Development Act of 1974 for fiscal year 2000 and all fiscal years thereafter, to the State of New York to be administered by the Governor of such State.

SECTION 202 EXEMPTION

SEC. 217. Notwithstanding section 202 of the Housing Act of 1959 or any other provision of law, Peggy A. Burgin may not be disqualified on the basis of age from residing at Clark's Landing in Groton, Vermont.

DARLINTON PRESERVATION AMENDMENT

SEC. 218. Notwithstanding any other provision of law, upon prepayment of the FHA-insured Section 236 mortgage, the Secretary shall continue to provide interest reduction payment in accordance with the existing amortization schedule for Darlinton Manor Apartments, a 100-unit project located at 606 North 5th Street, Bozemen, Montana, which will continue as affordable housing pursuant to a use agreement with the State of Montana.

RISK-SHARING PRIORITY

SEC. 219. Section 517(b)(3) of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 is amended by inserting after ''1992.'' the following: ''The Secretary shall use risk-shared financing under section 542(c) of the Housing and Community Development Act of 1992 for any mortgage restructuring, rehabilitation financing, or debt refinancing included as part of a mortgage restructuring and rental assistance sufficiency plan if the terms and conditions are considered to be the best available financing in terms of financial savings to the FHA insurance funds and will result in reduced risk of loss to the Federal Government.''.

TREATMENT OF EXPIRING ECONOMIC DEVELOPMENT INITIATIVE GRANTS

SEC. 220. (a) AVAILABILITY.—Notwithstanding section 1552 of title 31, United States Code, the grant amounts identified in subsection (b) shall remain available to the grantees for the purposes for which such amounts were obligated through September 30, 2000.

(b) GRANTS.—The grant amounts identified in this subsection are the amounts provided under the following grants made by the Secretary of Housing and Urban Development under the economic development initiative under section 108(q) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(q)):

(1) The grant for Miami, Florida, designated as B–92–ED–12–013.

(2) The grant for Miami Beach, Florida, designated as B–92–ED–12–014.

(c) EFFECTIVE DATE.—This section shall be considered to have taken effect on September 30, 1999. The Secretary of the Treasury and the Secretary of Housing and Urban Development shall take such actions as may be necessary to carry out this section, notwithstanding any actions taken previously pursuant to section 1552 of title 31, United States Code.

USE OF TRUSTS WITH REGARD TO COOPERATIVE HOUSING SECTION

SEC. 221. Section 213(a) of the National Housing Act (12 U.S.C. 1715e(a)) is amended by adding at the end the following new sentence: ''Nothing in this section may be construed to prevent membership in a nonprofit housing cooperative from being held in the name of a trust, the beneficiary of which shall occupy the dwelling unit in accordance with rules and regulations prescribed by the Secretary.''.

GRANT TECHNICAL CORRECTION

SEC. 222. Notwithstanding any other provision of law, the amount made available under the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1991 (Public Law 101–507) for a special purpose grant under section 107 of the Housing and Community Development Act of 1974 to the County of Hawaii for the purpose of an environmental impact statement for the development of a water resource system in Kohala, Hawaii, that is unobligated on the date of the enactment of this Act, may be used to fund water system improvements, including exploratory wells, well drillings, pipeline replacements, water system planning and design, and booster pump and reservoir development.

REUSE OF CERTAIN BUDGET AUTHORITY

SEC. 223. section 8(z) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1)—

(A) by inserting after ''on account of'' the following: ''expiration or''; and

(B) by striking the parenthetical phrase; and

(2) by striking paragraph (3).

SECTION 108 WAIVER

SEC. 224. With respect to the $6,700,000 commitment in connection with guaranteed obligations for the Sandtown-Winchester Home Ownership Zone under section 108 of the Housing and Community Development Act of 1974, the Secretary shall not require security in excess of that authorized under section 108(d)(1)(B).

HOPWA TECHNICAL

SEC. 225. (a) Notwithstanding any other provision of law, the amount allocated for fiscal year 2000, and the amounts that would otherwise be allocated for fiscal year 2001, to the City of Philadelphia, Pennsylvania on behalf of the Philadelphia, PA-NJ Primary Metropolitan Area (hereafter ''metropolitan area''), under section 854(c) of the AIDS Housing Opportunity Act (42 U.S.C. 12903(c)), the Secretary of Housing and Urban Development shall adjust such amounts by allocating to the State of New Jersey the proportion of the metropolitan area's amount that is based on the number of cases of AIDS reported in the portion of the metropolitan area that is located in New Jersey.

(b) The State of New Jersey shall use amounts allocated to the state under this section to carry out eligible activities under section 855 of the AIDS Housing Opportunity Act (42 U.S.C. 12904) in the portion of the metropolitan area that is located in New Jersey.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries, $28,467,000, to remain available until expended.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, and for services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, $8,000,000: Provided, That the Chemical Safety and Hazard Investigation Board shall have not more than three career Senior Executive Service positions.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development lenders, and administrative expenses of the Fund, including services authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for ES–3, $95,000,000, to remain available until September 30, 2001, of which up to $7,860,000 may be used for administrative expenses, up to $16,500,000 may be used for the cost of direct loans, and up to $1,000,000 may be used for administrative expenses to carry out the direct loan program: Provided, That the cost of direct loans, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $53,140,000: Provided further, That not more than $30,000,000 of the funds made available under

this heading may be used for programs and activities authorized in section 114 of the Community Development Banking and Financial Institutions Act of 1994.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable under 5 U.S.C. 5376, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $49,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the ''Corporation'') in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the ''Act'') (42 U.S.C. 12501 et seq.), $434,500,000, to remain available until September 30, 2000: Provided, That not more than $28,500,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)) with not less than $1,500,000 targeted to administrative needs, not including salaries and expenses, identified as urgent by the Corporation without regard to the provisions of section 501(a)(4)(B) of the Act: Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $70,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.), of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service: Provided further, That not more than $234,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the AmeriCorps program), of which not more than $45,000,000 may be used to administer, reimburse, or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $7,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12571(b)): Provided further, That to the maximum extent feasible, funds appropriated under subtitle C of title I of the Act shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (42 U.S.C. 12521 et seq.): Provided further, That not more than $28,500,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639): Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal costs per participant in all programs: Provided further, That of amounts available in the National Service Trust account from previous appropriations acts, $80,000,000 shall be rescinded.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $4,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. 7251–7298, $11,450,000, of which $910,000, shall be available for the purpose of providing financial assistance as de scribed, and in accordance with the process and reporting procedures set forth, under this heading in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL

CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, including the purchase of one passenger motor vehicle for replacement only, and not to exceed $1,000 for official reception and representation expenses, $12,473,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

(INCLUDING TRANSFER OF FUNDS)

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $645,000,000, which shall remain available until September 30, 2001: Provided, That the obligated balance of sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses, $1,900,000,000, which shall remain available until September 30, 2001: Provided, That the obligated balance of such sums shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That none of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol which was adopted on December 11, 1997, in Kyoto, Japan at the Third Conference of the Parties to the United Nations Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol: Provided further, That none of the funds made available in this Act may be used to implement or administer the interim guidance issued on February 5, 1998, by the Environmental Protection Agency relating to title VI of the Civil Rights Act of 1964 and designated as the ''Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits'' with respect to complaints filed under such title after October 21, 1998, and until guidance is finalized. Nothing in this proviso may be construed to restrict the Environmental Protection Agency from developing or issuing final guidance relating to title VI of the Civil Rights Act of 1964: Provided further, That notwithstanding 7 U.S.C. 136r and 15 U.S.C. 2609, beginning in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and section 10 of the Toxic Substances Control Act, as amended, shall be available for research, development, monitoring, public education, training, demonstrations, and studies: Provided further, That the unexpended funds remaining from the $2,200,000 appropriated under this heading in Public Law 105–276 for a grant to the Lake Ponchartrain Basin Foundation circuit rider initiative in Louisiana shall be transferred to the ''State and tribal assistance grants'' appropriation to remain available until expended for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the report accompanying that Act.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $32,409,000, to remain available until September 30, 2001: Provided, That the sums available in this account shall remain available through September 30, 2008 for liquidating obligations made in fiscal years 2000 and 2001: Provided further, That the obligated balance of funds transferred to this account in Public Law 105–276 shall remain available through September 30, 2007 for liquidating obligations made in fiscal years 1999 and 2000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, $62,600,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as

amended, including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; $1,400,000,000 (of which $100,000,000 shall not become available until September 1, 2000), to remain available until expended, consisting of $700,000,000, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508, and $700,000,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the ''Office of Inspector General'' appropriation to remain available until September 30, 2001: Provided further, That $38,000,000 of the funds appropriated under this heading shall be transferred to the ''Science and technology'' appropriation to remain available until September 30, 2001: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, $70,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry (ATSDR) to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of SARA: Provided further, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited health care providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A): Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2000.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $70,000,000, to remain available until expended.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $3,466,650,000, to remain available until expended, of which $1,350,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended; $820,000,000 shall be for capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act, as amended, except that, notwithstanding section 1452(n) of the Safe Drinking Water Act, as amended, none of the funds made available under this heading in this Act, or in previous appropriations acts, shall be reserved by the Administrator for health effects studies on drinking water contaminants; $50,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $30,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages; $331,650,000 shall be for making grants for the construction of wastewater and water treatment facilities and groundwater protection infrastructure in accordance with the terms and conditions specified for such grants in the conference report and joint explanatory statement of the committee of conference accompanying this Act (H.R. 2684); and $885,000,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104–134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities: Provided, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, as amended, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2000 and prior years where such amounts represent costs of administering the fund, or by the State of New York for fiscal year 2000 and prior years, costs of capitalizing the fund, to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration, or, by the State of New York for fiscal year 2000 and prior years, for capitalization of the fund: Provided further, That notwithstanding section 518(f) of the Federal Water Pollution Control Act, the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of that Act to make grants to Indian Tribes pursuant to section 319(h) and 518(e) of that Act: Provided further, That notwithstanding any other provision of law, in the case of a publicly owned treatment works in the District of Columbia, the Federal share of grants awarded under title II of the Federal Water Pollution Control Act, beginning October 1, 1999 and continuing through September 30, 2001, shall be 80 percent of the cost of construction, and all grants made to such publicly owned treatment works in the District of Columbia may include an advance of allowance under section 201(l)(2): Provided further, That the $2,200,000 appropriated in Public Law 105–276 in accordance with House Report No. 105–769, for a grant to the Charleston, Utah Water Conservancy District, as amended by Public Law 106–31, shall be awarded to Wasatch County, Utah, for water and sewer needs: Provided further, That the funds appropriated under this heading in Public Law 105–276 for the City of Fairbanks, Alaska, water system improvements shall instead be for the Matanuska-Susitna Borough, Alaska, water and sewer improvements: Provided further, That notwithstanding any other provision of law, all claims for principal and interest registered through grant dispute AA–91–AD34 (05–90–AD09) or any other such dispute hereafter filed by the Environmental Protection Agency relative to water pollution control center and sewer system improvement grants numbers C–390996–01, C–390996–2, and C–390996–3 made in 1976 and 1977 are hereby resolved in favor of the grantee.

The Environmental Protection Agency and the New York State Department of Environmental Conservation are authorized to award, from construction grant reallotments to the State of New York of previously appropriated funds, supplemental grant assistance to Nassau County, New York, for additional odor control at the Bay Park and Cedar Creek wastewater treatment plants, notwithstanding initiation of construction or prior State Revolving Fund funding. Nassau County may elect to accept a combined lump-sum of $15,000,000, paid in advance of construction, in lieu of a 75 percent entitlement, to minimize grant and project administration.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, and services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $5,108,000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, $2,827,000: Provided, That, notwithstanding any other provision of law, no funds other than those appropriated under this heading shall be used for or by the Council on Environmental Quality and Office of Environmental Quality: Provided further, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $33,666,000, to be derived from the Bank Insurance Fund, the Savings Association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses in carrying out the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $300,000,000, and, notwithstanding 42 U.S.C. 5203, to remain available until expended, of which not to exceed $2,900,000 may be transferred to ''Emergency Management Planning and Assistance'' for the consolidated emergency management performance grant program: Provided, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Stafford Act to the State of California, $2,000,000 shall be for a pilot project of seismic retrofit technology at California State University, San Bernardino; $6,000,000 shall be for a seismic retrofit project at Loma Linda University Hospital; and $2,000,000 shall be for a seismic retrofit project at the University of Redlands, Redlands: Provided further, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Stafford Act to the State of Florida, $1,000,000 shall be for a hurricane protection project for the St. Petersburg campus of South Florida University, and $2,500,000 shall be for a windstorm simulation project at Florida International University, Miami: Provided further, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Stafford Act to the State of North Carolina, $1,000,000 shall be for a logistical staging

area concept demonstration involving warehouse facilities at the Stanly County Airport: Provided further, That of the funds made available under this heading in this and prior Appropriations Acts and under section 404 of the Stafford Act to the State of Louisiana, $500,000 shall be for wave monitoring buoys in the Gulf of Mexico off the Louisiana coast.

For an additional amount for ''Disaster relief'', $2,480,425,000, to remain available until expended: Provided, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $1,295,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $420,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles as authorized by 31 U.S.C. 1343; uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses, $180,000,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $8,015,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $267,000,000: Provided, That for purposes of predisaster mitigation pursuant to 42 U.S.C. 5131(b) and (c) and 42 U.S.C. 5196(e) and (i), $25,000,000 of the funds made available under this heading shall be available until expended for project grants: Provided further, That beginning in fiscal year 2000 and each fiscal year thereafter, and notwithstanding any other provision of law, the Director of FEMA is authorized to provide assistance from funds appropriated under this heading, subject to terms and conditions as the Director of FEMA shall establish, to any State for multi-hazard preparedness and mitigation through consolidated emergency management performance grants: Provided further, That notwithstanding any other provision of law, FEMA is authorized to and shall extend its cooperative agreement for the Jones County, Mississippi Emergency Operating Center, and the funds which were obligated as federal matching funds for that Center shall remain available for expenditure until September 30, 2001.

RADIOLOGICAL EMERGENCY PREPAREDNESS FUND

The aggregate charges assessed during fiscal year 2000, as authorized by Public Law 105–276, shall not be less than 100 percent of the amounts anticipated by FEMA necessary for its radiological emergency preparedness program for the next fiscal year. The methodology for assessment and collection of fees shall be fair and equitable; and shall reflect costs of providing such services, including administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the Fund as offsetting collections and will become available for authorized purposes on October 1, 2000, and remain available until expended.

EMERGENCY FOOD AND SHELTER PROGRAM

To carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended, $110,000,000, to remain available until expended: Provided, That total administrative costs shall not exceed three and one-half percent of the total appropriation.

FLOOD MAP MODERNIZATION FUND

For necessary expenses pursuant to section 1360 of the National Flood Insurance Act of 1968, $5,000,000, and such additional sums as may be provided by State or local governments or other political subdivisions for cost shared mapping activities under section 1360(f)(2), to remain available until expended.

NATIONAL INSURANCE DEVELOPMENT FUND

Notwithstanding the provisions of 12 U.S.C. 1735d(b) and 12 U.S.C. 1749bbb–13(b)(6), any indebtedness of the Director of the Federal Emergency Management Agency resulting from the Director borrowing sums under such sections before the date of the enactment of this Act to carry out title XII of the National Housing Act shall be canceled, and the Director shall not be obligated to repay such sums or any interest thereon, and no further interest shall accrue on such sums.

NATIONAL FLOOD INSURANCE FUND

(INCLUDING TRANSFER OF FUNDS)

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, as amended, not to exceed $24,333,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $78,710,000 for flood mitigation, including up to $20,000,000 for expenses under section 1366 of the National Flood Insurance Act, which amount shall be available for transfer to the National Flood Mitigation Fund until September 30, 2001. In fiscal year 2000, no funds in excess of: (1) $47,000,000 for operating expenses; (2) $456,427,000 for agents' commissions and taxes; and (3) $50,000,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations. For fiscal year 2000, flood insurance rates shall not exceed the level authorized by the National Flood Insurance Reform Act of 1994.

Section 1309(a)(2) of the National Flood Insurance Act (42 U.S.C. 4016(a)(2)), as amended by Public Law 104–208, is further amended by striking ''1999'' and inserting ''2000''.

The first sentence of section 1376(c) of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4127(c)), is amended by striking ''September 30, 1999'' and inserting ''September 30, 2000''.

NATIONAL FLOOD MITIGATION FUND

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding sections 1366(b)(3)(B)–(C) and 1366(f) of the National Flood Insurance Act of 1968, as amended, $20,000,000 to remain available until September 30, 2001, for activities designed to reduce the risk of flood damage to structures pursuant to such Act, of which $20,000,000 shall be derived from the National Flood Insurance Fund.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER FUND

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,622,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 2000 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,510,900,000, to remain available until September 30, 2001: Provided, That $40,000,000 of the amount provided in this paragraph shall be available to the space shuttle program only for preparations necessary to carry out a life and micro-gravity science mission, to be flown between STS–107 and December 2001.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics and technology research and development activities, including research, development, operations, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, $5,606,700,000, to remain available until September 30, 2001.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official

reception and representation expenses; and purchase (not to exceed 33 for replacement only) and hire of passenger motor vehicles, $2,515,100,000, to remain available until September 30, 2001.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, $20,000,000.

ADMINISTRATIVE PROVISIONS

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, such amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in ''Mission support'' pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for ''Human space flight'', ''Science, aeronautics and technology'', or ''Mission support'' by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 2002.

Notwithstanding the limitation on the availability of funds appropriated for ''Mission support'' and ''Office of Inspector General'', amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 2000 and may be used to enter into contracts for training, investigations, costs associated with personnel relocation, and for other services, to be provided during the next fiscal year.

Unless otherwise provided for in this Act or in the joint explanatory statement of the committee of conference accompanying this Act, no part of the funds appropriated for ''Human space flight'' may be used for the development of the International Space Station in excess of the amounts set forth in the budget estimates submitted as part of the budget request for fiscal year 2000.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 2000, administrative expenses of the Central Liquidity Facility shall not exceed $257,000: Provided, That $1,000,000, together with amounts of principal and interest on loans repaid, to be available until expended, is available for loans to community development credit unions.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,966,000,000, of which not to exceed $253,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 2001: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $60,000,000 of the funds available under this heading shall be made available for a comprehensive research initiative on plant genomes for economically significant crop: Provided further, That none of the funds appropriated or otherwise made available to the National Science Foundation in this or any prior Act may be obligated or expended by the National Science Foundation to enter into or extend a grant, contract, or cooperative agreement for the support of administering the domain name and numbering system of the Internet after September 30, 1998: Provided further, That no funds in this or any other Act shall be used to acquire or lease a research vessel with ice-breaking capability built or retrofitted by a shipyard located in a foreign country if such a vessel of United States origin can be obtained at a cost no more than 50 per centum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 2002–2003 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel.

MAJOR RESEARCH EQUIPMENT

For necessary expenses of major construction projects pursuant to the National Science Foundation Act of 1950, as amended, including award-related travel, $95,000,000, to remain available until expended.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109, award-related travel, and rental of conference rooms in the District of Columbia, $696,600,000, to remain available until September 30, 2001: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally: Provided further, That $10,000,000 shall be available for the purpose of establishing an office of innovation partnerships.

SALARIES AND EXPENSES

For salaries and expenses necessary in carrying out the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $149,000,000: Provided, That contracts may be entered into under ''Salaries and expenses'' in fiscal year 2000 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, as amended, $5,450,000, to remain available until September 30, 2001.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $75,000,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by 5 U.S.C. 4101–4118 for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $24,000,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by this Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV—GENERAL PROVISIONS

SEC. 401. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefore in the budget estimates submitted for the appropriations: Provided, That this provision does not apply to accounts that do not contain an object classification for travel: Provided further, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefore set forth in the estimates in the same proportion.

SEC. 402. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 403. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 404. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 405. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made; or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 406. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between their domicile and their place of employment, with the exception of any officer or employee authorized such transportation under 31 U.S.C. 1344 or 5 U.S.C. 7905.

SEC. 407. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 408. None of the funds in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 409. None of the funds provided in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 410. Except as otherwise provided under existing law, or under an existing Executive Order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are: (1) a matter of public record and available for public inspection; and (2) thereafter included in a publicly available list of all contracts entered into within 24 months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 411. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), for a contract for services unless such executive agency: (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder; and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning: (A) the contract pursuant to which the report was prepared; and (B) the contractor who prepared the report pursuant to such contract.

SEC. 412. Except as otherwise provided in section 406, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 413. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 414. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 415. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 416. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 417. Such sums as may be necessary for fiscal year 2000 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 418. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 419. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 2000 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 420. Notwithstanding section 320(g) of the Federal Water Pollution Control Act (33 U.S.C. 1330(g)), funds made available pursuant to authorization under such section for fiscal year 2000 may be used for implementing comprehensive conservation and management plans.

SEC. 421. Notwithstanding any other provision of law, the term ''qualified student loan'' with respect to national service education awards shall mean any loan made directly to a student by the Alaska Commission on Postsecondary Education, in addition to other meanings under section 148(b)(7) of the National and Community Service Act.

SEC. 422. It is the sense of the Congress that, along with health care, housing, education, and other benefits, the presence of an honor guard at a veteran's funeral is a benefit that a veteran has earned, and, therefore, the executive branch should provide funeral honor details for the funerals of veterans when requested, in accordance with law.

SEC. 423. Notwithstanding any other law, funds made available by this or any other Act or previous Acts for the United States/Mexico Foundation for Science may be used for the endowment of such Foundation: Provided, That funds from the United States Government shall be matched in equal amounts with funds from Mexico: Provided further, That the accounts of such Foundation shall be subject to United States Government administrative and audit requirements concerning grants and requirements concerning cost principles for nonprofit organizations: Provided further, That the United States/Mexico Foundation for Science is renamed the George E. Brown United States/Mexico Foundation for Science.

SEC. 424. None of the funds made available in this Act may be used to carry out Executive Order No. 13083.

SEC. 425. Unless otherwise provided for in this Act, no part of any appropriation for the Department of Housing and Urban Development shall be available for any activity in excess of amounts set forth in the budget estimates submitted for the appropriations.

SEC. 426. Except in the case of entities that are funded solely with Federal funds or any natural persons that are funded under this Act, none of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties to lobby or litigate in respect to adjudicatory proceedings funded in this Act. A chief executive officer of any entity receiving funds under this Act shall certify that none of these funds have been used to engage in the lobbying of the Federal government or in litigation against the United States unless authorized under existing law.

SEC. 427. LAW ENFORCEMENT AGENCIES NOT INCLUDED AS OWNER OR OPERATOR. Section 101(20)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(20)(D)) is amended by inserting ''through seizure or otherwise in connection with law enforcement activity'' before ''involuntary'' the first place it appears.

SEC. 428. No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

SEC. 429. The comment period on the proposed rules related to section 303(d) of the Clean Water Act published at 64 Federal Register 46012 and 46058 (August 23, 1999) shall be extended from October 22, 1999, for a period of 90 additional calendar days.

SEC. 430. Section 4(a) of the Act of August 9, 1950 (16 U.S.C. 777c(a)), is amended in the second sentence by striking ''1999'' and inserting ''2000''.

SEC. 431. PROMULGATION OF STORMWATER REGULATIONS. (a) STORMWATER REGULATIONS.—The Administrator of the Environmental Protection Agency shall not promulgate the Phase II stormwater regulations until the Administrator submits to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing—

(1) an in-depth impact analysis on the effect the final regulations will have on urban, suburban, and rural local governments subject to the regulations, including an estimate of—

(A) the costs of complying with the 6 minimum control measures described in the regulations; and

(B) the costs resulting from the lowering of the construction threshold from 5 acres to 1 acre;

(2) an explanation of the rationale of the Administrator for lowering the construction site threshold from 5 acres to 1 acre, including—

(A) an explanation, in light of recent court decisions, of why a 1-acre measure is any less arbitrarily determined than a 5-acre measure; and

(B) all qualitative information used in determining an acre threshold for a construction site;

(3) documentation demonstrating that stormwater runoff is generally a problem in communities with populations of 50,000 to 100,000 (including an explanation of why the coverage of the regulation is based on a census-determined population instead of a water quality threshold); and

(4) information that supports the position of the Administrator that the Phase II stormwater program should be administered as part of the National Pollutant Discharge Elimination System under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(b) PHASE I REGULATIONS.—No later than 120 days after the enactment of this Act, the Environmental Protection Agency shall submit to the Environment and Public Works Committee of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing a detailed explanation of the impact, if any, that the Phase I program has had in improving water quality in the United States (including a description of specific measures that have been successful and those that have been unsuccessful).

(c) FEDERAL REGISTER.—The reports described in subsections (a) and (b) shall be published in the Federal Register for public comment.

SEC. 432. PESTICIDE TOLERANCE FEES. None of the funds appropriated or otherwise made available by this Act shall be used to promulgate a final regulation to implement changes in the payment of pesticide tolerance processing fees as proposed at 64 Fed. Reg. 31040, or any similar proposals. The Environmental Protection Agency may proceed with the development of such a rule.

SEC. 433. COMMERCIAL SPACE LAUNCH INDEMNIFICATION EXTENSION. Section 70113(f) of title 49, United States Code is amended by striking ''December 31, 1999'', and inserting ''December 31, 2000''.

SEC. 434. SPACE STATION COMMERCIAL DEVELOPMENT DEMONSTRATION PROGRAM. (a) PURPOSE.—The purpose of this section is to establish a demonstration regarding the commercial feasibility and economic viability of private sector business operations involving the International Space Station and its related infrastructure. The goal will be furthered by the early use of the International Space Station by United States commercial entities committing private capital to commercial enterprises on the International Space Station. In conjunction with this demonstration program, the National Aeronautics and Space Administration (NASA) shall establish and publish a price policy designed to eliminate price uncertainty for those planning to utilize the International Space Station and its related facilities for United States commercial use.

(b) USE OF RECEIPTS FOR COMMERCIAL USE.—Any receipts collected by NASA from the commercial use of the International Space Station shall first be used to offset any costs incurred by NASA in support of the United States commercial use of the International Space Station. Any receipts collected in excess of the costs identified pursuant to the prior sentence may be retained by NASA for use without fiscal year limitation in promoting the commercial use of the International Space Station.

(c) REPORT.—NASA shall submit an annual report to the Congress that identifies all receipts that are collected under this section, the use of the receipts and the status of the demonstration. NASA shall submit a final report on the status of the demonstration, including any recommendation for expansion, within 120 days of the completion of the assembly of the International Space Station or the end of fiscal year 2004, whichever is earlier.

(d) DEFINITIONS.—As used in this section, the term ''United States commercial use'' means private commercial projects that are designed to benefit the United States through the sales of goods or services or the creation of jobs, or both.

(e) TERMINATION.—The demonstration program established under this section shall apply to United States commercial use agreements that are entered into prior to the date of the completion of the International Space Station or the end of fiscal year 2004, whichever is earlier.

SEC. 435. INSURANCE; INDEMNIFICATION; LIABILITY. (a) AMENDMENT.—The National Aeronautics and Space Act of 1958 (42 U.S.C. 2451 et seq.) is amended by inserting after section 308 the following new section:

''EXPERIMENTAL AEROSPACE VEHICLE

''(a) IN GENERAL.—The Administrator may provide liability insurance for, or indemnification to, the developer of an experimental aerospace vehicle developed or used in execution of an agreement between the Administration and the developer.

''(b) TERMS AND CONDITIONS.—

''(1) IN GENERAL.—Except as otherwise provided in this section, the insurance and indemnification provided by the Administration under subsection (a) to a developer shall be provided on the same terms and conditions as insurance and indemnification is provided by the Administration under section 308 of this Act to the user of a space vehicle.

''(2) INSURANCE.—

''(A) IN GENERAL.—A developer shall obtain liability insurance or demonstrate financial responsibility in amounts to compensate for the maximum probable loss from claims by—

''(i) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with the development or use of an experimental aerospace vehicle; and

''(ii) the United States Government for damage or loss to Government property resulting from such an activity.

''(B) MAXIMUM REQUIRED.—The Administrator shall determine the amount of insurance required, but, except as provided in subparagraph (C), that amount shall not be greater than the amount required under section 70112(a)(3) of title 49, United States Code, for a launch. The Administrator shall publish notice of the Administrator's determination and the applicable amount or amounts in the Federal Register within 10 days after making the determination.

''(C) INCREASE IN DOLLAR AMOUNTS.—The Administrator may increase the dollar amounts set forth in section 70112(a)(3)(A) of title 49, United States Code, for the purpose of applying that section under this section to a developer after consultation with the Comptroller General and such experts and consultants as may be appropriate, and after publishing notice of the increase in the Federal Register not less than 180 days before the increase goes into effect. The Administrator shall make available for public inspection, not later than the date of publication of such notice, a complete record of any correspondence received by the Administration, and a transcript of any meetings in which the Administration participated, regarding the proposed increase.

''(D) SAFETY REVIEW REQUIRED BEFORE ADMINISTRATOR PROVIDES INSURANCE.—The Administrator may not provide liability insurance or indemnification under subsection (a) unless the developer establishes to the satisfaction of the Administrator that appropriate safety procedures and practices are being followed in the development of the experimental aerospace vehicle.

''(3) NO INDEMNIFICATION WITHOUT CROSS-WAIVER.—Notwithstanding subsection (a), the Administrator may not indemnify a developer of an experimental aerospace vehicle under this section unless there is an agreement between the Administration and the developer described in subsection (c).

''(4) APPLICATION OF CERTAIN PROCEDURES.—If the Administrator requests additional appropriations to make payments under this section, like the payments that may be made under section 308(b) of this Act, then the request for those appropriations shall be made in accordance with the procedures established by subsections (d) and (e) of section 70113 of title 49, United States Code.

''(c) CROSS-WAIVERS.—

''(1) ADMINISTRATOR AUTHORIZED TO WAIVE.—The Administrator, on behalf of the United States, and its departments, agencies, and related entities, may reciprocally waive claims with a developer or cooperating party and with the related entities of that developer or cooperating party under which each party to the waiver agrees to be responsible, and agrees to ensure that its own related entities are responsible, for damage or loss to its property for which it is responsible, or for losses resulting from any injury or death sustained by its own employees or agents, as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

''(2) LIMITATIONS.—

''(A) CLAIMS.—A reciprocal waiver under paragraph (1) may not preclude a claim by any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or that natural person's estate, survivors, or subrogees for injury or death, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

''(B) LIABILITY FOR NEGLIGENCE.—A reciprocal waiver under paragraph (1) may not absolve any party of liability to any natural person (including, but not limited to, a natural person who is an employee of the United States, the developer, the cooperating party, or their respective subcontractors) or such a natural person's estate, survivors, or subrogees for negligence, except with respect to a subrogee that is a party to the waiver or has otherwise agreed to be bound by the terms of the waiver.

''(C) INDEMNIFICATION FOR DAMAGES.—A reciprocal waiver under paragraph (1) may not be used as the basis of a claim by the Administration, or the developer or cooperating party, for indemnification against the other for damages paid to a natural person, or that natural person's estate, survivors, or subrogees, for injury or death sustained by that natural person as a result of activities connected to the agreement or use of the experimental aerospace vehicle.

''(3) EFFECT ON PREVIOUS WAIVERS.—Subsection (c) applies to any waiver of claims entered into by the Administration without regard to whether it was entered into before, on, or after the date of the enactment of this Act.

''(d) DEFINITIONS.—In this section:

''(1) COOPERATING PARTY.—The term 'cooperating party' means any person who enters into an agreement with the Administration for the performance of cooperative scientific, aeronautical, or space activities to carry out the purposes of this Act.

''(2) DEVELOPER.—The term 'developer' means a United States person (other than a natural person) who—

''(A) is a party to an agreement with the Administration for the purpose of developing new technology for an experimental aerospace vehicle;

''(B) owns or provides property to be flown or situated on that vehicle; or

''(C) employs a natural person to be flown on that vehicle.

''(3) EXPERIMENTAL AEROSPACE VEHICLE.—The term 'experimental aerospace vehicle' means an object intended to be flown in, or launched into, orbital or suborbital flight for the purpose of demonstrating technologies necessary for a reusable launch vehicle, developed under an agreement between the Administration and a developer.

''(4) RELATED ENTITY.—The term 'related entity' includes a contractor or subcontractor at any tier, a supplier, a grantee, and an investigator or detailee.

''(e) RELATIONSHIP TO OTHER LAWS.—

''(1) SECTION 308.—This section does not apply to any object, transaction, or operation to which section 308 of this Act applies.

''(2) CHAPTER 701 OF TITLE 49, UNITED STATES CODE.—The Administrator may not provide indemnification to a developer under this section for launches subject to license under section 70117(g)(1) of title 49, United States Code.''.

(b) REPEAL.—Section 431 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276) is repealed.

TITLE V—PRESERVATION OF AFFORDABLE HOUSING

SEC. 501. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This title may be cited as the ''Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act''.

(b) TABLE OF CONTENTS.—The table of contents for this title is as follows:

Sec. 501. Short title and table of contents.
Sec. 502. Regulations.
Sec. 503. Effective date.
Subtitle A—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities
Sec. 511. Supportive housing for elderly persons.
Sec. 512. Supportive housing for persons with disabilities.
Sec. 513. Service coordinators and congregate services for elderly and disabled housing.
Subtitle B—Expanding Housing Opportunities for the Elderly and Persons With Disabilities
Sec. 521. Study of debt forgiveness for section 202 loans.
Sec. 522. Grants for conversion of elderly housing to assisted living facilities.
Sec. 523. Use of section 8 assistance for assisted living facilities.
Sec. 524. Size limitation for projects for persons with disabilities.
Sec. 525. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century.
Subtitle C—Renewal of Expiring Rental Assistance Contracts and Protection of Residents
Sec. 531. Renewal of expiring contracts and enhanced vouchers for project residents.
Sec. 532. Section 236 assistance.
Sec. 533. Rehabilitation of assisted housing.
Sec. 534. Technical assistance.
Sec. 535. Termination of section 8 contract and duration of renewal contract.
Sec. 536. Eligibility of residents of flexible subsidy projects for enhanced vouchers.
Sec. 537. Enhanced disposition authority.
Sec. 538. Unified enhanced voucher authority.

SEC. 502. REGULATIONS.

The Secretary of Housing and Urban Development shall issue any regulations to carry out this title and the amendments made by this title that the Secretary determines may or will affect tenants of federally assisted housing only after notice and opportunity for public comment in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules (notwithstanding subsections (a)(2), (b)(B), and (d)(3) of such section). Notice of such proposed rulemaking shall be provided by publication in the Federal Register. In issuing such regulations, the Secretary shall take such actions as may be necessary to ensure that such tenants are notified of, and provided an opportunity to participate in, the rulemaking, as required by such section 553.

SEC. 503. EFFECTIVE DATE.

(a) IN GENERAL.—The provisions of this title and the amendments made by this title are effective as of the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability upon another date certain.

(b) EFFECT OF REGULATORY AUTHORITY.—Any authority in this title or the amendments made by this title to issue regulations, and any specific requirement to issue regulations by a date certain, may not be construed to affect the effectiveness or applicability of the provisions of this title or the amendments made by this title under such provisions and amendments and subsection (a) of this section.

Subtitle A—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

SEC. 511. SUPPORTIVE HOUSING FOR ELDERLY PERSONS.

Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) is amended by adding at the end the following new subsection:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $710,000,000 for fiscal year 2000.''.

SEC. 512. SUPPORTIVE HOUSING FOR PERSONS WITH DISABILITIES.

Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) by redesignating subsection (m) as subsection (n); and

(2) by inserting after subsection (l) the following new subsection:

''(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing assistance under this section $201,000,000 for fiscal year 2000.''.

SEC. 513. SERVICE COORDINATORS AND CONGREGATE SERVICES FOR ELDERLY AND DISABLED HOUSING.

(a) AUTHORIZATION OF APPROPRIATIONS FOR FEDERALLY ASSISTED HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development $50,000,000 for fiscal year 2000 for the following purposes:

(1) GRANTS FOR SERVICE COORDINATORS FOR CERTAIN FEDERALLY ASSISTED MULTIFAMILY HOUSING.—For grants under section 676 of the Housing and Community Development Act of 1992 (42 U.S.C. 13632) for providing service coordinators.

(2) CONGREGATE SERVICES FOR FEDERALLY ASSISTED HOUSING.—For contracts under section 802 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8011) to provide congregate services programs for eligible residents of eligible housing projects under subparagraphs (B) through (D) of subsection (k)(6) of such section.

(b) PUBLIC HOUSING.—There is authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary for fiscal year 2000 for grants for use only for activities described in paragraph (2) of section 34(b) of the United States Housing Act of 1937 (42 U.S.C. 1437z–6(b)(2)) for renewal of all grants made in prior fiscal years for providing service coordinators and congregate services for the elderly and disabled in public housing.

Subtitle B—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

SEC. 521. STUDY OF DEBT FORGIVENESS FOR SECTION 202 LOANS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall conduct an analysis of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, to sponsors of projects assisted under section 202 of the Housing Act of 1959 (as in effect before the enactment of the Cranston-Gonzalez National Affordable Housing Act), forgiveness of any indebtedness to the Secretary relating to any remaining principal and interest under loans made under such section, together with a dollar for dollar reduction in the amount of rental assistance under section 8 of the United States Housing Act of 1937 or other rental assistance provided for such project. Such analysis shall take into consideration the full cost of future appropriations for rental assistance under such section 8 expected to be provided if such debt forgiveness does not take place, notwithstanding current budgetary treatment of such actions pursuant to the Congressional Budget Act of 1974.

(b) REPORT.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Congress containing the quantitative results of the analysis and an enumeration of any project or administrative benefits of such actions.

SEC. 522. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

Title II of the Housing Act of 1959 is amended by inserting after section 202a (12 U.S.C. 1701q–1) the following new section:

''SEC. 202b. GRANTS FOR CONVERSION OF ELDERLY HOUSING TO ASSISTED LIVING FACILITIES.

''(a) GRANT AUTHORITY.—The Secretary of Housing and Urban Development may make grants in accordance with this section to owners of eligible projects described in subsection (b) for one or both of the following activities:

''(1) REPAIRS.—Substantial capital repairs to a project that are needed to rehabilitate, modernize, or retrofit aging structures, common areas, or individual dwelling units.

''(2) CONVERSION.—Activities designed to convert dwelling units in the eligible project to assisted living facilities for elderly persons.

''(b) ELIGIBLE PROJECTS.—An eligible project described in this subsection is a multifamily housing project that is—

''(1)(A) described in subparagraph (B), (C), (D), (E), (F), or (G) of section 683(2) of the Housing and Community Development Act of 1992 (42 U.S.C. 13641(2)), or (B) only to the extent amounts of the Department of Agriculture are made available to the Secretary of Housing and Urban Development for such grants under this section for such projects, subject to a loan made or insured under section 515 of the Housing Act of 1949 (42 U.S.C. 1485);

''(2) owned by a private nonprofit organization (as such term is defined in section 202); and

''(3) designated primarily for occupancy by elderly persons.

Notwithstanding any other provision of this subsection or this section, an unused or underutilized commercial property may be considered an eligible project under this subsection, except that the Secretary may not provide grants under this section for more than 3 such properties. For any such projects, any reference under this section to dwelling units shall be considered to refer to the premises of such properties.

''(c) APPLICATIONS.—Applications for grants under this section shall be submitted to the Secretary in accordance with such procedures as the Secretary shall establish. Such applications shall contain—

''(1) a description of the substantial capital repairs or the proposed conversion activities for which a grant under this section is requested;

''(2) the amount of the grant requested to complete the substantial capital repairs or conversion activities;

''(3) a description of the resources that are expected to be made available, if any, in conjunction with the grant under this section; and

''(4) such other information or certifications that the Secretary determines to be necessary or appropriate.

''(d) FUNDING FOR SERVICES.—The Secretary may not make a grant under this section for

conversion activities unless the application contains sufficient evidence, in the determination of the Secretary, of firm commitments for the funding of services to be provided in the assisted living facility, which may be provided by third parties.

''(e) SELECTION CRITERIA.—The Secretary shall select applications for grants under this section based upon selection criteria, which shall be established by the Secretary and shall include—

''(1) in the case of a grant for substantial capital repairs, the extent to which the project to be repaired is in need of such repair, including such factors as the age of improvements to be repaired, and the impact on the health and safety of residents of failure to make such repairs;

''(2) in the case of a grant for conversion activities, the extent to which the conversion is likely to provide assisted living facilities that are needed or are expected to be needed by the categories of elderly persons that the assisted living facility is intended to serve, with a special emphasis on very low-income elderly persons who need assistance with activities of daily living;

''(3) the inability of the applicant to fund the repairs or conversion activities from existing financial resources, as evidenced by the applicant's financial records, including assets in the applicant's residual receipts account and reserves for replacement account;

''(4) the extent to which the applicant has evidenced community support for the repairs or conversion, by such indicators as letters of support from the local community for the repairs or conversion and financial contributions from public and private sources;

''(5) in the case of a grant for conversion activities, the extent to which the applicant demonstrates a strong commitment to promoting the autonomy and independence of the elderly persons that the assisted living facility is intended to serve;

''(6) in the case of a grant for conversion activities, the quality, completeness, and managerial capability of providing the services which the assisted living facility intends to provide to elderly residents, especially in such areas as meals, 24-hour staffing, and on-site health care; and

''(7) such other criteria as the Secretary determines to be appropriate to ensure that funds made available under this section are used effectively.

''(f) DEFINITIONS.—For the purposes of this section—

''(1) the term 'assisted living facility' has the meaning given such term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)); and

''(2) the definitions in section 202(k) shall apply.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for providing grants under this section such sums as may be necessary for fiscal year 2000.''.

SEC. 523. USE OF SECTION 8 ASSISTANCE FOR ASSISTED LIVING FACILITIES.

(a) VOUCHER ASSISTANCE.—Section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)) is amended by adding at the end the following new paragraph:

''(18) RENTAL ASSISTANCE FOR ASSISTED LIVING FACILITIES.—

''(A) IN GENERAL.—A public housing agency may make assistance payments on behalf of a family that uses an assisted living facility as a principal place of residence and that uses such supportive services made available in the facility as the agency may require. Such payments may be made only for covering costs of rental of the dwelling unit in the assisted living facility and not for covering any portion of the cost of residing in such facility that is attributable to service relating to assisted living.

''(B) RENT CALCULATION.—

''(i) CHARGES INCLUDED.—For assistance pursuant to this paragraph, the rent of the dwelling unit that is an assisted living facility with respect to which assistance payments are made shall include maintenance and management charges related to the dwelling unit and tenant-paid utilities. Such rent shall not include any charges attributable to services relating to assisted living.

''(ii) PAYMENT STANDARD.—In determining the monthly assistance that may be paid under this paragraph on behalf of any family residing in an assisted living facility, the public housing agency shall utilize the payment standard established under paragraph (1), for the market area in which the assisted living facility is located, for the applicable size dwelling unit.

''(iii) MONTHLY ASSISTANCE PAYMENT.—The monthly assistance payment for a family assisted under this paragraph shall be determined in accordance with paragraph (2) (using the rent and payment standard for the dwelling unit as determined in accordance with this subsection).

''(C) DEFINITION.—For the purposes of this paragraph, the term 'assisted living facility' has the meaning given that term in section 232(b) of the National Housing Act (12 U.S.C. 1715w(b)), except that such a facility may be contained within a portion of a larger multifamily housing project.''.

(b) PROJECT-BASED ASSISTANCE.—Section 202b of the Housing Act of 1959, as added by section 522 of this Act, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection:

''(f) SECTION 8 PROJECT-BASED ASSISTANCE.—

''(1) ELIGIBILITY.—Notwithstanding any other provision of law, a multifamily project which includes one or more dwelling units that have been converted to assisted living facilities using grants made under this section shall be eligible for project-based assistance under section 8 of the United States Housing Act of 1937, in the same manner in which the project would be eligible for such assistance but for the assisted living facilities in the project.

''(2) CALCULATION OF RENT.—For assistance pursuant to this subsection, the maximum monthly rent of a dwelling unit that is an assisted living facility with respect to which assistance payments are made shall not include charges attributable to services relating to assisted living.''.

SEC. 524. SIZE LIMITATION FOR PROJECTS FOR PERSONS WITH DISABILITIES.

(a) LIMITATION.—Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013) is amended—

(1) in subsection (k)(4), by inserting '', subject to the limitation under subsection (h)(6)'' after ''prescribe''; and

(2) in subsection (l), by adding at the end the following new paragraph:

''(4) SIZE LIMITATION.—Of any amounts made available for any fiscal year and used for capital advances or project rental assistance under paragraphs (1) and (2) of subsection (d), not more than 25 percent may be used for supportive housing which contains more than 24 separate dwelling units.''.

(b) STUDY.—Not later than the expiration of the 3-month period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall conduct a study and submit a report to the Congress regarding—

(1) the extent to which the authority of the Secretary under section 811(k)(4) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(k)(4)), as in effect immediately before the enactment of this Act, has been used in each year since 1990 to provide for assistance under such section for supportive housing for persons with disabilities having more than 24 separate dwelling units;

(2) the per-unit costs of, and the benefits and problems associated with, providing such housing in projects having 8 or less dwelling units, 8 to 24 units, and more than 24 units; and

(3) the per-unit costs of, and the benefits and problems associated with providing housing under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q) in projects having 30 to 50 dwelling units, in projects having more than 50 but not more than 80 dwelling units, in projects having more than 80 but not more than 120 dwelling units, and in projects having more than 120 dwelling units, but the study shall also examine the social considerations afforded by smaller and moderate-size developments and shall not be limited to economic factors.

SEC. 525. COMMISSION ON AFFORDABLE HOUSING AND HEALTH CARE FACILITY NEEDS IN THE 21ST CENTURY.

(a) ESTABLISHMENT.—There is hereby established a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century (in this section referred to as the ''Commission''.

(b) STUDY.—The duty of the Commission shall be to conduct a study that—

(1) compiles and interprets information regarding the expected increase in the population of persons 62 years of age or older, particularly information regarding distribution of income levels, homeownership and home equity rates, and degree or extent of health and independence of living;

(2) provides an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities;

(3) provides a comparison of estimate of such future needs with an estimate of the housing and facilities expected to be provided under existing public programs, and identifies possible actions or initiatives that may assist in providing affordable housing and assisted living and health care facilities to meet such expected needs;

(4) identifies and analyzes methods of encouraging increased private sector participation, investment, and capital formation in affordable housing and assisted living and health care facilities for seniors through partnerships between public and private entities and other creative strategies;

(5) analyzes the costs and benefits of comprehensive aging-in-place strategies, taking into consideration physical and mental well-being and the importance of coordination between shelter and supportive services;

(6) identifies and analyzes methods of promoting a more comprehensive approach to dealing with housing and supportive service issues involved in aging and the multiple governmental agencies involved in such issues, including the Department of Housing and Urban Development and the Department of Health and Human Services; and

(7) examines how to establish intergenerational learning and care centers and living arrangements, in particular to facilitate appropriate environments for families consisting only of children and a grandparent or grandparents who are the head of the household.

(c) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of 14 members, appointed not later than January 1, 2000, as follows:

(A) Two co-chairpersons, of whom—

(i) one co-chairperson shall be appointed by a committee consisting of the chairman of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the chairman of the Subcommittee on Housing and Transportation of the Senate, and the chairmen of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate; and

(ii) one co-chairperson shall be appointed by a committee consisting of the ranking minority member of the Subcommittee on Housing and Community Opportunities of the House of Representatives and the ranking minority member of the Subcommittee on Housing and Transportation of the Senate, and the ranking minority

members of the Subcommittees on the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies of the Committees on Appropriations of the House of Representatives and the Senate.

(B) Six members appointed by the Chairman and Ranking Minority Member of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Committee on Appropriations of the House of Representatives.

(C) Six members appointed by the Chairman and Ranking Minority Member of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Committee on Appropriations of the Senate.

(2) QUALIFICATIONS.—Appointees should have proven expertise in directing, assembling, or applying capital resources from a variety of sources to the successful development of affordable housing, assisted living facilities, or health care facilities.

(3) VACANCIES.—Any vacancy on the Commission shall not affect its powers and shall be filled in the manner in which the original appointment was made.

(4) CHAIRPERSONS.—The members appointed pursuant to paragraph (1)(A) shall serve as co-chairpersons of the Commission.

(5) PROHIBITION OF PAY.—Members of the Commission shall serve without pay.

(6) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

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

(8) MEETINGS.—The Commission shall meet at the call of the Chairpersons.

(d) DIRECTOR AND STAFF.—

(1) DIRECTOR.—The Commission shall have a Director who shall be appointed by the Chairperson. The Director shall be paid at a rate not to exceed the rate of basic pay payable for level V of the Executive Schedule.

(2) STAFF.—The Commission may appoint personnel as appropriate. The staff of the Commission shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(3) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for the General Schedule.

(4) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this Act.

(e) POWERS.—

(1) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

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

(3) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this Act. Upon request of the Chairpersons of the Commission, the head of that department or agency shall furnish that information to the Commission.

(4) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding 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.

(5) 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.

(6) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(7) CONTRACT AUTHORITY.—The Commission may contract with and compensate government and private agencies or persons for services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(f) REPORT.—The Commission shall submit to the Committees on Banking and Financial Services and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate, a final report not later than December 31, 2001. The report shall contain a detailed statement of the findings and conclusions of the Commission with respect to the study conducted under subsection (b), together with its recommendations for legislation, administrative actions, and any other actions the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate on June 30, 2002. Section 14(a)(2)(B) of the Federal Advisory Committee Act (5 U.S.C. App.; relating to the termination of advisory committees) shall not apply to the Commission.

Subtitle C—Renewal of Expiring Rental Assistance Contracts and Protection of Residents

SEC. 531. RENEWAL OF EXPIRING CONTRACTS AND ENHANCED VOUCHERS FOR PROJECT RESIDENTS.

(a) IN GENERAL.—Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended to read as follows:

"SEC. 524. RENEWAL OF EXPIRING PROJECT-BASED SECTION 8 CONTRACTS.

''(a) IN GENERAL.—

''(1) RENEWAL.—Subject to paragraph (2), upon termination or expiration of a contract for project-based assistance under section 8 for a multifamily housing project (and notwithstanding section 8(v) of the United States Housing Act of 1937 for loan management assistance), the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, use amounts available for the renewal of assistance under section 8 of such Act to provide such assistance for the project. The assistance shall be provided under a contract having such terms and conditions as the Secretary considers appropriate, subject to the requirements of this section. This section shall not require contract renewal for a project that is eligible under this subtitle for a mortgage restructuring and rental assistance sufficiency plan, if there is no approved plan for the project and the Secretary determines that such an approved plan is necessary.

''(2) PROHIBITION ON RENEWAL.—Notwithstanding part 24 of title 24 of the Code of Federal Regulations, the Secretary may elect not to renew assistance for a project otherwise required to be renewed under paragraph (1) or provide comparable benefits under paragraph (1) or (2) of subsection (e) for a project described in either such paragraph, if the Secretary determines that a violation under paragraph (1) through (4) of section 516(a) has occurred with respect to the project. For purposes of such a determination, the provisions of section 516 shall apply to a project under this section in the same manner and to the same extent that the provisions of such section apply to eligible multifamily housing projects, except that the Secretary shall make the determination under section 516(a)(4).

''(3) CONTRACT TERM FOR MARK-UP-TO-MARKET CONTRACTS.—In the case of an expiring or terminating contract that has rent levels less than comparable market rents for the market area, if the rent levels under the renewal contract under this section are equal to comparable market rents for the market area, the contract shall have a term of not less than 5 years, subject to the availability of sufficient amounts in appropriation Acts.

''(4) RENEWAL RENTS.—Except as provided in subsection (b), the contract for assistance shall provide assistance at the following rent levels:

''(A) MARKET RENTS.—At the request of the owner of the project, at rent levels equal to the lesser of comparable market rents for the market area or 150 percent of the fair market rents, in the case only of a project that—

''(i) has rent levels under the expiring or terminating contract that do not exceed such comparable market rents;

''(ii) does not have a low- and moderate-income use restriction that can not be eliminated by unilateral action by the owner;

''(iii) is decent, safe, and sanitary housing, as determined by the Secretary;

''(iv) is not—

''(I) owned by a nonprofit entity;

''(II) subject to a contract for moderate rehabilitation assistance under section 8(e)(2) of the United States Housing Act of 1937, as in effect before October 1, 1991; or

''(III) a project for which the public housing agency provided voucher assistance to one or more of the tenants after the owner has provided notice of termination of the contract covering the tenant's unit; and

''(v) has units assisted under the contract for which the comparable market rent exceeds 110 percent of the fair market rent.

The Secretary may adjust the percentages of fair market rent (as specified in the matter preceding clause (i) and in clause (v)), but only upon a determination and written notification to the Congress within 10 days of making such determination, that such adjustment is necessary to ensure that this subparagraph covers projects with a high risk of nonrenewal of expiring contracts for project-based assistance.

''(B) REDUCTION TO MARKET RENTS.—In the case of a project that has rent levels under the expiring or terminating contract that exceed comparable market rents for the market area, at rent levels equal to such comparable market rents.

''(C) RENTS NOT EXCEEDING MARKET RENTS.—In the case of a project that is not subject to subparagraph (A) or (B), at rent levels that—

''(i) are not less than the existing rents under the terminated or expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment), if such adjusted rents do not exceed comparable market rents for the market area; and

''(ii) do not exceed comparable market rents for the market area.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iii) of subparagraph (D) that the project meets.

''(D) WAIVER OF 150 PERCENT LIMITATION.—Notwithstanding subparagraph (A), at rent levels up to comparable market rents for the market

area, in the case of a project that meets the requirements under clauses (i) through (v) of subparagraph (A) and—

''(i) has residents who are a particularly vulnerable population, as demonstrated by a high percentage of units being rented to elderly families, disabled families, or large families;

''(ii) is located in an area in which tenant-based assistance would be difficult to use, as demonstrated by a low vacancy rate for affordable housing, a high turnback rate for vouchers, or a lack of comparable rental housing; or

''(iii) is a high priority for the local community, as demonstrated by a contribution of State or local funds to the property.

In determining the rent level for a contract under this subparagraph, the Secretary shall approve rents sufficient to cover budget-based cost increases and shall give greater consideration to providing rent at a level up to comparable market rents for the market area based on the number of the criteria under clauses (i) through (iv) that the project meets.

''(5) COMPARABLE MARKET RENTS AND COMPARISON WITH FAIR MARKET RENTS.—The Secretary shall prescribe the method for determining comparable market rent by comparison with rents charged for comparable properties (as such term is defined in section 512), which may include appropriate adjustments for utility allowances and adjustments to reflect the value of any subsidy (other than section 8 assistance) provided by the Department of Housing and Urban Development.

''(b) EXCEPTION RENTS.—

''(1) RENEWAL.—In the case of a multifamily housing project described in paragraph (2), pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of the following rent levels:

''(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

''(B) BUDGET-BASED RENTS.—Subject to a determination by the Secretary that a rent level under this subparagraph is appropriate for a project, a rent level that provides income sufficient to support a budget-based rent (including a budget-based rent adjustment if justified by reasonable and expected operating expenses).

''(2) PROJECTS COVERED.—A multifamily housing project described in this paragraph is a multifamily housing project that—

''(A) is not an eligible multifamily housing project under section 512(2); or

''(B) is exempt from mortgage restructuring under this subtitle pursuant to section 514(h).

''(3) MODERATE REHABILITATION PROJECTS.—In the case of a project with a contract under the moderate rehabilitation program, other than a moderate rehabilitation contract under section 441 of the Stewart B. McKinney Homeless Assistance Act, pursuant to the request of the owner of the project, the contract for assistance for the project pursuant to subsection (a) shall provide assistance at the lesser of the following rent levels:

''(A) ADJUSTED EXISTING RENTS.—The existing rents under the expiring contract, as adjusted by an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment).

''(B) FAIR MARKET RENTS.—Fair market rents (less any amounts allowed for tenant-purchased utilities).

''(C) MARKET RENTS.—Comparable market rents for the market area.

''(c) RENT ADJUSTMENTS AFTER RENEWAL OF CONTRACT.—

''(1) REQUIRED.—After the initial renewal of a contract for assistance under section 8 of the United States Housing Act of 1937 pursuant to subsection (a), (b)(1), or (e)(2), the Secretary shall annually adjust the rents using an operating cost adjustment factor established by the Secretary (which shall not result in a negative adjustment) or, upon the request of the owner and subject to approval of the Secretary, on a budget basis. In the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, at the expiration of each 5-year period, the Secretary shall compare existing rents with comparable market rents for the market area and may make any adjustments in the rent necessary to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

''(2) DISCRETIONARY.—In addition to review and adjustment required under paragraph (1), in the case of projects with contracts renewed pursuant to subsection (a) or pursuant to subsection (e)(2) at rent levels equal to comparable market rents for the market area, the Secretary may, at the discretion of the Secretary but only once within each 5-year period referred to in paragraph (1), conduct a comparison of rents for a project and adjust the rents accordingly to maintain the contract rents at a level not greater than comparable market rents or to increase rents to comparable market rents.

''(d) ENHANCED VOUCHERS UPON CONTRACT EXPIRATION.—

''(1) IN GENERAL.—In the case of a contract for project-based assistance under section 8 for a covered project that is not renewed under subsection (a) or (b) of this section (or any other authority), to the extent that amounts for assistance under this subsection are provided in advance in appropriation Acts, upon the date of the expiration of such contract the Secretary shall make enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) available on behalf of each low-income family who, upon the date of such expiration, is residing in an assisted dwelling unit in the covered project.

''(2) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

''(A) ASSISTED DWELLING UNIT.—The term 'assisted dwelling unit' means a dwelling unit that—

''(i) is in a covered project; and

''(ii) is covered by rental assistance provided under the contract for project-based assistance for the covered project.

''(B) COVERED PROJECT.—The term 'covered project' means any housing that—

''(i) consists of more than 4 dwelling units;

''(ii) is covered in whole or in part by a contract for project-based assistance under—

''(I) the new construction or substantial rehabilitation program under section 8(b)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1983);

''(II) the property disposition program under section 8(b) of the United States Housing Act of 1937;

''(III) the moderate rehabilitation program under section 8(e)(2) of the United States Housing Act of 1937 (as in effect before October 1, 1991);

''(IV) the loan management assistance program under section 8 of the United States Housing Act of 1937;

''(V) section 23 of the United States Housing Act of 1937 (as in effect before January 1, 1975);

''(VI) the rent supplement program under section 101 of the Housing and Urban Development Act of 1965; or

''(VII) section 8 of the United States Housing Act of 1937, following conversion from assistance under section 101 of the Housing and Urban Development Act of 1965,

which contract will (under its own terms) expire during the period consisting of fiscal years 2000 through 2004; and

''(iii) is not housing for which residents are eligible for enhanced voucher assistance as provided, pursuant to the 'Preserving Existing Housing Investment' account in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884) or any other subsequently enacted provision of law, in lieu of any benefits under section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113).

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.

''(e) CONTRACTUAL COMMITMENTS UNDER PRESERVATION LAWS.—Except as provided in subsection (a)(2) and notwithstanding any other provision of this subtitle, the following shall apply:

''(1) PRESERVATION PROJECTS.—Upon expiration of a contract for assistance under section 8 for a project that is subject to an approved plan of action under the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715l note) or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4101 et seq.), to the extent amounts are specifically made available in appropriation Acts, the Secretary shall provide to the owner benefits comparable to those provided under such plan of action, including distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

''(2) DEMONSTRATION PROJECTS.—

''(A) IN GENERAL.—Upon expiration of a contract for assistance under section 8 for a project entered into pursuant to any authority specified in subparagraph (B) for which the Secretary determines that debt restructuring is inappropriate, the Secretary shall, at the request of the owner of the project and to the extent sufficient amounts are made available in appropriation Acts, provide benefits to the owner comparable to those provided under such contract, including annual distributions, rent increase procedures, and duration of low-income affordability restrictions. This paragraph shall apply to projects with contracts expiring before, on, or after the date of the enactment of this section.

''(B) DEMONSTRATION PROGRAMS.—The authority specified in this subparagraph is the authority under—

''(i) section 210 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (Public Law 104-134; 110 Stat. 1321–285; 42 U.S.C. 1437f note);

''(ii) section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2897; 42 U.S.C. 1437f note); and

''(iii) either of such sections, pursuant to any provision of this title.

''(f) PREEMPTION OF CONFLICTING STATE LAWS LIMITING DISTRIBUTIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no State or political subdivision of a State may establish, continue in effect, or enforce any law or regulation that limits or restricts, to an amount that is less than the amount provided for under the regulations of the Secretary establishing allowable project distributions to provide a return on investment, the amount of surplus funds accruing after the date of the enactment of this section that may be distributed from any multifamily housing project assisted under a contract for rental assistance renewed under any provision of this section (except subsection (b)) to the owner of the project.

''(2) EXCEPTION AND WAIVER.—Paragraph (1) shall not apply to any law or regulation to the extent such law or regulation applies to—

''(A) a State-financed multifamily housing project; or

''(B) a multifamily housing project for which the owner has elected to waive the applicability of paragraph (1).

''(3) TREATMENT OF LOW-INCOME USE RESTRICTIONS.—This subsection may not be construed to provide for, allow, or result in the release or termination, for any project, of any low- or moderate-income use restrictions that can not be eliminated by unilateral action of the owner of the project.

''(g) APPLICABILITY.—Except to the extent otherwise specifically provided in this section, this section shall apply with respect to any multifamily housing project having a contract for project-based assistance under section 8 that terminates or expires during fiscal year 2000 or thereafter.''.

(b) DEFINITION OF ELIGIBLE MULTIFAMILY HOUSING PROJECT.—Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after and below subparagraph (C) the following:

''Such term does not include any project with an expiring contract described in paragraph (1) or (2) of section 524(e).''.

(c) PROJECTS EXEMPTED FROM RESTRUCTURING AGREEMENTS.—Section 514(h) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting before the semicolon at the end the following: ''and the financing involves mortgage insurance under the National Housing Act, such that the implementation of a mortgage restructuring and rental assistance sufficiency plan under this subtitle is in conflict with applicable law or agreements governing such financing''.

(d) CONFORMING AMENDMENTS.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by designating as subsection (v) the sentence added by section 405(c) of The Balanced Budget Downpayment Act, I (Public Law 104–99; 110 Stat. 44); and

(2) by striking subsection (w).

SEC. 532. SECTION 236 ASSISTANCE.

(a) CONTINUED RECEIPT OF SUBSIDIES UPON REFINANCING.—Section 236(e) of the National Housing Act (12 U.S.C. 1715z–1(e)) is amended—

(1) by inserting ''(1)'' after ''(e)''; and

(2) by adding at the end the following new paragraph:

''(2) A project for which interest reduction payments are made under this section and for which the mortgage on the project has been refinanced shall continue to receive the interest reduction payments under this section under the terms of the contract for such payments, but only if the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the term for which such interest reduction payments are made plus an additional 5 years.''.

(b) RETENTION OF EXCESS INCOME.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)) is amended—

(1) by inserting ''(1)'' after ''(g)'';

(2) by striking the last sentence; and

(3) by adding at the end the following new paragraphs:

''(2) Subject to paragraph (3) and notwithstanding any other requirements of this subsection, a project owner may retain some or all of such excess charges for project use if authorized by the Secretary. Such excess charges shall be used for the project and upon terms and conditions established by the Secretary, unless the Secretary permits the owner to retain funds for non-project use after a determination that the project is well-maintained housing in good condition and that the owner has not engaged in material adverse financial or managerial actions or omissions as described in section 516 of the Multifamily Assisted Housing Reform and Affordability Act of 1997. In connection with the retention of funds for non-project use, the Secretary may require the project owner to enter into a binding commitment (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration of not less than the term of the existing affordability restrictions plus an additional 5 years.

''(3) The authority under paragraph (2) to retain and use excess charges shall apply—

''(A) during fiscal year 2000, to all project owners collecting such excess charges; and

''(B) during fiscal year 2001 and thereafter—

''(i) to any owner of (I) a project with a mortgage insured under this section, (II) a project with a mortgage formerly insured under this section if such mortgage is held by the Secretary and the owner of such project is current with respect to the mortgage obligation, or (III) a project previously assisted under subsection (b) but without a mortgage insured under this section if the project was insured under section 207 of this Act before July 30, 1998, pursuant to section 223(f) of this Act and assisted under subsection (b); and

''(ii) to other project owners not referred to in clause (i) who collect such excess charges, but only to the extent that such retention and use is approved in advance in an appropriation Act.''.

(c) PREVIOUSLY OWED EXCESS INCOME.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by subsection (b) of this section, is further amended by adding at the end the following new paragraph:

''(4) The Secretary shall not withhold approval of the retention by the owner of such excess charges because of the existence of unpaid excess charges if such unpaid amount is being remitted to the Secretary over a period of time in accordance with a workout agreement with the Secretary, unless the Secretary determines that the owner is in violation of the workout agreement.''.

(d) FLEXIBILITY REGARDING BASIC RENTS AND MARKET RENTS.—Section 236(f) of the National Housing Act (12 U.S.C. 1715z–1(f)(1)) is amended by striking the subsection designation and all that follows through the end of paragraph (1) and inserting the following:

''(f)(1)(A)(i) For each dwelling unit there shall be established, with the approval of the Secretary, a basic rental charge and fair market rental charge.

''(ii) The basic rental charge shall be—

''(I) the amount needed to operate the project with payments of principal and interest due under a mortgage bearing interest at the rate of 1 percent per annum; or

''(II) an amount greater than that determined under clause (ii)(I), but not greater than the market rent for a comparable unassisted unit, reduced by the value of the interest reduction payments subsidy.

''(iii) The fair market rental charge shall be—

''(I) the amount needed to operate the project with payments of principal, interest, and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage covering the project; or

''(II) an amount greater than that determined under clause (iii)(I), but not greater than the market rent for a comparable unassisted unit.

''(iv) The Secretary may approve a basic rental charge and fair market rental charge for a unit that exceeds the minimum amounts permitted by this subparagraph for such charges only if—

''(I) the approved basic rental charge and fair market rental charges each exceed the applicable minimum charge by the same amount; and

''(II) the project owner agrees to restrictions on project use or mortgage prepayment that are acceptable to the Secretary.

''(v) The Secretary may approve a basic rental charge and fair market rental charge under this paragraph for a unit with assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) that differs from the basic rental charge and fair market rental charge for a unit in the same project that is similar in size and amenities but without such assistance, as needed to ensure equitable treatment of tenants in units without such assistance.

''(B)(i) The rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the fair market rental charge determined pursuant to subparagraph (A), as represents 30 percent of the tenant's adjusted income, except as otherwise provided in this subparagraph.

''(ii) In the case of a project which contains more than 5000 units, is subject to an interest reduction payments contract, and is financed under a State or local project, the Secretary may reduce the rental charge ceiling, but in no case shall the rental charge be below the basic rental charge set forth in subparagraph (A)(ii)(I).

''(iii) For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the minimum basic rental charge set forth in subparagraph (A)(ii)(I) or such greater amount, not exceeding the lower of (I) the fair market rental charge set forth in subparagraph (A)(iii)(I), or (II) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located, as represents 30 percent of the tenant's adjusted income.

''(C) With respect to those projects which the Secretary determines have separate utility metering paid by the tenants for some or all dwelling units, the Secretary may—

''(i) permit the basic rental charge and the fair market rental charge to be determined on the basis of operating the project without the payment of the cost of utility services used by such dwelling units; and

''(ii) permit the charging of a rental for such dwelling units at such an amount less than 30 percent of a tenant's adjusted income as the Secretary determines represents a proportionate decrease for the utility charges to be paid by such tenant, but in no case shall rental be lower than 25 percent of a tenant's adjusted income.''.

(e) EFFECTIVE DATE OF 1998 PROVISIONS.—Section 236(g) of the National Housing Act (12 U.S.C. 1715z–1(g)), as amended by section 227 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2490) shall be effective on the date of the enactment of such Public Law 105–276, and any excess rental charges referred to in such section that have been collected since such date of the enactment with respect to projects with mortgages insured under section 207 of the National Housing Act (12 U.S.C. 1713) may be retained by the project owner unless the Secretary of Housing and Urban Development specifically provides otherwise. The Secretary may return any excess charges remitted to the Secretary since such date of the enactment.

(f) EFFECTIVE DATE.—This section shall take effect, and the amendments made by this section are made and shall apply, on the date of the enactment of this Act.

SEC. 533. REHABILITATION OF ASSISTED HOUSING.

(a) REHABILITATION LOANS FROM RECAPTURED IRP AMOUNTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1(s)) is amended—

(1) by striking the subsection designation and heading and inserting the following:

''(s) GRANTS AND LOANS FOR REHABILITATION OF MULTIFAMILY PROJECTS.—'';

(2) in paragraph (1), by inserting ''and loans'' after ''grants'';

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking ''capital grant assistance under this subsection'' and inserting ''capital assistance under this subsection under a grant or loan only''; and

(B) in subparagraph (D)(i), by striking ''capital grant assistance'' and inserting ''capital assistance under this subsection from a grant or loan (as appropriate)'';

(4) in paragraph (3), by striking all of the matter that precedes subparagraph (A) and inserting the following:

''(3) ELIGIBLE USES.—Amounts from a grant or loan under this subsection may be used only for projects eligible under paragraph (2) for the purposes of—'';

(5) in paragraph (4)—

(A) by striking the paragraph heading and inserting ''GRANT AND LOAN AGREEMENTS''; and

(B) by inserting ''or loan'' after ''grant'', each place it appears;

(6) in paragraph (5), by inserting ''or loan'' after ''grant'', each place it appears;

(7) in paragraph (6), by adding at the end the following new subparagraph:

''(D) LOANS.—In making loans under this subsection using the amounts that the Secretary has recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A)—

''(i) the Secretary may use such recaptured amounts for costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of such loans; and

''(ii) the Secretary may make loans in any fiscal year only to the extent or in such amounts that amounts are used under clause (i) to cover costs of such loans.'';

(8) by redesignating paragraphs (5) and (6) (as amended by the preceding provisions of this subsection) as paragraphs (6) and (7); and

(9) by inserting after paragraph (4) the following new paragraph:

''(5) LOAN TERMS.—A loan under this subsection—

''(A) shall provide amounts for the eligible uses under paragraph (3) in a single loan disbursement of loan principal;

''(B) shall be repaid, as to principal and interest, on behalf of the borrower using amounts recaptured from contracts for interest reduction payments pursuant to clause (i) or (ii) of paragraph (7)(A);

''(C) shall have a term to maturity of a duration not shorter than the remaining period for which the interest reduction payments for the insured mortgage or mortgages that fund repayment of the loan would have continued after extinguishment or writedown of the mortgage (in accordance with the terms of such mortgage in effect immediately before such extinguishment or writedown);

''(D) shall bear interest at a rate, as determined by the Secretary of the Treasury, that is based upon the current market yields on outstanding marketable obligations of the United States having comparable maturities; and

''(E) shall involve a principal obligation of an amount not exceeding the amount that can be repaid using amounts described in subparagraph (B) over the term determined in accordance with subparagraph (C), with interest at the rate determined under subparagraph (D).''.

(b) IRP CAPITAL GRANTS REQUIREMENT FOR EXTENSION OF LOW-INCOME AFFORDABILITY REQUIREMENTS.—Section 236(s) of the National Housing Act (12 U.S.C. 1715z–1(s)) is amended—

(1) in paragraph (2)—

(A) by redesignating subparagraphs (C) and (D), as amended by the preceding provisions of this section, as subparagraphs (D) and (E), respectively; and

(B) by inserting after subparagraph (B) the following new subparagraph:

''(C) the project owner enters into such binding commitments as the Secretary may require (which shall be applicable to any subsequent owner) to ensure that the owner will continue to operate the project in accordance with all low-income affordability restrictions for the project in connection with the Federal assistance for the project for a period having a duration that is not less than the period referred to in paragraph (5)(C);''; and

(2) in paragraph (4)(B), by inserting ''and consistent with paragraph (2)(C)'' before the period at the end.

SEC. 534. TECHNICAL ASSISTANCE.

Section 514(f)(3) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by inserting after ''new owners)'' the following: '', for technical assistance for preservation of low-income housing for which project-based rental assistance is provided at below market rent levels and may not be renewed (including transfer of developments to tenant groups, nonprofit organizations, and public entities),''.

SEC. 535. TERMINATION OF SECTION 8 CONTRACT AND DURATION OF RENEWAL CONTRACT.

Section 8(c)(8) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(8)) is amended—

(1) in subparagraph (A)—

(A) by striking ''terminating'' and inserting ''termination of''; and

(B) by striking the third comma of the first sentence and all that follows through the end of the subparagraph and inserting the following: ''. The notice shall also include a statement that, if the Congress makes funds available, the owner and the Secretary may agree to a renewal of the contract, thus avoiding termination, and that in the event of termination the Department of Housing and Urban Development will provide tenant-based rental assistance to all eligible residents, enabling them to choose the place they wish to rent, which is likely to include the dwelling unit in which they currently reside. Any contract covered by this paragraph that is renewed may be renewed for a period of up to one year or any number or years, with payments subject to the availability of appropriations for any year.'';

(2) by striking subparagraph (B);

(3) in subparagraph (C)—

(A) by striking the first sentence;

(B) by striking ''in the immediately preceding sentence'';

(C) by striking ''180-day'' each place it appears;

(D) by striking ''such period'' and inserting ''one year''; and

(E) by striking ''180 days'' and inserting ''one year''; and

(4) by redesignating subparagraphs (C), (D), and (E), as amended by the preceding provisions of this subsection, as subparagraphs (B), (C), and (D), respectively.

SEC. 536. ELIGIBILITY OF RESIDENTS OF FLEXIBLE SUBSIDY PROJECTS FOR ENHANCED VOUCHERS.

Section 201 of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a) is amended by adding at the end the following new subsection:

''(p) ENHANCED VOUCHER ELIGIBILITY.—Notwithstanding any other provision of law, any project that receives or has received assistance under this section and which is the subject of a transaction under which the project is preserved as affordable housing, as determined by the Secretary, shall be considered eligible low-income housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4119) for purposes of eligibility of residents of such project for enhanced voucher assistance provided under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)) (pursuant to section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f))).''.

SEC. 537. ENHANCED DISPOSITION AUTHORITY.

Section 204 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (12 U.S.C. 1715z–11a) is amended—

(1) by striking ''and 1999'' and inserting ''1999, and 2000''; and

(2) by striking ''or demolition'' and inserting '', demolition, or construction on the properties (which shall be eligible whether vacant or occupied)''.

SEC. 538. UNIFIED ENHANCED VOUCHER AUTHORITY.

(a) IN GENERAL.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended by inserting after subsection (s) the following new subsection:

''(t) ENHANCED VOUCHERS.—

''(1) IN GENERAL.—Enhanced voucher assistance under this subsection for a family shall be voucher assistance under subsection (o), except that under such enhanced voucher assistance—

''(A) subject only to subparagraph (D), the assisted family shall pay as rent no less than the amount the family was paying on the date of the eligibility event for the project in which the family was residing on such date;

''(B) during any period that the assisted family continues residing in the same project in which the family was residing on the date of the eligibility event for the project, if the rent for the dwelling unit of the family in such project exceeds the applicable payment standard established pursuant to subsection (o) for the unit, the amount of rental assistance provided on behalf of the family shall be determined using a payment standard that is equal to the rent for the dwelling unit (as such rent may be increased from time to time), subject to paragraph (10)(A) of subsection (o);

''(C) subparagraph (B) of this paragraph shall not apply and the payment standard for the dwelling unit occupied by the family shall be determined in accordance with subsection (o) if—

''(i) the assisted family moves, at any time, from such project; or

''(ii) the voucher is made available for use by any family other than the original family on behalf of whom the voucher was provided; and

''(D) if the income of the assisted family declines to a significant extent, the percentage of income paid by the family for rent shall not exceed the greater of 30 percent or the percentage of income paid at the time of the eligibility event for the project.

''(2) ELIGIBILITY EVENT.—For purposes of this subsection, the term 'eligibility event' means, with respect to a multifamily housing project, the prepayment of the mortgage on such housing project, the voluntary termination of the insurance contract for the mortgage for such housing project, the termination or expiration of the contract for rental assistance under section 8 of the United States Housing Act of 1937 for such housing project, or the transaction under which the project is preserved as affordable housing, that, under paragraphs (3) and (4) of section 515(c), section 524(d) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), section 223(f) of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113(f)), or section 201(p) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z–1a(p)), results in tenants in such housing project being eligible for enhanced voucher assistance under this subsection.

''(3) TREATMENT OF ENHANCED VOUCHERS PROVIDED UNDER OTHER AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any other provision of law, any enhanced voucher assistance provided under any authority specified in subparagraph (B) shall (regardless of the date that the amounts for providing such assistance were made available) be treated, and subject to the same requirements, as enhanced voucher assistance under this subsection.

''(B) IDENTIFICATION OF OTHER AUTHORITY.—The authority specified in this subparagraph is the authority under—

''(i) the 10th, 11th, and 12th provisos under the 'Preserving Existing Housing Investment' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997 (Public Law 104–204; 110 Stat. 2884), pursuant to such provisos, the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Public Law 105–65; 111 Stat. 1351), or the first proviso under the 'Housing Certificate Fund' account in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999 (Public Law 105–276; 112 Stat. 2469); and

''(ii) paragraphs (3) and (4) of section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note), as in effect before the enactment of this Act.

''(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2000, 2001, 2002, 2003, and 2004 such sums as may be necessary for enhanced voucher assistance under this subsection.''.

(b) ENHANCED VOUCHERS UNDER MAHRAA.—Section 515(c) of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) is amended by striking paragraph (4) and inserting the following new paragraph:

''(4) ASSISTANCE THROUGH ENHANCED VOUCHERS.—In the case of any family described in paragraph (3) that resides in a project described in section 512(2)(B), the tenant-based assistance provided shall be enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).''.

(c) ENHANCED VOUCHERS FOR CERTAIN TENANTS IN PREPAYMENT AND VOLUNTARY TERMINATION PROPERTIES.—Section 223 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (12 U.S.C. 4113) is amended by adding at the end the following new subsection:

''(f) ENHANCED VOUCHER ASSISTANCE FOR CERTAIN TENANTS.—

''(1) AUTHORITY.—In lieu of benefits under subsections (b), (c), and (d), and subject to the availability of appropriated amounts, each family described in paragraph (2) shall be offered enhanced voucher assistance under section 8(t) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)).

''(2) ELIGIBLE FAMILIES.—A family described in this paragraph is a family that is—

''(A)(i) a low-income family; or

''(ii) a moderate-income family that is (I) an elderly family, (II) a disabled family, or (III) residing in a low-vacancy area; and

''(B) residing in eligible low-income housing on the date of the prepayment of the mortgage or voluntary termination of the insurance contract.''.

This Act may be cited as the ''Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000''.

And the Senate agree to the same.

JAMES T. WALSH,
TOM DELAY,
DAVID HOBSON,
JOE KNOLLENBERG,
ROD FRELINGHUYSEN,
ROGER WICKER,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
BILL YOUNG,
ALAN MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID E. PRICE,
BUD CRAMER,
DAVID OBEY
(except for delayed funding gimmick),
Managers on Part of the House.

C.S. BOND,
CONRAD BURNS,
RICHARD SHELBY,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,
TED STEVENS,
BARBARA MIKULSKI,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
ROBERT C. BYRD,
DANIEL INOUYE,
Managers on Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying report.

The language and allocations set forth in House Report 106–286 and Senate Report 106–161 should be complied with unless specifically addressed to the contrary in the conference report and statement of the managers. Report language included by the House which is not changed by the report of the Senate or the conference, and Senate report language which is not changed by the conference is approved by the committee of conference. The statement of the managers, while repeating some report language for emphasis, does not intend to negate the language referred to above unless expressly provided herein. In cases in which the House or Senate have directed the submission of a report, such report is to be submitted to both House and Senate Committees on Appropriations.

Unless specifically addressed in this report, the conferees agree to retain the reprogramming thresholds for each department or agency at the level established by the fiscal year 1999 conference agreement.

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

Provides up to $17,932,000 to be transferred to the general operating expenses and medical care accounts as proposed by the House instead of $38,079,000 as proposed by the Senate.

GUARANTEED TRANSITIONAL HOUSING LOANS FOR HOMELESS VETERANS PROGRAM ACCOUNT

Retains language proposed by the Senate providing $48,250,000 for the guaranteed transitional housing loans program account.

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

Appropriates $19,006,000,000 for medical care as proposed by the House instead of $18,406,000,000 plus $600,000,000 in emergency funding as proposed by the Senate. The conferees have recommended $1,700,000,000 above the President's request for medical care. According to the General Accounting Office, there are many opportunities to make VA health care more cost-effective. These include improved procurement practices, consolidating certain services, and eliminating excess management layers and administration. The conferees expect VA to continue implementing reforms and improvements to the way it allocates its resources, ensuring that funds are focused on veterans health, not maintaining buildings and the status quo. The additional funds in VA's budget are for improving the quality of and access to veterans health care, accommodating uncontrollable increased costs associated with pharmaceuticals and prosthetics, enhancing care for homeless veterans, expanding alternatives to institutional long-term care, and accommodating some new requirements upon enactment of authorizing legislation. The conferees direct that VA submit as part of its operating plan a detailed description of its plans for allocating the additional funds.

Retains the Senate provision making $900,000,000, approximately 5 percent of the medical care appropriation, available until September 30, 2001.

Delays the availability of $900,000,000 of the medical care appropriation in the equipment and land and structures object classifications until August 1, 2000, instead of delaying the availability of $635,000,000 as proposed by the House and Senate.

Retains language proposed by the Senate transferring not to exceed $27,907,000 from the medical care appropriation to the general operating expenses appropriation for expenses of the Office of Resolution Management (ORM) and the Office of Employment Discrimination Complaint Adjudication (OEDCA).

Retains language proposed by the Senate directing the VA to contract for a recovery audit program of past medical payments. The intent of the provision is to ensure that clinical diagnoses and treatments match the codes which are submitted to VA for payment, and where an overpayment has been made, to enable VA to recover these funds for medical care. The conferees are interested to learn the quality of VA's financial records and whether VA's data quality has an impact on its ability to recover overpayments under this program. The conferees direct VA to provide a report detailing the progress and success of this program within one year after enactment of this Act.

The conferees reiterate their frustration with the way VA handled the directed report on the National Formulary by the Institutes of Medicine. The conferees direct that the VA deliver the completed report by July 11, 2000. If the report is not available on that date, the conferees direct the VA to brief the Committees on Appropriations as to the status and reasons why the report is not completed. The conferees strike the language inserted by the House restricting classification activities.

The conferees are concerned about the availability of mental health services and direct the VA to submit one report to the House and Senate Committees on Appropriations addressing the concerns described in House Report 106–286 and Senate Report 106–161, no later than March 31, 2000.

In each of the past two fiscal years the Congress has provided funding from within the VISN 8 allocation for a demonstration program to study the cost-effectiveness of contracting inpatient health care services with local East Central Florida hospitals. Based on the success of the program and the significant increase in funding provided in this bill for medical care, the conferees direct the VA to continue the demonstration program in fiscal year 2000. The conferees direct the VA to submit a report by April 1, 2000 addressing the costs and benefits of this program and the applicability of expanding this program to other parts of the country.

Due to the success of the program in VISN 8, the conferees view this program as a regular part of the VISN 8 system, not a demonstration, and expect that in future years any further funding or continuation considerations should be made on the demonstrated merits and available resources.

The conferees recommend $750,000 to continue VA's participation with the Alaska Federal Health Care Access Network.

The conferees direct the Department to continue the demonstration project involving the Clarksburg VAMC and the Ruby Memorial Hospital at West Virginia University.

The conferees encourage further deployment of the Joslin Vision Network as a high priority through available resources in the medical care account and not the medical and prosthetic research account as proposed by the House.

The conferees direct the VA to provide a report addressing the OIG findings and recommendations regarding local patient access to care, including the feasibility of a contracting demonstration program, for the medical care system serving Chattanooga, Tennessee by January 31, 2000.

The conferees direct the VA to submit a report on access to medical care and community-based outpatient clinics in Georgia's 7th Congressional District 30 days after the enactment of this bill.

In instances that significant deficiencies in quality of care and operations of VA medical facilities are identified by the VA Medical Inspector, the conferees expect that the VA will correct the deficiencies identified in the inspections and that resources such as the National Reserve Fund, other surplus resources, FTE, technical assistance, training and equipment should be made available on a priority basis to address the deficiencies.

The conferees are concerned that the VA medical system must cancel and/or reschedule healthcare appointments, creating an undue hardship to veterans. Furthermore, the conferees understand that the GAO is currently investigating this issue. Therefore, within 90 days after the GAO issues the final report on this issue, the conferees direct the VA to develop options to mitigate the hardship placed on veterans when the VA medical system cancels or reschedules their medical appointments and submit a report of those options to the committees.

The conferees urge the VA to partner with existing, federally-funded Community Health Care Centers to provide outpatient primary and preventive health care services to area veterans in their home communities. Such a plan would greatly enhance access to quality health care for veterans living in remote areas. The conferees urge the veteran populations in the following areas be included in such a program: Marshall County, Mississippi; Hardin County, Tennessee; and Letcher County, Kentucky.

The conferees support VA's efforts to undertake a three-year rural health care pilot program at the VAMC in White River Junction, Vermont. The rural health care services delivery model will explore new methods of optimizing surgical, ambulatory, and mental health care services in rural settings. VA estimates this will cost approximately $7,000,000 in fiscal year 2000.

The conferees urge the VA to make testing and treatment for hepatitis C broadly available to all veterans.

MEDICAL AND PROSTHETIC RESEARCH

Appropriates $321,000,000 for medical and prosthetic research, instead of $326,000,000 as proposed by the House and $316,000,000 as proposed by the Senate.

The conferees have not included the recommended funding as proposed by the House, but instead urge research endeavors in the areas of prostate imaging, bio-artificial kidney development, and artificial neural networks relating to the diagnosis and prognosis of heart disease, subject to the normal peer review procedures. The conferees are aware of bio-artificial kidney research being conducted by Dr. David Humes of the Ann Arbor VAMC and the University of Michigan.

The conferees direct $1,000,000 to the National Technology Transfer Center to establish a pilot program to assess, market, and license medical technologies researched in VA facilities. The conferees expect a report on the progress of this program by April 1, 2000.

The conferees are concerned about the review and oversight procedures protecting human subjects in research programs funded by the VA. The conferees believe an effective means of promoting adequate protections and informed consent for human subjects in VA research programs is ensuring that an appropriate mix of independent expertise is represented on Institutional Review Boards. Such boards have a special and sensitive responsibility to mentally ill veterans, who, because of the nature of their illness, may have difficulty fully understanding the purposes and risks associated with such research. The conferees therefore urge the VA to submit a report to the committees on the Department's progress for improving the functions and oversight of these boards, especially where they involve mental illness research, by March 31, 2000.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

Appropriates $59,703,000 for medical administration and miscellaneous operating expenses, instead of $61,200,000 as proposed by the House and $60,703,000 as proposed by the Senate.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Appropriates $912,594,000 for general operating expenses as proposed by the Senate, instead of $886,000,000 as proposed by the House. The conferees provided $45,600,000, approximately 5 percent of the appropriation, to be available until September 30, 2001.

The conferees direct the immediate Office of the Secretary to limit travel expenditures to $100,000 in fiscal year 2000. The conferees are extremely concerned about recent findings of the Inspector General related to improper use of travel and representation funds by the Secretary and expect that the IG's recommendations will be implemented fully.

The conferees expect assurances that the Department is fiscally and logistically ready to consolidate computer services at the Austin Automation Center. Therefore, the conferees direct the VA to submit a report summarizing all cost/benefit studies regarding the consolidation and site readiness at Austin to accommodate the relocated services. The conferees direct that no funds in this Act will be used to relocate the center unless the VA submits the requested report to the Committees 60 days prior to moving operations from Hines.

NATIONAL CEMETERY ADMINISTRATION

Appropriates $97,256,000 for the National Cemetery Administration as proposed by the Senate instead of $97,000,000 as proposed by the House.

Restores language proposed by the Senate transferring not to exceed $90,000 ($84,000 for ORM and $6,000 for OEDCA) from the national cemetery administration appropriation to the general operating expenses appropriation for expenses of the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication. Additional information on funding for these two offices is included under the VA's administrative provisions section of this report.

OFFICE OF INSPECTOR GENERAL

Appropriates $43,200,000 for the Office of Inspector General as proposed by the Senate, instead of $38,500,000 as proposed by the House.

Retains Senate language transferring not to exceed $30,000 from the Office of Inspector General appropriation to the general operating expenses appropriation for expenses of the Office of Resolution Management ($28,000) and the Office of Employment Discrimination Complaint Adjudication ($2,000). Additional information on funding for these two offices is included under the VA's administrative provisions section of this report.

CONSTRUCTION, MAJOR PROJECTS

Appropriates $65,140,000 for construction, major projects instead of $34,700,000 as proposed by the House and $70,140,000 as proposed by the Senate.

The conference agreement includes the following changes from the budget estimate:

+$10,000,000 for capital asset planning.

+$1,000,000 for the advance planning and design of the Lebanon VAMC renovation of patient care units and enhancements for extended care programs, contingent upon authorization.

+$500,000 for planning national cemeteries in the regions designated by the authorizing committees in the Atlanta area of Georgia, the Pittsburgh area of Pennsylvania, South Florida, and Northern California.

−$6,500,000 from available unobligated balances in the working reserve.

The conferees support a new national cemetery in the Lawton, OK area. VA expects to award a design contract for architectural and engineering services for this project in October 1999. The conferees expect the President's fiscal year 2001 budget will include construction funds for this project.

CONSTRUCTION, MINOR PROJECTS

Appropriates $160,000,000 for construction, minor projects instead of $102,300,000 as proposed by the House and $175,000,000 as proposed by the Senate.

Of the funds provided, the conferees direct $150,000 for ''mothballing'' four historic buildings at the Dayton VAMC in Dayton, Ohio; $3,000,000 for renovations of the research building at the Bronx VAMC in Bronx, New York; $500,000 for preparation of the satellite site at the National Cemetery at Salisbury, North Carolina; and $3,900,000 to convert unfinished space into research laboratories at the ambulatory care addition of the Harry S Truman VAMC. The conferees also request a study to examine and design a relocated entrance to the West Virginia National Cemetery in Grafton, West Virginia.

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

Appropriates $90,000,000 for grants for construction of state extended care facilities as proposed by the Senate, instead of $87,000,000 ($80,000,000 in the grants for construction of state extended care facilities account and an additional $7,000,000 in Sec. 426 of the General Provisions) as proposed by the House.

GRANTS FOR CONSTRUCTION OF STATE VETERANS CEMETERIES

Appropriates $25,000,000 for grants for construction of state veterans cemeteries as proposed by the Senate, instead of $11,000,000 as proposed by the House.

ADMINISTRATIVE PROVISIONS

Deletes language proposed by the House authorizing the reimbursement of expenses for the Office of Resolution Management and the Office of Employment Discrimination Complaint Adjudication from other VA appropriations beginning in fiscal year 2000,

and inserts language as proposed by the Senate transferring amounts in medical care ($27,907,000—$26,111,000 for ORM and $1,796,000 for OEDCA), national cemetery administration ($117,000—$111,000 for ORM and $6,000 for OEDCA), and Office of Inspector General ($30,000—$28,000 for ORM and $2,000 for OEDCA) to the general operating expenses appropriation. In addition, $2,068,000 is assumed in the general operating expenses appropriation for these activities. All funds for these two offices should be requested in the general operating expenses appropriation in fiscal year 2001.

The conferees recognize that transportation to VA hospitals and clinics is a major concern to many veterans in rural areas. The conferees direct the VA to conduct a study to determine to what extent geography and distance serve as a barrier to health care in rural areas. The conferees direct the VA to report its findings back to Congress no later than February 1, 2000. Furthermore, the conferees direct the VA to develop a proposal addressing this concern.

Both the House and Senate included provisions expressing the concern about the quality of and access to medical care for veterans in rural areas. The conferees consolidated the two provisions in this title under Sec. 108.

Retains Sec. 109, proposed by the House authorizing $11,500,000, originally appropriated in fiscal year 1998 to renovate Building 9 at the VAMC in Waco, Texas, to instead be used for renovation and construction of a joint venture cardiovascular institute at the Olin E. Teague VAMC in Temple, Texas.

In response to the GAO report, VA Health Care: Closing a Chicago Hospital Would Save Millions and Enhance Access to Services, the VHA established the VISN 12 Delivery Options Study Steering Committee to provide recommended options for optimally aligning resources with veteran needs. The conferees have concerns about the recommended option of the VISN 12 Delivery Options Study as it may be inconsistent with the GAO report. The conferees understand that the recommended option is under review and may lead to a realignment plan being proposed by VHA for VISN 12. Sec. 110 has been included to ensure appropriate consultation and input for all stakeholders.

Deletes bill language proposed by the Senate presuming cancer of the lung, colon, brain and central nervous system should be added to the list of radiogenic diseases presumed to be service-connected disabilities by the Department.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PUBLIC AND INDIAN HOUSING

HOUSING CERTIFICATE FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $11,376,695,000 for the housing certificate fund, instead of $10,540,135,000 as proposed by the House and $11,051,135,000 as proposed by the Senate. The conference agreement includes:

—$10,990,135,000 for expiring section 8 housing assistance contracts, tenant protections, including tenant protections for HOPE VI relocations, section 8 amendments, contract administration, enhanced vouchers, and contracts entered into pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act;

—$346,560,000 to provide 60,000 incremental section 8 housing assistance vouchers, to increase the number of low-income individuals and families receiving assistance; and

—$40,000,000 to provide section 8 housing vouchers to non-elderly, disabled residents who are affected by designation of public and assisted housing as ''elderly-only'' developments.

Within the overall totals for the housing certificate fund, the House bill provided $25,000,000 for non-elderly disabled residents and did not specify a division between the amounts for contract renewals and tenant protection vouchers, while the Senate bill provided $10,855,135,000 for contract renewals, $156,000,000 for tenant protection vouchers, and $40,000,000 for the non-elderly disabled. Neither bill provided funds for incremental vouchers.

The conferees note that the costs of renewing all expiring section 8 housing assistance contracts will continue to rise significantly from year to year. The 60,000 additional vouchers provided in the conference agreement will need to be funded in future years, and will place substantial burdens on the Congress. The conferees have agreed to fund these incremental vouchers for fiscal year 2000, based in part on the Administration's representation that it will endeavor to address the shortfalls in this account and to fully fund these and all other section 8 contracts in fiscal year 2001.

The conferees expect the Administration to submit a budget request for fiscal year 2001 that includes sufficient funding for the section 8 account, including vouchers added this year, consistent with the agreement reached between the Administration and the conferees.

While the conferees have included funds for incremental voucher assistance, they note that vouchers are not a panacea for low-income, affordable housing. The voucher program has significant problems, with families in many areas of the country unable to utilize effectively this housing subsidy, especially in high-cost areas where the payment standard of the voucher program may not be sufficient to cover market rents. Moreover, there is a substantial shortage of available, low-income affordable housing throughout the country, and vouchers do not provide an effective financing tool that will result in constructing additional affordable housing. Finally, there is a need for communities, nonprofits, public housing authorities and others to create links between all HUD programs, to ensure that housing and community development assistance is integrated to benefit the overall needs of the community.

Inserts language, as proposed by the Senate, making the amount set aside for non-elderly disabled persons affected by elderly-only designations also available to assist other disabled persons, to the extent that amounts are not needed to fund applications from those affected by designations.

Inserts language proposed by the House and not included by the Senate requiring HUD to determine section 8 administrative fees for public housing authorities under the requirements in effect before enactment of the Quality Housing and Work Responsibility Act of 1998.

Inserts language proposed by the Senate adopting the Administration's recommendation to provide $4,200,000,000 (within the overall totals given above for the housing certificate fund) in the form of an advance appropriation that will first become available in fiscal year 2001. This advance appropriation is intended to cover a portion of expenditures that will actually occur in fiscal year 2001 under section 8 contracts renewed during fiscal year 2000. The House did not include such an advance appropriation, but instead followed the past practice of providing all funds needed for fiscal year 2000 contract renewals in the form of a regular fiscal year 2000 appropriation.

Deletes language proposed by the Senate and not included by the House prohibiting funds from being expended for the Regional Opportunity Counseling program.

Inserts language, not included by either the House or the Senate, rescinding $1,300,000,000 in recaptured section 8 housing assistance funds from the Annual Contributions for Assisted Housing account and the Housing Certificate Fund account that are not expected to be needed in fiscal year 2000.

Inserts language, not included by either the House or the Senate, rescinding $943,000,000 in unobligated balances of funds previously appropriated in the Housing Certificate Fund or Annual Contributions for Assisted Housing accounts.

PUBLIC HOUSING CAPITAL FUND

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $2,900,000,000 for the public housing capital fund instead of $2,555,000,000 as proposed by the Senate and the House. The conferees recommend an increase in this appropriation above the levels provided in either the House or the Senate bill, in recognition of the serious unmet needs for capital improvements to the nation's public housing. The conferees believe that providing adequate funding to renovate and improve these facilities is less costly than allowing them to fall into disrepair. Currently, HUD estimates that the 3,400 public housing authorities have a backlog of modernization needs that totals more than $20,000,000,000. This is due in large part to the age of the inventory, as at least half of the 1,322,000 apartments managed by public housing authorities are more than 30 years old and are home to almost 3,000,000 people, 43% of whom are 62 or older or have a disability. Families with children live in the remaining apartments. Public housing represents a major investment of federal resources over many years, and it is vital that funding be provided to properly preserve this taxpayer investment. Allowing more of these housing units to deteriorate to the point that they must be demolished and rebuilt would be a far more costly option.

Includes $75,000,000 for technical assistance under section 9(h) of the United States Housing Act of 1937, instead of $100,000,000 as proposed by the Senate and $50,000,000 as proposed by the House. The conferees note that section 9(h) includes the costs of travel, and have therefore deleted a House provision that provided $1,000,000 for travel costs. Finally, the conferees direct HUD to include in its operating plan a detailed description of the Department's plans for utilizing these technical assistance funds in fiscal year 2000, and to include a similarly detailed description in next year's budget justification regarding plans for use of any funds requested for fiscal year 2001. Unless such information is provided, the conferees would be very reluctant to continue appropriating funds for technical assistance in the future.

Includes $75,000,000 for the Secretary's discretionary fund for the purpose of making grants to PHAs for emergency capital needs resulting from emergencies and natural disasters. The House did not include a similar provision and the Senate expressly provided no funds for this activity under section 9(k)of the United States Housing Act of 1937.

PUBLIC HOUSING OPERATING FUND

Appropriates $3,138,000,000 for the public housing operating fund instead of $2,818,000,000 as proposed by the House, and $2,900,000,000 as proposed by the Senate. Like the increase to the public housing capital fund, this increase reflects the conferees' commitment to providing adequate resources to public housing—in this case for basic costs like water, gas and electric utilities, security, and routine maintenance.

Inserts language proposed by the Senate and not included by the House prohibiting funds from being used for the Secretary's discretionary fund under section 9(k) of the United States Housing Act of 1937.

The conferees direct HUD to delay implementing the Public Housing Assessment System (PHAS) until, in consultation with public housing authorities (PHAs) and their designated representatives, the Secretary: (a) conducts a thorough analysis of all advisory PHAS assessments; (b) reviews the GAO's study of the PHAS when it is complete; and (c) based on that analysis and review, publishes in the Federal Register a new consensus-based PHAS final rule that incorporates any recommended changes resulting from the process referenced above. Finally, HUD shall take all reasonable steps to minimize the costs and burdens the PHAS imposes on public housing authorities. The conferees intend that the PHAS, when finalized, acknowledge the complexities and practicalities inherent in managing large-scale apartment buildings and make allowances for these considerations.

Finally, the conferees note that the negotiated rule-making on revisions to the ''performance funding system'' formula for allocating operating subsidy funds appears to have stalled, in part because of lack of adequate data about actual costs of operating public housing. Therefore, before a proposed rule is published in the Federal Register, the conferees direct HUD to contract with the Harvard University Graduate School of Design to conduct a study on the costs incurred in operating well-run public housing and provide the results to the negotiated rule-making committee and the appropriate congressional committees. The final report shall be completed by October 1, 2000. The conferees direct that $3,000,000 from technical assistance funds in the public housing capital fund account be set-aside for this purpose.

DRUG ELIMINATION GRANTS FOR LOW INCOME HOUSING

(INCLUDING TRANSFER OF FUNDS)

Appropriates $310,000,000 for drug elimination grants, as proposed by the Senate instead of $290,000,000 as proposed by the House.

Includes $20,000,000 for the New Approach Anti-Drug program, as proposed by the Senate, rather than no funding as proposed by the House.

Includes $4,500,000 for technical assistance grants as proposed by the House instead of $5,000,000 as proposed by the Senate. Of this set-aside, $150,000 is for related travel as proposed by the House, instead of $250,000 as proposed by the Senate.

Deletes language proposed by the Senate and not included by the House requiring notice and comment rulemaking in all situations where HUD makes substantive changes to the grant program. Nevertheless, the conferees strongly believe in the value of notice and comment rulemaking, and remind the Department of the requirements set forth in the Administrative Procedures Act and in section 208 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act for fiscal year 1998. The conferees encourage the Department to institutionalize the drug elimination grant program through an appropriate rulemaking process.

REVITALIZATION OF SEVERELY DISTRESSED PUBLIC HOUSING (HOPE VI)

Appropriates $575,000,000 for the revitalization of severely distressed public housing program as proposed by the House, instead of $500,000,000 as proposed by the Senate.

Inserts language proposed by the House and stricken by the Senate providing $10,000,000 for technical assistance, training, and necessary travel.

The conferees note the Department's success in leveraging local businesses, community organizations, residents, and other partners, to create residential computing centers in multifamily housing through the unfunded Neighborhood Networks Initiative. This initiative bridges the information technology gap in communities, helping hundreds of residents, such as those in The Terraces in West Baltimore, improve computer technology skills, which in turn increases job and education opportunities. The conferees believe that the opportunity to bridge the digital divide should also be available to HOPE VI residents and directs the Department to undertake an effort to adapt the Neighborhood Networks Initiative to new HOPE VI projects. The conferees further direct the Department to report on the status of its efforts to implement the Neighborhood Networks Initiative in HOPE VI communities no later than June 30, 2000.

The conferees direct the Department to contract with the Urban Institute to conduct an independent study on the long-term effects of the HOPE VI program on former residents of distressed public housing developments, focusing on the effects of relocation and improved community and supportive services. The conferees have provided $1,200,000 from within this account for this purpose. Because HOPE VI was established to address the social needs of residents as well as the physical distress of the housing, the conferees feel that it is important to assess the effectiveness of the social aspects of the program in order to better evaluate the accomplishments of the program.

NATIVE AMERICAN HOUSING BLOCK GRANTS

(INCLUDING TRANSFER OF FUNDS)

Includes $6,000,000 for technical assistance grants, of which $4,000,000 is for HUD and $2,000,000 is for the National American Indian Housing Council (NAIHC). The House provided the entire amount to HUD while the Senate provided $4,000,000 to NAIHC and $2,000,000 to HUD. Of the amount $200,000 is for related travel instead of $100,000 as proposed by the House and $300,000 as proposed by the Senate.

The housing and economic development problems faced by Indian tribes are unique because of the special status accorded to reservation lands. NAIHC has a proven technical assistance and training program that the conferees believe could be a valuable tool in addition to HUD's existing technical assistance programs. Prior to receiving the grant, the conferees expect NAIHC to provide a business plan to HUD and to the Committees on Appropriations for expending these funds. The plan should include performance measures and goals. Upon receipt and review of the plan, HUD is directed to enter into a contract with NAIHC, and to deliver the funds by March 1, 2000.

Inserts language proposed by the House and stricken by the Senate making a technical correction to bill language.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Inserts language proposed by the House and stricken by the Senate making a technical correction to bill language.

COMMUNITY PLANNING AND DEVELOPMENT

HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

Appropriates $232,000,000 for housing opportunities for persons with AIDS, as proposed by the Senate instead of $225,000,000 as proposed by the House. Of the amount, .75 percent is appropriated for technical assistance instead of .50 percent as proposed by the House and 1 percent as proposed by the Senate.

Deletes bill and report language proposed by the Senate requiring HUD to give priority to renewing existing programs. The House did not include similar language.

RURAL HOUSING AND ECONOMIC DEVELOPMENT

Appropriates $25,000,000 for rural housing and economic development as proposed by the Senate, instead of a $10,000,000 set-aside in the Community Development Block Grant (CDBG) account as proposed by the House. The conferees note that they intend to fully review HUD's Notice of Funding Availability (NOFA), which is the vehicle HUD has used to implement this program, and to make recommendations about its contents where necessary. Furthermore, the conferees reiterate their expectation that HUD will cooperate with the United States Department of Agriculture (USDA), review the requirements of USDA's rural development and housing programs, and incorporate USDA definitions and requirements in this program to the extent appropriate.

AMERICA'S PRIVATE INVESTMENT COMPANIES PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Inserts new language providing $20,000,000 for America's private investment companies program account, contingent upon enactment of authorizing legislation prior to June 30, 2000. If the program is not authorized, the funds shall be transferred to the Community Development Financial Institutions program. Neither the House nor the Senate included a similar provision.

URBAN EMPOWERMENT ZONES

Inserts new language providing $55,000,000 for grants to urban empowerment zones to be used in conjunction with economic development activities detailed in the strategic plans of each empowerment zone. Neither the House nor the Senate included a similar provision.

RURAL EMPOWERMENT ZONES

Inserts new language providing $15,000,000 to the Secretary of the United States Department of Agriculture for grants to designated empowerment zones.

COMMUNITY DEVELOPMENT BLOCK GRANTS

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $4,800,000,000 for community development block grants, as proposed by the Senate instead of $4,500,200,000 as proposed by the House. The conferees agree to the following earmarks:

—$41,500,000 for section 107 grants. The House provided $30,000,000 for section 107 grants and the Senate provided $41,500,000 for section 107 grants. The conference agreement provides the following earmarks:

—$3,000,000 is for community development work study;

—$10,000,000 is for historically black colleges and universities;

—$8,000,000 is for the Community Outreach Partnerships program;

—$7,000,000 is for insular areas;

—$2,000,000 is for native Hawaiian Serving Institutions and for Alaska Native Serving Institutions, to be divided evenly;

—$6,500,000 is for Hispanic Serving Institutions; and

—$5,000,000 is for management information systems;

—$2,200,000 for the National American Indian Housing Council instead of $3,000,000 as proposed by the House and $1,800,000 as proposed by the Senate;

—$20,000,000 for the Capacity Building for Community Development and Affordable Housing program, authorized by section 4 of P.L. 103–120, as in effect before June 12, 1997, instead of the $15,000,000 proposed by the House and $25,000,000 proposed by the Senate; of the amount provided in the conference report, at least $4,000,000 shall be for capacity building activities in rural areas;

—$3,750,000 for the capacity building activities of Habitat for Humanity International, as proposed by the House and instead of no funding as proposed by the Senate;

—$42,500,000 for Youthbuild, including $2,500,000 for a grant to Youthbuild USA for capacity building activities, the same as proposed by both the House and Senate (apart from a technical correction);

—$20,000,000 for grants to eligible grantees under section 11 of the Self-Help Housing Opportunity Program Extension Act of 1996, instead of $15,000,000 as proposed by the House. The Senate did not include funds for this item;

—$30,000,000 for the Neighborhood Initiatives program, instead of $20,000,000 as proposed by the House and no funding as proposed by the Senate;

—$5,000,000 is for the Institute for Software Research for construction related to a high-technology diversification initiative;

—$10,000,000 is for the City of Syracuse, New York, for the Neighborhood Initiative Program;

—$4,000,000 for Missouri, of which $1,500,000 shall be for the St. Louis Sustainable Neighborhoods Initiative, of which at least $500,000 shall be made available for the redevelopment of the Lemay community and at least $500,000 shall be for the redevelopment of Grand Rock community, both in St. Louis, and $2,500,000 shall be made available for Kansas City, Missouri, of which $1,500,000 shall be made available for the Midtown Community Development Corporation for the redevelopment of the Mount Cleveland community and $1,000,000 shall be made available for the East Meyer Community Association for the redevelopment of the East Meyer community; and

—$1,000,000 shall be for the Patterson Park Community Development Corporation to establish a revolving fund to acquire and rehabilitate properties in Baltimore, Maryland; $500,000 for the City of Suffolk, Virginia for the East Suffolk Gateway Redevelopment project; $500,000 for Fort Dodge, Iowa for the Soldier Creek neighborhood revitalization project; $750,000 for the Mitchell Development Corporation for economic development activities in Mitchell, South Dakota; $500,000 for the City of Green Bay, Wisconsin for Broadway Street revitalization; and $500,000 for the City of Yankton, South Dakota for the restoration of the downtown area and the development of the Fox Run Industrial Park;

—$29,000,000 for credit subsidy for section 108 loan guarantees as proposed by the Senate instead of $25,000,000 as proposed by the House. This level of credit subsidy should produce no more than $1,261,000,000 in loan guarantees as proposed by the Senate instead of $1,087,000,000 as proposed by the House; and,

—$275,000,000 for economic development grants, instead of $20,000,000 as proposed by the House and $110,000,000 as proposed by the Senate. The conferees agree to the following targeted economic development initiatives:

—$480,000 to the Town of Swearingen, Alabama for water system infrastructure improvements;

—$300,000 to Lamar County, Alabama for upgrading sewer and water supply systems;

—$140,000 to Rainsville, Alabama for infrastructure improvements to the town's industrial park;

—$60,000 to Haleyville, Alabama for purchase and renovation of a senior citizens center and a Head Start facility;

—$800,000 to the City of Mobile, Alabama for the waterfront development project;

—$500,000 to the University of Alabama for the construction of a child development facility;

—$500,000 to the University of South Alabama for the construction of an archaeological research facility;

—$250,000 to Stillman College in Tuscaloosa, Alabama for the construction and development of a health and wellness facility;

—$200,000 to the City of Daphine, Alabama for revitalization of the Daphne Bayfront Park;

—$1,500,000 to Union County, Arkansas to find alternative water sources to the Sparta Sands Aquifer;

—$1,000,000 to the City of Sierra Vista, Arizona for a wastewater treatment and effluent recharge facility;

—$500,000 to the Boys and Girls Club in Oxnard, California for the renovation and expansion of existing facilities;

—$250,000 to the County of San Bernardino, California for the rehabilitation of Fogelsong Pool in Barstow;

—$425,000 to the City of Highland, California for public park facilities to serve the recreational needs of the local community;

—$250,000 to the County of San Bernardino, California for a River Walk Nature and Bike Trail on the Mojave river between Mojave Narrows and Old Town Victorville;

—$425,000 to the County of San Bernardino, California for the Yucaipa Valley Regional Soccer Complex;

—$500,000 to the San Bernardino National Forest for Phase II construction of the Big Bear Discovery Center;

—$50,000 to the City of Twentynine Palms, California for the completion of the mural project;

—$100,000 to the City of Loma Linda, California for road infrastructure improvements;

—$1,000,000 to the City of San Juan Capistrano for the rehabilitation and historic preservation of the Mission San Juan Capistrano;

—$500,000 to the City of Citrus Heights, California for the revitalization of the Sunrise Mall;

—$750,000 to the City of Escondido, California for the development and infrastructure improvements associated with Quail Hills Industrial Park;

—$600,000 to the City of Tracy, California for the repair/construction of the Tracy Fire Station Number 1;

—$350,000 to the City of Riverside, California for the expansion of the Goeske Senior and Disabled Citizens Center;

—$350,000 to the City of Fountain Valley, California for the expansion of the Mile Square Regional Park recreation facility;

—$350,000 to the City of Huntington Beach, California for soil remediation and cleanup activities in Huntington Central Park;

—$1,000,000 to the City of San Diego, California for the San Diego Children's Convalescent Hospital;

—$100,000 to the City of Arcadia, California for the Arcadia Historical Museum;

—$400,000 to the City of Claremont, California for construction of a community center;

—$1,000,000 to the City of Pasadena, California for renovation and rehabilitation of the Pasadena Civic Auditorium;

—$20,000 to the City of Glendale, California for city infrastructure improvements;

—$250,000 to Shelter From the Storm, Inc., a battered women's and children's center in Palm Desert, California;

—$250,000 to the City of El Segundo, California for the design and development of the Douglas Street Gap Closure project;

—$200,000 to the County of Tulare, California for road infrastructure improvements;

—$400,000 to the City of Bakersfield, California to redevelop downtown Bakersfield through the Mobility Opportunities via Education initiative;

—$100,000 to the County of Tulare, California for construction of an international trade center;

—$600,000 to the Klingberg Family Centers in New Britain, Connecticut for the expansion of their school;

—$250,000 to the City of Miami Beach, Florida for the North Beach Recreation Corridor Initiative;

—$600,000 to the City of Largo, Florida for economic development and infrastructure improvements;

—$1,400,000 to the City of Clearwater, Florida for costs associated with the development of a regional stormwater retention facility;

—$300,000 to the City of Edgewater, Florida for the construction of an emergency shelter;

—$400,000 to the City of Jacksonville, Florida for the development of an ecosystem tourist program;

—$300,000 to the City of Jacksonville, Florida for the Lower East Side/Upper Deer Creek Stormwater Project;

—$1,250,000 to the Town of Milton, Florida for the construction of a hurricane shelter;

—$250,000 to the City of Miami, Florida for the OpSail Miami 2000 cultural exchange program;

—$500,000 to the Tubman African American Museum in Macon, Georgia for development of a new facility;

—$400,000 to the City of Savannah, Georgia for development of a youth facilty;

—$500,000 to Rockdale County, Georgia for the development of Georgia Veterans' Park;

—$500,000 to the Village of Hampshire, Illinois to construct new drinking water facilities;

—$500,000 to the Haymarket Center in Haymarket, Illinois for a community and family learning center;

—$750,000 to Edward Hospital in Naperville, Illinois for the construction of a women and children's pavillion;

—$250,000 to the Town of Cortland, Illinois for water treatment facility improvements;

—$250,000 to the Town of Steward, Illinois for water treatment facility improvements;

—$500,000 to Loyola University, Illinois for expansion of their computer and information resource centers;

—$500,000 to the Safe Haven Foundation, Inc. in Indianapolis, Indiana to expand domestic violence shelters and related services;

—$250,000 to Ball State University, Indiana for the development of the Workforce Technology Enhancement Project;

—$500,000 to Tri-State University, Indiana for the expansion, renewal, and renovation of their Business and Engineering Departments, including the Tri-State Leadership Institute and Center;

—$1,000,000 to the Home of the Innocents in Louisville, Kentucky for the expansion and relocation of a facility to help abused children;

—$500,000 to the Wayne County, Kentucky Historical Society to complete the renovation and restoration of the Wayne County Historical Museum;

—$500,000 to the Kentucky Highlands Investment Corporation in London, Kentucky for expansion of a venture capital fund;

—$500,000 to the Center for Rural Development in Somerset, Kentucky for continued development and training for a regional teleconferencing network;

—$250,000 to Bell County, Kentucky for renovation of the Pine Mountain Park Amphitheater;

—$250,000 to the Magoffin County, Kentucky Historical Society for the expansion of the Pioneer Tourist Information and Visitor Center;

—$250,000 to Montgomery County, Kentucky for redevelopment of a community center;

—$300,000 to the Port of South Louisiana for the expansion of the Globalplex Intermodal Terminal Facility;

—$100,000 to the City of New Iberia, Louisiana for economic development and revitalization of the downtown area;

—$50,000 to the City of Thibodaux, Louisiana for infrastructure improvements to the Civic Center;

—$50,000 to St. Charles Parish, Louisiana for the enhancement of the parks and recreation system;

—$100,000 to Plaquemines Parish, Louisiana for enhancements and upgrades to their Disaster Communications Center;

—$100,000 to Nicholls State University in Louisiana for expansion and development of the Family and Consumer Science Program;

—$300,000 to Wayne State University in Michigan for infrastructure improvements to the Merrill-Palmer Institute's child care research facilities;

—$500,000 to Wayne County, Michigan for enhancement of geographical information systems to expedite economic development;

—$100,000 to the City of Detroit, Michigan for the Covenant House, a long-term transitional living facility for homeless adults;

—$250,000 to the National Eagle Center community development project in Wabasha, Minnesota;

—$1,100,000 to the City of Fulton, Mississippi for water infrastructure improvements for the Northeast Mississippi Regional Water Supply District;

—$200,000 to the Town of Sardis, Mississippi for economic development and related infrastructure and recreational facilities;

—$550,000 to the City of Lincoln, Nebraska for Cedars Youth Services for the development of a youth home;

—$750,000 to Wake Forest University in North Carolina for the continued development of the University's Baptist Medical Center;

—$250,000 to the Town of Berlin, New Hampshire for the Northern Forest Heritage Park;

—$300,000 to the Town of Tamworth, New Hampshire for the construction of a multi-service community center;

—$1,000,000 to the Child Health Institute in New Jersey for development;

—$550,000 to the Morris County Urban League, New Jersey to support community outreach and child care initiatives;

—$100,000 to the Town of Dover, New Jersey to renovate and establish El Primer Paso, an early childhood education center;

—$350,000 to the Morris Area Girl Scout Council in Randolph, New Jersey for upgrading facilities at Jockey Hollow campgrounds;

—$300,000 to the County of Bernalillo, New Mexico to conduct a feasibility study and design for the Wheels Museum;

—$200,000 to the City of Albuquerque, New Mexico for restoration planning and design of the Albuquerque Little Theatre;

—$1,000,000 to the Buffalo Economic Renaissance Corporation in New York for the development of the Atlantic Corridor business exchange and education program;

—$345,000 to Wayne County, New York for anti-erosion measures and construction on Port Bay Barrier Bar;

—$500,000 to the Water Systems Council in Glenellen, Illinois for rural water infrastructure;

—$155,000 to the Town of Amherst, New York for rehabilitation of the Amherst Senior Center;

—$750,000 to Rural Opportunities, Inc. in Rochester, New York for the establishment of the Rural Opportunities Affordable Housing Alliance to expand housing opportunities in rural communities;

—$700,000 to the Port Authority of New York and New Jersey for construction and dredging of the Arthur Kill at Howland Hook Marine Terminal;

—$100,000 to the New York City Economic Development Corporation for the Fifth Avenue Reconstruction in Bay Bridge, Brooklyn, New York;

—$750,000 to the State University of New York at Stonybrook in Islip, New York for the Center for Emerging Technology;

—$1,000,000 to Carnegie Hall in New York City, New York for the Third Stage Project;

—$400,000 to Neve Yerushalayim College in Brooklyn, New York for the development of a Residential Community Center;

—$500,000 to the Town of Babylon, New York for revitalization of the Babylon Citizen's Cultural Resource Center;

—$1,000,000 to the Town of Massena, New York for the construction of the St. Lawrence Aquarium and Environmental Research Institute;

—$1,000,000 to the County of Schuyler, New York for the Schuyler County Partnership for Economic Development to develop a business park and revitalize Watkins Glen International;

—$200,000 to the New York Institute of Technology for the rehabilitation of Robbins Hall;

—$200,000 to the Village of Amityville, New York for construction and revitalization of the Village's downtown area;

—$3,000,000 to Olympic Regional Development Authority, New York for upgrades at Mt. Van Hoevenberg Sports Complex;

—$500,000 to the Village of Freeport, New York to revitalize the Nautical Mile;

—$275,000 to the Town of New Brunswick, New York for the extension of a water line to a senior housing project;

—$225,000 to the Town of East Greenbush, New York for road infrastructure improvements;

—$450,000 to the County of Cortland, New York for the acquisition and remediation of the Contento scrapyard;

—$1,000,000 to St. Joseph's Hospital Health Center for the Central New York Cardiac Care and Hemodialysis Enhancement Center in Syracuse, New York;

—$250,000 to the City of Syracuse, New York for renovations to the Media Unit Building;

—$450,000 to the City of Syracuse, New York for the renovation and revitalization of the Everson Museum;

—$1,000,000 to the University of Syracuse in New York for rehabilitation and community redevelopment of the Marshall Street area;

—$450,000 to the City of Syracuse, New York for rehabilitation and conversion of part of the former NYNEX building into a parking garage;

—$500,000 to Onondaga County, New York for infrastructure improvements involved in the expansion of the New Venture Gear Facility;

—$500,000 to the City of Syracuse, New York for renovations to the O.M. Edwards Building;

—$250,000 to the City of Syracuse, New York for renovations to the Dunbar Center;

—$440,000 to the Village of Weedsport, New York for the construction of a water storage facility;

—$150,000 to the City of Auburn, New York for renovation of the Schine Theater;

—$100,000 to the Village of Newark Valley, New York for the construction of a new well;

—$160,000 to the Town of Victory, New York for the extension of a water line;

—$300,000 to the Town of Elbridge, New York for extension of a water line to provide additional fire protection for the Tessy Plastics facility;

—$500,000 to the Southeastern Otsego Health Center in Worchester, New York to enhance their health care facilities;

—$500,000 to the Dominican College in Orangeburg, New York to establish a Center for Health Sciences;

—$600,000 to the New York State Education and Research Network for support of advanced application implementation on high performance networks;

—$500,000 to the State University of New York at Albany, New York to establish an economic development/workforce training initiative;

—$700,000 to the Hebrew Academy for Special Children in New York for expansion of a developmentally disabled children program;

—$250,000 to the Orange County Mental Health Association in Orange County, New York to provide enhanced health care services;

—$700,000 to the University Colleges of Technology of the State University of New York for the development of the Telecommunications Center for Education;

—$700,000 to the Children's Center of Brooklyn, New York for the construction of a facility to house educational and therapeutic programs for disabled preschool children;

—$1,000,000 to Wittenberg University, Ohio for rehabilitation and renovation of a Science Center facility;

—$500,000 to the Greene County, Ohio Park District to construct a composite materials bicycle/pedestrian bridge;

—$1,000,000 to Holmes County, Ohio for the construction of a wellness center;

—$400,000 to the University of Cincinnati for renovation of the medical science building;

—$1,500,000 to the City of Oklahoma City, Oklahoma for the loan fund created to assist with recovery efforts from the Oklahoma City bombing;

—$360,000 to the Borough of New Hope, Pennsylvania for redevelopment and revitalization of the site formerly known as Union Camp;

—$40,000 to the Township of Tinicum, Pennsylvania for a floodplain delineation/hydraulic modeling study;

—$400,000 to Wyoming County, Pennsylvania for a radiological facility at the Tyler Memorial Hospital in Tunkhannock;

—$500,000 to Calhoon County, South Carolina for economic development and infrastructure improvements;

—$300,000 to Carter County, Tennessee for road construction and water infrastructure improvements;

—$300,000 to the ArtSpace Victory Arts Center in Texas for the revitalization of the Our Lady of Victory Convent;

—$350,000 to the City of Lubbock, Texas for development of the American Wind Power Center;

—$350,000 to the City of Lubbock, Texas for the Texas Aviation Heritage Foundation;

—$1,000,000 million to the Salt Lake City Organizing Committee for housing infrastructure improvements for the Olympics and Paralympics;

—$50,000 to the Town of Shenandoah, Virginia for the establishment of a comprehensive economic development strategy;

—$1,000,000 to Warren County, Virginia for asbestos remediation and lead paint removal at the Avtex Superfund Site in Front Royal, Virginia;

—$500,000 to Fairfax County, Virginia to revitalize low and moderate income housing;

—$500,000 to the George Mason University in Virginia to develop and enhance the National Center for Technology and the Law;

—$500,000 to the City of Covington, Washington to replace substandard water lines in the Covington Water District/Timberline Estate Development;

—$50,000 to the City of Enumclaw, Washington for the development of a Welcome Center Facility;

—$1,000,000 to the National Children's Advocacy Center in Huntsville, Alabama for the establishment of a research and training facility;

—$200,000 to Alabama A&M University in Normal, Alabama for the renovation of historic buildings on the university's campus;

—$150,000 to the Children's Museum of the Shoals in Florence, Alabama for the establishment of a hands-on discovery museum;

—$125,000 to the Princess Theater in Decatur, Alabama for the renovation and operation of the current facility;

—$25,000 to the Limestone County Veteran's Museum and Archives in Limestone County, Alabama for establishment of a veteran's museum in the City of Athens, Alabama;

—$250,000 to the Arizona Science Center in Yuma, Arizona for its after-school program for inner-city youth;

—$150,000 to the City of Yuma, Arizona for its downtown rejuvenation project involving the Historic Yuma Theatre;

—$100,000 to the City of Phoenix, Arizona for the Westwood Neighborhood Redevelopment Project;

—$250,000 to the Central American Resource Center (CARECEN) in Los Angeles, California for the rehabilitation of the Youth and Family Technology and Education Floor at its community center;

—$400,000 to the County of Merced, California for planning for UC-Merced and University Village;

—$400,000 to the City of Culver City, California for construction of the Culver City Senior Center;

—$400,000 to the Los Angeles Neighborhood Initiative (LANI) for the South Robertson Neighborhood project;

—$150,000 to the Carmel Highlands Fire Protection District, California for the construction of a new fire station;

—$150,000 to the City of Hollister, California for the construction of a new fire station;

—$200,000 to the City of Alhambra, California for the Fire Station Training Center Project;

—$100,000 to the City of Norwalk, California for construction of a new senior citizen center;

—$200,000 to the City of Maywood, California for the design and construction of a community center for at-risk youth and seniors;

—$10,000 to the City of Los Angeles Cultural Affairs Department in Los Angeles, California for the Chinatown Gateway Project to build an archway in Chinatown;

—$80,000 to the City of Los Angeles, California for the redevelopment of the Sears and Prison Industrial sites in the downtown area;

—$100,000 to The East Los Angeles Community Union (TELACU) in Los Angeles, California for the renovation of a sixty-acre industrial park;

—$10,000 to the Los Angeles County Community Development Commission in Los Angeles, California for a telemedicine program in the east Los Angeles area;

—$300,000 to the City of San Leandro, California for the Gateway to the East Bay Initiative;

—$100,000 to the Pacific Union College in Angwin, California for the Napa Valley Resource Center job training program;

—$400,000 to the Sacramento Housing and Redevelopment Agency in Sacramento, California for the rehabilitation of the Franklin Villa housing development;

—$500,000 to the City of New Haven, Connecticut for the restoration and rehabilitation of the West River Memorial Park;

—$200,000 to the Mystic Seaport in Mystic, Connecticut for the design and construction of the American Maritime Education and Research Center;

—$300,000 to Building Bridges Across the River in Washington, District of Columbia for the continued development and construction of a recreation and performing arts center in Ward 8;

—$400,000 to the City of Monticello, Florida for the refurbishment of the Jefferson County High School building as a community center;

—$1,700,000 to the City of Miami, Florida for the development of a Homeownership Zone to assist residents displaced by the demolition of public housing in the Model City area;

—$300,000 to the City of Gainesville, Florida for the planning, design and implementation of the Depot Avenue Project;

—$400,000 to the City of Atlanta, Georgia for the design and construction of a community center adjacent to the Martin Luther King, Jr. Historic District;

—$350,000 to the City of East St. Louis, Illinois for the renovation of the former Cannady School into a Vocational Charter School;

—$1,000,000 to the Rush-Presbyterian St. Luke's Medical Center in Chicago, Illinois for the design, construction and operation of a research center for the elderly;

—$250,000 to Black Hawk College in East Moline, Illinois for the design and construction of a business and continuing education conference center;

—$200,000 to the City of Harvey, Illinois to establish a pilot program for neighborhood stabilization, including demolition of vacant homes, land-banking of vacant properties and renovation of occupied homes;

—$200,000 to the Illinois International Port District in Chicago, Illinois for dockwall repairs at Port of Chicago and Lake Calumet;

—$300,000 to the City of Chicago, Illinois for the South Chicago Housing Initiative at the former USX South Works site;

—$200,000 to the Village of Chicago Ridge, Illinois for the construction of a municipal law enforcement complex;

—$200,000 to the Township of Stickney, Illinois for the renovation of the Stickney Township North Clinic;

—$400,000 to Wyatt Community Life Center in Chicago, Illinois for health, education and job training needs of underserved populations;

—$200,000 to the City of Elkhart, Indiana for the continuation of the Building the American Dream initiative;

—$500,000 to the Town of Griffith, Indiana for stormwater and sewer separation;

—$100,000 to Northern Kentucky University in Highland Heights, Kentucky for the purchase of computers, books and supplies at the Urban Learning Center;

—$500,000 to the City of Boston, Massachusetts for redevelopment in the historic Tremont Street midtown area;

—$400,000 to the Springfield Library and Museum Association in Springfield, Massachusetts for construction and infrastructure improvement needs related to a national memorial and park honoring Theodor Geisel;

—$250,000 to the Greater Holyoke YMCA in Holyoke, Massachusetts for the continuation of the Expanding Horizons Downtown for Children and Families capital campaign;

—$250,000 to Hampshire College in Amherst, Massachusetts for construction of the National Center for Science Education;

—$500,000 to the University of Maryland in College Park, Maryland for the renovation of the James McGregor Burn Academy of Leadership;

—$100,000 to the Bowie-Crofton Business and Professional Women's (BPW) Choices and Challenges Program in Bowie, Maryland for the purchase of computers, educational software and other educational materials;

—$600,000 to Macomb Township, Michigan for site preparation, site development and equipment purchase related to Waldenburg Park;

—$600,000 to the City of St. Clair Shores, Michigan for enhancement of the Jefferson Avenue corridor;

—$400,000 to the City of Pontiac, Michigan for the renovation and rehabilitation of the Strand Theatre;

—$275,000 to Fairview Health Services in Elk River, Minnesota for the expansion of the Elk River primary care clinic;

—$600,000 to the Minneapolis Urban League City of Minneapolis, Minnesota for planning and construction of a multi-purpose business development center in north Minneapolis;

—$100,000 to Better Family Life in St. Louis, Missouri for construction of a new facility;

—$50,000 to the Black World History Wax Museum in St. Louis, Missouri for structural renovations and accessibility improvements;

—$100,000 to the Black Repertory Company in St. Louis, Missouri for renovation of a facility;

—$250,000 for People's Health Centers in St. Louis, Missouri for the construction of an elderly day care and physical fitness center;

—$1,000,000 to the St. Louis City Department of Parks, Recreation and Forestry in St. Louis, Missouri for the ongoing restoration of Forest Park;

—$500,000 to the St. Louis City Department of Parks, Recreation and Forestry in St. Louis, Missouri for modernization of facilities and restorations at Carondelet Park;

—$200,000 to the Union Station Assistance Corporation in Kansas City, Missouri for construction of the passenger rail services facility;

—$200,000 to the City of Jackson, Mississippi for the capitalization of a home mortgage program for first-time home buyers;

—$200,000 to the City of Jackson, Mississippi for the capitalization of a home improvement loan program;

—$400,000 to Greene County Health Care in Snow Hill, North Carolina for facility enhancements;

—$250,000 to the Town of Navassa, North Carolina for the construction of a community center;

—$600,000 to the City of Durham, North Carolina for the Durham Regional Finance Center to acquire and renovate office space;

—$250,000 to the Town of Chapel Hill, North Carolina for the activities of the Community Land Trust in Orange County;

—$250,000 to the Community Reinvestment Association of North Carolina in Raleigh, North Carolina for economic literacy activities;

—$200,000 to the Eagle Village Community Development Corporation in Durham, North Carolina for community development activities;

—$200,000 for the Park Performing Arts Center in Union City, New Jersey for facilities renovation;

—$300,000 to the City of Newark, New Jersey for the restoration and beautification of area urban parks;

—$1,000,000 to Little Flowers Children's Services in Wading River, New York for construction of residential colleges and for educational and therapeutic services to children who have been separated from their parents;

—$400,000 to the City of Kingston, New York for the rehabilitation and renovation of its City Hall;

—$950,000 for the Town of Tonawanda, New York, for construction of low-income and mixed income housing, giving priority to the Blind Association of Western New York for construction of low-income and mixed income housing for physically disabled persons;

—$500,000 to the City of New Rochelle, New York for streetscape improvements to North Avenue;

—$200,000 to the New York Foundation for Senior Citizens for construction of an 89 unit senior citizens apartment complex in New York County, New York;

—$400,000 to the Bronx Museum of the Arts in New York, New York for infrastructure improvements, construction, renovation, operation and facility upgrades;

—$150,000 to the Mount Hope Housing Company in New York, New York for renovation of a multi-use community center;

—$150,000 to the New York City Department of Parks and Recreation in New York, New York for phase three of the rebuilding and restoration of Joyce Kilmer Park in South Bronx, New York;

—$170,000 to the David Hochstein Memorial Music School in New York for renovations and equipment related to a historic church sanctuary to serve as a performance hall;

—$80,000 to the Rochester Association of Performing Arts, School of Performing Arts in New York for restoration and renovation of the School;

—$200,000 to the City of Dayton, Ohio for land acquisition for the Tool Town precision metalworking park;

—$1,400,000 to the City of Toledo, Ohio for improvements to central city neighborhoods and rejuvenation near the downtown historic commercial district, in cooperation with area not-for-profit community development corporations;

—$700,000 to the Ohio Department of Development in Columbus, Ohio for the Safe Water Fund and rural development initiatives including cultural arts centers in Lucas, Fulton, Wood and Ottawa Counties, Ohio;

—$200,000 to the City of Detroit, Oregon for sewer system design engineering in cooperation with the City of Idanha, Oregon;

—$200,000 to the Regional Industrial Development Corporation of Southwestern Pennsylvania's Growth Fund in Pittsburgh, Pennsylvania for asbestos abatement and removal of blast furnace stocks located on the Duquesne and McKeesport brownfield sites in Allegheny County, Pennsylvania;

—$200,000 to the Schuylkill County Fire Fighters Association for a smoke-maze building on the grounds of the firefighters facility in Morea, Pennsylvania;

—$300,000 to the City of Nanticoke, Pennsylvania for economic development initiatives;

—$500,000 to Camp Kon-O-Kwee/Spencer YMCA camp in Beaver County, Pennsylvania for construction of a wastewater treatment facility;

—$350,000 to Rostraver Township, Westmoreland County, Pennsylvania for wastewater infrastructure upgrades and extension of sanitary sewer lines into previously unserved areas;

—$540,000 to the Cambria County Commissioners in Cambria County, Pennsylvania for the design and construction of a recreation facility in northern Cambria County;

—$260,000 to the Fort Ligonier Association in Westmoreland County, Pennsylvania for restoration of Fort Ligonier;

—$500,000 to the Indiana County Commissioners in Indiana, Pennsylvania for rehabilitation of the downtown area;

—$300,000 to Mount Aloysius College in Cresson, Pennsylvania for the restoration of a historic boiler house;

—$500,000 to Fallingwater in Mill Run, Pennsylvania for rehabilitation of concrete cantilevers;

—$500,000 to the Johnstown Area Heritage Association in Johnstown, Pennsylvania for facilities renovation and exhibition development;

—$250,000 to the University of Puerto Rico (UPR) for the renovation and restoration of the UPR Theater;

—$500,000 to the Berkeley-Charleston-Dorchester Council of Governments for planning and construction of the Parkers Ferry Community Center in Charleston County, South Carolina;

—$400,000 to Lee County, South Carolina for the renovation of the old Ashwood School into a community center;

—$100,000 to the Town of Santee, South Carolina for construction of the Santee Cultural Arts and Visitor's Center;

—$250,000 to the Memphis Zoo in Memphis, Tennessee for the Northwest Passage Campaign;

—$400,000 to the City of Waco, Texas for unmet housing needs;

—$400,000 to the Natural Gas Vehicle Coalition in Arlington, Virginia for expansion of the Airport-Alternative Fuel Vehicle Demonstration Project to Dallas-Fort Worth Airport and other locations nationally;

—$150,000 to the Acres Home Citizen's Chamber of Commerce in Houston, Texas for services provided through the Acres Home Consortium;

—$50,000 to the South Dallas Fairpark Inner City Community Development Corporation in Dallas, Texas for community housing development programs;

—$50,000 to the Southfair Community Development Corporation in Dallas, Texas for community housing development programs;

—$100,000 to the West Dallas Neighborhood Development Corporation in Dallas, Texas for community housing development programs;

—$250,000 to Arlington-Alexandria Coalition for the Homeless (AACH) in Arlington, Virginia for the purchase of the property that houses its Community Resource Center;

—$250,000 to the Borromeo Housing Foundation in Arlington, Virginia to establish a permanent Second Chance Home for unwed mothers;

—$200,000 to the Campagna Center in Alexandria, Virginia to support the This Way House program;

—$250,000 to the City of Virginia Beach, Virginia for the Virginia Marine Science Museum's Phase III expansion plan;

—$300,000 to the Admiral Theater Foundation in Bremerton, Washington for continuing renovations and improvements at the Admiral Theatre;

—$100,000 to the City of Tacoma, Washington for supplementation of the Tacoma Housing Trust Fund;

—$400,000 to the City of Madison, Wisconsin for affordable housing initiatives;

—$900,000 to the West Virginia School of Osteopathic Medicine Foundation in Lewisburg, West Virginia for the construction of a multi-use museum and cultural education center;

—$900,000 to the Southern West Virginia Community and Technical College in Williamson, West Virginia for the construction, equipping and furnishing of a library;

—$250,000 to the Berkeley County, West Virginia Commission for the Historic Baltimore and Ohio Roundhouse Renovation Project;

—$225,000 to the Gilmer County, West Virginia Commission for a museum and cultural education center;

—$500,000 to the Gilmer County, West Virginia Commission for the planning and construction of a senior center;

—$225,000 to the Calhoun County, West Virginia Commission for a museum and cultural education center;

—$700,000 to the Kanawha County, West Virginia Commission for the activities of the Upper Kanawha Valley Enterprise Community;

—$2,000,000 to the Vandalia Heritage Foundation for promotion of community and economic development;

—$1,150,000 to the City of Fairmont, West Virginia to be distributed as follows: $1,000,000 to the Fairmont Community Development Partnership, and $150,000 to the Women's Club of Fairmont;

—$300,000 to the Marion County Camp Board Association in Marion County, West Virginia for facilities enhancement at Camp Mar-Mac;

—$1,000,000 to the City of Shinnston, West Virginia for design and construction of city park facilities;

—$500,000 to the Mid-Atlantic Aerospace Complex in Bridgeport, West Virginia for economic development efforts;

—$300,000 to the Institute for Software Research in Fairmont, West Virginia for capital equipment, operational expenses and program development;

—$100,000 to the St. Louis County Port Authority for the remediation of the National Lead Site;

—$500,000 for the City of Union for infrastructure improvements to the Union Corporate Center, Missouri;

—$1,000,000 for City of Knoxville, Tennessee for economic development training for low-income people;

—$700,000 for the Minnesota Housing Finance Agency for the preservation of federally assisted low-income housing at risk of being lost as affordable housing;

—$1,700,000 for the Sheldon Jackson College Auditorium in Sitka, Alaska for refurbishing;

—$250,000 for Northern Initiatives in the Upper Peninsula of Michigan for the capitalization of a training endowment fund;

—$1,500,000 for Focus HOPE for the expansion of its Machinist Training Institute in Detroit, Michigan;

—$1,000,000 for the construction of a fire station project in Logan, Utah;

—$900,000 for Ogden, Utah for downtown redevelopment;

—$750,000 for Billings, Montana for the redevelopment of the Billings Depot;

—$900,000 for Libby, Montana for the construction of a community center;

—$1,000,000 for Mississippi State University for the renovation of buildings;

—$1,200,000 for the City of Madison, Mississippi to renovate a gateway to historic downtown Madison;

—$900,000 for Providence, Rhode Island for the renovation of the Providence performing Arts Center;

—$1,000,000 for the Bidwell Industrial Development Corporation the Harbor Gardens development project;

—$500,000 for Philadelphia, Pennsylvania for the expansion of the Pennsylvania Convention Center;

—$1,000,000 for the City of Jackson, Mississippi to create a housing rehabilitation program;

—$650,000 for Monessen, Pennsylvania for the development of a business development and support facility;

—$800,000 for the City of Wilkes-Barre for downtown revitalization;

—$500,000 for the Friends of the Capitol Theater for the renovation of the Capitol Theater in Dover, Delaware;

—$2,000,000 for the Idaho Bureau of Disaster Services for the restoration of Milo Creek;

—$500,000 for the Clearwater Economic Development Association for planning for the Lewis and Clark Bicentennial celebration;

—$1,000,000 for the Developmental Disabilities Resource Center to provide services to persons with disabilities in the Front Range area of Colorado;

—$600,000 for the City of Montrose, Colorado to develop affordable, low-income housing;

—$1,400,000 for the Columbia/Adair County Industrial Development Authority in Kentucky for infrastructure development for the Columbia/Adair County Industrial Park Development;

—$800,000 for the University of Findlay in Ohio to expand its National Center for Excellence in Environmental Management facility;

—$500,000 for MSU-Billings in Billings, Montana for the development of a business development and support facility;

—$500,000 for the City of Brookhaven, Mississippi to renovate historic Whitworth College buildings and related improvements;

—$1,500,000 for the Bethel Pre-Maternal Home in Bethel, Alaska for expansion;

—$3,500,000 for the University of Alaska Fairbanks Museum in Fairbanks, Alaska;

—$1,200,000 for Forum Health of Youngstown, Ohio for a hospital conversion project;

—$2,200,000 for the Pacific Science Center for the construction of the Mercer Slough Environmental Education Center;

—$1,000,000 for the Tacoma Art Museum in Tacoma, Washington for expansion;

—$300,000 for the Portsmouth, New Hampshire City Housing Authority for the development of a multiple use recreation and learning center;

—$300,000 for the City of Concord for community and neighborhood improvements;

—$100,000 for the City of Nashua, New Hampshire for a river front project;

—$75,000 for the Manchester Neighborhood Housing Services in Manchester, New Hampshire;

—$200,000 for Vergennes, Vermont for the renovation and expansion of the Vergennes Opera House;

—$1,000,000 for the renovation and expansion of the Flynn Theatre in Burlington, Vermont;

—$75,000 for the French Hill Neighborhood Housing Services in Nashua, New Hampshire;

—$75,000 for the Concord Area Trust for Community Housing in Concord, New Hampshire;

—$375,000 for the Town of Winchester, New Hampshire to tear down an old leather tannery;

—$2,500,000 for the Kansas City Liberty Memorial renovation and restoration;

—$1,500,000 for the American National Fish and Wildlife Museum in Springfield, Missouri for construction;

—$100,000 for the City of Claremont, New Hampshire to upgrade and repair their public parks service;

—$75,000 for the Laconia Area Community Land Trust in Laconia, New Hampshire;

—$200,000 for the Town of Barre, Vermont for the construction of a business incubator building in the Wilson Industrial Park;

—$400,000 for Housing Vermont to construct affordable housing in Bellows Falls, Vermont;

—$200,000 for the Vermont Center for Independent Living for its Home Access program;

—$100,000 for the Bennington Museum in Bennington, Vermont;

—$600,000 for the Vermont Rural Fire Protection Task Force for the purchase of equipment;

—$900,000 for the Home Repair Collaborative in Indianapolis, Indiana for the repair of low-income housing;

—$1,900,000 for the City of Montgomery, Alabama for the redevelopment of its riverfront area;

—$1,500,000 for the planning and construction of a regional learning center at Spring Hill College in Montgomery, Alabama;

—$1,500,000 for the Donald Danforth Plant Science Center for the development of a greenhouse complex;

—$500,000 for Calhoun Community College, Advance Manufacturing Center in Decatur, Alabama for the development of an advanced manufacturing center;

—$500,000 for the Clay County Courthouse rehabilitation project in Clay County, Alabama;

—$1,800,000 for the renovation of Bates Mill in Lewiston, Maine;

—$800,000 for Coastal Enterprises, Inc for rural economic development and housing initiatives in Kennebec and Somerset Counties;

—$1,300,000 for the City of Fort Worth, Texas for building renovation associated with the development of the Fort Worth Medtech Center;

—$1,000,000 for the Southwest Collaborative for Community Development for low-income housing and economic development in the southwest border area of Texas;

—$750,000 for Houston, Texas to establish a Distance Learning Center as part of a ''campus park'' redevelopment in the Stella Link community;

—$1,650,000 for Farmington, New Mexico for the renovation of Ricketts Field;

—$1,000,000 for New Mexico Highlands University for its Science and Engineering Complex;

—$800,000 for the National Institute for Community Empowerment for its capacity building efforts in underserved communities;

—$250,000 for the City of Santa Ana, California for the establishment of the IDEA center;

—$750,000 for the First AME Church in Los Angeles, California for the development of a business incubator;

—$750,000 for the City of Riverside, California for the development of Citrus Park;

—$500,000 for the City of Inglewood, California for the construction of a senior center;

—$750,000 for the City of San Francisco, California for the redevelopment of the Laguna Honda Assisted Living/Housing for Seniors;

—$250,000 for the Southside Institutions Neighborhood Alliance in Hartford, Connecticut for downtown renovation;

—$250,000 for the University of Connecticut for the construction of a biotechnology facility;

—$1,500,000 for Fairfield University for the Information Technology Center, Fairfield, Connecticut;

—$500,000 for the Mark Twain House Visitor's Center in Hartford, Connecticut;

—$500,000 for the Bushnell Theater, Hartford, Connecticut for renovation efforts;

—$700,000 for Bethune-Cookman College in Daytona Beach, Florida for the development of a community services student union;

—$500,000 for Spelman College in Atlanta, Georgia for renovation of the Spelman College Science Center;

—$1,150,000 for the City of Moultrie, Georgia for environmental mitigation and redevelopment of the Swift Building;

—$150,000 for the County of Maui, Hawaii to assist the Island of Molokai for capacity development related to its status as an Enterprise Community;

—$1,000,000 for Honolulu, Hawaii to implement the Kahuku Drainage Plan;

—$350,000 for the Maui Family Support Services, Inc. for the creation of an early childhood center in Maui County, Hawaii;

—$500,000 for Wailuku, Hawaii for revitalization efforts;

—$500,000 for the City of Waterloo, Iowa for the development of affordable, low-income housing;

—$500,000 for Des Moines, Iowa for south of downtown redevelopment;

—$500,000 for the Muscatine Center for Strategic Action in Wilton, Iowa for the operation of a nonprofit modular housing factory;

—$1,000,000 for Sioux City, Iowa for the redevelopment of the Sioux City Stockyards;

—$550,000 for Audubon Institute Living Sciences Museum for the restoration of a New Orleans, Louisiana, Customs House;

—$500,000 for Dillard University in New Orleans, Louisiana for assisting persons in the transition from welfare to work;

—$250,000 for the National Center for the Revitalization of Central Cities, New Orleans, Louisiana for the development of redevelopment strategies;

—$1,500,000 for the University of Maryland-Eastern Shore in Princess Anne, Maryland for the development of a Coastal Ecology Teaching and Research Center;

—$1,500,000 for Prince Georges County, Maryland for the revitalization of the Route 1 corridor;

—$250,000 for the Hampden/Hampshire Housing Partnership Loan Fund in western Massachusetts for the development of affordable housing;

—$250,000 for the City of Lowell, Massachusetts for downtown redevelopment;

—$250,000 for the City of Lawrence, Massachusetts for the City of Lawrence Loan and Investment Program;

—$500,000 for the Boys & Girls Club of Boston in Chelsea, Massachusetts for construction of a clubhouse;

—$500,000 for Assumption College in Worcester, Massachusetts for construction of the Lieutenant Joseph P. Kennedy, Jr. Memorial Science and Technology Center;

—$250,000 for the City of Pontiac, Michigan for economic development activities;

—$500,000 for City of Flint, Michigan for economic development activities;

—$1,000,000 for the Minnesota Indian Primary Residential Treatment Center in Sawyer, Minnesota for the adolescent treatment center;

—$500,000 for the Research Development Enterprise in Missoula, Montana for the advancement of university research activities;

—$500,000 for the Panhandle Community Service in Scottsbluff, Nebraska for the construction of an early childhood development center;

—$1,750,000 for the University of Nevada in Reno, Nevada for the Structures Laboratory;

—$250,000 for Henderson, Nevada for downtown redevelopment;

—$600,000 for the Boys & Girls Club of Las Vegas, Nevada for the renovation and expansion of existing facilities;

—$250,000 for Willingboro, New Jersey for the revitalization of the Central Business Center;

—$500,000 for Plainfield, New Jersey for the redevelopment of the Teppers building;

—$200,000 for Trenton, New Jersey for the renovation of the YWCA's indoor swimming pool;

—$500,000 for Gloucester County, New Jersey for downtown revitalization;

—$1,000,000 for Children's House Hackensack University Medical Center in Hackensack, New Jersey for expansion;

—$250,000 for Belen, New Mexico for the development of a recreation center;

—$250,000 for Arroyo Seco Youth Center Hands Across Culture Corporation, New Mexico;

—$500,000 for the Esperanza Domestic Violence Shelter in northern New Mexico for homeless services;

—$500,000 for the Court Youth Center in Dona Ana County, New Mexico for renovation of their youth center;

—$750,000 for the New York Public Library's Library for the Performing Arts for renovations;

—$1,000,000 for Rural Economic Area Partnership Zones in North Dakota;

—$850,000 for Turtle Mountain Economic Development and Education Complex in North Dakota;

—$500,000 for the City of Providence, Rhode Island for the Nickerson Community Center for an assisted living facility for homeless veterans;

—$100,000 for the South Providence Development Corporation in Providence, Rhode Island for a child care facility;

—$2,000,000 for the Spartanburg School for the Deaf and the Blind in Spartanburg, South Carolina for a new dormitory;

—$500,000 for the University of South Carolina School of Public Health to consolidate its programs in a new central location;

—$1,000,000 for the University of South Dakota, in Vermillion, South Dakota for the expansion of Medical School research facilities;

—$100,000 for the City of Flandreau, South Dakota for infrastructure improvements and economic development activities;

—$100,000 for the City of Garretson, South Dakota for infrastructure improvements and economic development activities;

—$100,000 for the City of Hot Springs, South Dakota for redevelopment activities;

—$100,000 for the City of Sisseton, South Dakota to make infrastructure improvements at an industrial site in the community;

—$250,000 for the City of Aberdeen, South Dakota for a community child daycare center;

—$100,000 for the North Sioux City Economic Development Corporation in North Sioux, South Dakota for the construction of an industrial park;

—$650,000 for Burlington, Vermont for downtown redevelopment;

—$500,000 for the Kellog-Hubbard Library in Montpelier, Vermont for renovation and expansion;

—$350,000 for Brattleboro, Vermont for downtown redevelopment;

—$750,000 for Chittenden County, Vermont for the development of affordable low-income housing;

—$250,000 for Lake Champlain Science Center, Burlington, Vermont;

—$150,000 for the Southwest Virginia Governor's School for Science, Mathematics and Technology for improvements;

—$500,000 for the Accomack-Northampton Planning District Commission for economic development on the Eastern Shore of Virginia;

—$250,000 for an Achievable Dream in Newport News, Virginia to help at-risk youth;

—$500,000 for the Fremont Public Association in Seattle, Washington for construction costs related to its Community Resource Center;

—$500,000 for the Puget Sound Center for Teaching, Learning and Technology in Seattle, Washington;

—$200,000 for the University of Charleston in West Virginia for a basic skills and assessment lab;

—$600,000 for Shepherd College in Shepherdstown, West Virginia for the renovation of Scarborough Library;

—$4,000,000 for Wheeling Jesuit University in Wheeling, West Virginia for the construction of a science/computer teaching center;

—$500,000 for the Town of Kimball, West Virginia for the restoration of the Kimball War Memorial;

—$300,000 for Bethany College, in Bethany, West Virginia for the creation of a health and wellness center;

—$200,000 for West Virginia State College to assist in creating a computer library;

—$2,000,000 for the Center for the Arts & Sciences of West Virginia for the construction of a theater/planetarium;

—$500,000 for the City of Milwaukee, Wisconsin for its Metcalfe Neighborhood Redevelopment Initiative;

—$250,000 for the City of Beloit, Wisconsin for urban renewal activities;

—$500,000 for the City of Milwaukee, Wisconsin for redevelopment activities in the Menomonee River Valley. Milwaukee, Wisconsin may transfer up to $200,000 of these funds to its Metcalfe Neighborhood Redevelopment Initiative;

—$4,000,000 for the City of Hot Springs, Arkansas for the construction and hillside stabilization of the Downtown Hot Springs National Park parking facility;

—$1,000,000 for Lewis and Clark College in Portland, Oregon for construction and program activities at Bicentennial Hall;

—$250,000 for the Reedsport, Oregon for the expansion of exhibits and educational programs at Umpqua Discovery Center;

—$1,000,000 for the Redevelopment Agency of Salt Lake City, Utah for the redevelopment of the Gateway District;

—$500,000 for the Boys and Girls Club for the development of a Boys and Girls Club facility in Brownsville, Texas to serve at-risk youth;

—$500,000 for the City of Beaumont, Texas to renovate the L. L. Melton YMCA to provide services to low-income families;

—$1,000,000 for the Discovery Place Museum in Charlotte, North Carolina for modernization and program costs;

—$500,000 for the American Cave and Karst Center in Horse Cave, Kentucky;

—$900,000 for the Madison County Economic Development Authority for the development of the Central Mississippi Industrial Center in Madison, Mississippi;

—$500,000 for the Borden Development Alliance to develop strategies and promote economic development in the United States-Mexico border region;

—$1,000,000 for the Center for Science and Technology in Idaho Falls, Idaho for start-up costs to develop technology transfer and business development within Idaho;

—$250,000 for the Thomas Jefferson Agricultural Institute in Missouri to develop programs supporting farmers and rural communities through diversification and value-added economic development;

—$250,000 for the Hundley-Whaley telecommunications resource center in Albany, Missouri;

—$350,000 for infrastructure and development activities associated with new housing in Moscow Mills, Missouri;

—$300,000 for Kirksville, Missouri downtown redevelopment activities;

—$350,000 to Maysville, Missouri for drinking water infrastructure improvements;

—$250,000 to Moberly, Missouri for streetscape and curb improvements;

—$500,000 to the Northeast Community Action Corporation of Missouri for low-income rural housing;

—$250,000 to the Missouri Agriculture and Small Business Development Authority to complete market development activities that relate to beef and pork cooperative processing capacity such as in Macon, Missouri;

—$500,000 for Anchorage, Alaska United Way for rehabilitation of a community services building;

—$500,000 for the Sitka Pioneer Home in Sitka, Alaska for rehabilitation;

—$100,000 to the University of Maryland—Baltimore County for an environmental center;

—$600,000 to East Northport in Long Island, New York for construction of a sewage treatment facility;

The conference report includes $55,000,000 for the Resident Opportunity and Supportive Services (ROSS) program, as proposed by both the House and the Senate, but deletes the specific $10,000,000 amount allocated by both the House and Senate within this item for grants for service coordinators and congregate housing services for the elderly and disabled. Rather, the conferees direct the Department to use sufficient funds within the ROSS program to renew all expiring service coordinator and congregate services grants (except those for which renewal is not considered appropriate due to poor performance, lack of continuing need, or similar circumstances), other than those for which renewal funding is made available elsewhere in this conference report. The conferees understand that the amount needed for these renewals exceeds the $10,000,000 allocated by the House and Senate, but have not inserted a new dollar amount because of uncertainties regarding the precise cost. The conference report also includes language proposed by the Senate restricting HUD from adding certain conditions to grants for service coordinators and congregate services.

Deletes report language proposed by the Senate and not included by the House directing HUD to report on all projects funded under EDI grants awarded independently by HUD.

Deletes report language proposed by the Senate and not included by the House directing HUD to conduct a close-out review of each EDI grant within five years of funding.

Adds language proposed by the House authorizing YouthBuild to engage in capacity building activities.

The conferees continue to expect Youthbuild programs to leverage private capital. This requirement emphasizes the value of local commitments as a state in these programs as well as additional resources available to assist in expansion.

Inserts language proposed by the Senate and not included by the House to permanently transfer the New York Small Cities program to the State of New York. If, however, the program is not operating smoothly and effectively after one year, HUD may submit legislation to transfer the program back to the Department. The conferees will be following the results of this transfer and its implementation at the state level.

The conferees note that the Governor of New York has stated that ''. . . New York has taken the necessary steps as set out by law and precedent to begin the transfer of this program from HUD to the State. In addition, the State has proposed an appropriate structure to administer the program and we have implemented an extensive consultation and public outreach process through which numerous citizens, local government and organizations participated in development of the comprehensive plan for our administration of the program.''

The conferees direct that this transfer shall not affect any awards made by HUD prior to the enactment of these provisions, including multi-year awards, provided the awardee remains in compliance with all contract terms and applicable regulations. HUD is directed to continue to administer those awards that are under contract but have not yet been closed out. Furthermore, the conferees delete bill language conditioning award of other Small Cities funds on this transfer and clarify that only the Small Cities program for New York State is transferred.

BROWNFIELDS REDEVELOPMENT

Appropriates $25,000,000 for brownfields redevelopment, as proposed by the Senate instead of $20,000,000 as proposed by the House.

HOME INVESTMENT PARTNERSHIPS PROGRAM

Appropriates $1,600,000,000 for the HOME program, as proposed by the Senate instead of $1,580,000,000 as proposed by the House.

Includes $15,000,000 for housing counseling, instead of $7,500,000 as proposed by the House and $20,000,000 as proposed by the Senate.

Includes $5,000,000 for information systems as proposed by the House instead of no funding as proposed by the Senate.

Includes an earmark of $2,000,000 for the National Housing Development Corporation, to demonstrate innovative methods of preserving affordable housing. The funding is intended to be used for start-up costs, operating expenses, and working capital.

The conferees reiterate language included in the fiscal year 1999 conference report directing HUD to develop a process for measuring the performance of housing counseling agencies, and urge HUD to incorporate performance measurement requirements into

future Notices of Funding Availability for the housing counseling program. Unless HUD provides solid information concerning the uses of these funds and the performance of grantees, the conferees will reluctantly consider making further reductions in the housing counseling program in future years.

HOMELESS ASSISTANCE GRANTS

Appropriates $1,020,000,000 for homeless assistance grants as proposed by the Senate instead of $970,000,000 as proposed by the House.

Inserts language requiring at least 30% of the appropriation be directed to permanent housing, as proposed by the Senate. The House did not include this item.

Inserts language requiring a 25% match by grantees for funding for services, as proposed by the Senate. The House did not include this item.

Inserts language proposed by the Senate directing HUD to review any previously obligated amounts of assistance, and to deobligate the funds if the contracts are unlikely to be performed. The House did not include this item.

The conferees agree with report language proposed by the Senate and not included by the House directing HUD to ensure that State and local jurisdictions pass on at least 50% of all administrative funds to the nonprofit organizations administering the homeless assistance programs.

HOUSING PROGRAMS

HOUSING FOR SPECIAL POPULATIONS

Appropriates $911,000,000 for housing for special populations as proposed by the Senate instead of $854,000,000 as proposed by the House.

Includes $710,000,000 for section 202 housing for the elderly as proposed by the Senate instead of $660,000,000 as proposed by the House.

Includes $201,000,000 for section 811 housing for the disabled as proposed by the Senate instead of $194,000,000 as proposed by the House.

Inserts language proposed by the Senate and not included by the House that, of the funds appropriated for the section 202 program, $50,000,000 shall be for service coordinators and existing congregate services grants, and $50,000,000 shall be for the costs of converting existing section 202 projects to assisted living facilities. Grants for conversion of buildings to assisted living facilities are to be administered under provisions of title V of this Act. For fiscal year 2000, funds are not provided for any capital repairs but are limited to conversions only.

The conferees note that title V of this bill includes reforms to the elderly and disabled housing programs. These reforms will enable the programs to work more efficiently and effectively.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Limits commitments for guaranteed loans to $140,000,000,000 as proposed by the House instead of $120,000,000,000 as proposed by the Senate.

Limits obligations for direct loans to no more than $100,000,000 as proposed by the Senate instead of $50,000,000 as proposed by the House.

Appropriates $330,888,000 for administrative expenses as proposed by the Senate instead of $328,888,000 as proposed by the House.

Appropriates $160,000,000 for administrative contract expenses as proposed by the Senate. The House did not fund this item.

Inserts language making a technical correction as proposed by the House and stricken by the Senate.

Deletes language proposed by the Senate prohibiting HUD or the FHA from discriminating between public and private elementary and secondary school teachers. The House did not include a similar item. The conferees note, however, that HUD should make FHA mortgage insurance advantages available to any teacher regardless of school affiliation.

The conferees are aware that the Secretary of Housing and Urban Development, pursuant to the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (Title VIII, P.L. 102–550), has announced the intention to publish for comment a proposed rule implementing new affordable housing goals for Freddie Mac and Fannie Mae. In light of the extraordinary increase in the proposed goal, the conferees expect the Secretary to consider the following:

First, the stretch affordable housing efforts required of each of Freddie Mac and Fannie Mae should be equal, so that both enterprises are similarly challenged in attaining the goals. This will require the Secretary to recognize the present composition of each enterprise's overall portfolio in order to ensure regulatory parity in the application of regulatory guidelines measuring goal compliance. Second, any new affordable housing goal regulations must recognize that attainment of materially higher goals will be largely dependent on the continuation of the current economic conditions that are very favorable for housing affordability. Deterioration in these conditions likely would render stretch goals infeasible within the intent of the 1992 legislation.

The fiscal year 1999 Appropriations Act contained a provision that imposed treble damages on FHA lenders who fail to provide loss mitigation actions. The conferees are concerned with how this provision will be implemented and encourage HUD to promulgate very specific regulations to clearly define actions that are considered loss mitigation. Furthermore, the conferees urge HUD to withhold imposing severe penalties under this provision until such times as regulations are in place and the authorizing committees have had time to review the impact these penalties will have on the FHA lending program.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $144,000,000 for administrative contract expenses as proposed by the Senate. The House did not include this item.

Deletes language proposed by the Senate prohibiting HUD or the FHA from discriminating between public and private elementary and secondary school teachers. The House did not include a similar item.

Inserts language proposed by the Senate making previously appropriated amounts available despite the expiration of the amounts.

Inserts language making a technical correction as proposed by the House and stricken by the Senate.

The conferees are aware of the efforts the Department has made to bridge the growing digital divide between information technology ''haves'' and ''have nots'' through its Neighborhood Networks initiative. This initiative leverages local businesses, community organizations, local residents and other partners to provide residential computing centers to HUD-assisted housing throughout the country which in turn provide computer and job training, senior and youth programs and a variety of other supportive services at almost no direct cost to the Department. The conferees direct the Department to submit a report no later than June 30, 2000 which details and evaluates: the goals and progress of the initiative; strategies to sustain resident involvement in the program and to overcome other potential obstacles, which the report should identify; future areas of opportunity for the program, including possible partnerships with non-profit organizations and other Federal agencies; and the effectiveness of the initiative relative to the mission and goals of the Department as specified in the strategic and annual operating plan.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

Appropriates $9,383,000 for administrative expenses as proposed by the House instead of $15,383,000 as proposed by the Senate.

Inserts language proposed by the House requiring expenses to be derived from receipts from GNMA guarantees of mortgage backed securities (MBS). The Senate did not include this item.

Inserts language making a technical correction to bill language as proposed by the House and stricken by the Senate.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

Appropriates $45,000,000 for research and technology, instead of $42,500,000 as proposed by the House and $35,000,000 as proposed by the Senate.

Includes $10,000,000 for the PATH program, instead of $7,500,000 as proposed by the House. The Senate did not include a similar item. Additionally, $500,000 is for the Elderly Housing Commission, which is authorized in title V of this Act.

The conferees expect the PATH program to include coordination on cold climate housing research with the Cold Climate Housing Research Center in Fairbanks, Alaska.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

Appropriates $44,000,000 for fair housing activities, instead of $40,000,000 as proposed by the Senate and $37,500,000 as proposed by the House.

Of the total amount provided in the conference agreement, $24,000,000 is for the Fair Housing Initiatives Program (including $6 million for continuation of the nationwide audit to determine the extent of discrimination in housing rental and sales) and $20,000,000 is for the Fair Housing Assistance Program.

OFFICE OF LEAD HAZARD CONTROL

LEAD HAZARD REDUCTION

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $80,000,000 for lead hazard reduction, as proposed by the Senate instead of $70,000,000 as proposed by the House.

Of the amount, $10,000,000 is for the Healthy Homes Initiative as proposed by the Senate instead of $7,500,000 as proposed by the House.

Inserts language proposed by the House and stricken by the Senate providing $1,000,000 for CLEARCorps.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

Appropriates $477,000,000 for salaries and expenses instead of $456,843,000 as proposed by the House and $457,039,000 as proposed by the Senate.

Inserts language proposed by the Senate prohibiting HUD from employing more than 77 schedule C and 20 non-career SES employees.

The conferees are aware of a number of significant concerns with HUD's external Community Builders program. Most importantly,

the conferees believe that HUD must rebuild itself from within, from staff that are committed to HUD's long-term future and the federal investment in local communities and neighborhoods. Therefore, the conferees are terminating the external Community Builders program effective September 1, 2000 (rather than effective February 1, 2000, as proposed by the Senate). The conferees expect that, following the termination of the program, functions now being performed by external Community Builders will be carried out by career civil servants, and that FTEs now occupied by external Community Builders will be filled instead by regular civil service employees.

HUD also is prohibited from converting any external Community Builder to permanent staff (i.e., from changing employee status without following normal civil service competitive requirements). In addition, while the conferees do not object to external community builders applying for career civil service positions at HUD, they should not be provided any special preference or priority simply because of their status as current or former external Community Builders.

In addition, the conferees remain concerned about potential problems with conflicts of interest in the Community Builders program, and direct HUD to establish clear rules to avoid any appearance of self-interest. In particular, there should be a bright line test prohibiting any Community Builder from being involved in any HUD transaction in which that person has a fiduciary interest or has had an employer/employee relationship with the entities involved in the transaction.

Inserts several language changes that are technical.

Inserts language proposed by the House and not included by the Senate providing $2,000,000 for the Millennial Housing Commission established in the Administrative Provisions section of this title.

Inserts a modification of Senate language prohibiting HUD from employing more than 9,300 full-time equivalent employees. Unlike the Senate language, the conference agreement does not count on-site contract employees as part of the total that is subject to the limitation.

Inserts language proposed by the Senate and not included by the House prohibiting HUD from employing more than 14 employees in the Office of Public Affairs.

Deletes language proposed by the Senate and not included by the House prohibiting HUD from using more than $1,000,000 for travel.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

Appropriates $83,000,000 for the Office of Inspector General, instead of $72,343,000 as proposed by the House and $95,910,000 as proposed by the Senate.

Inserts language making a technical correction as proposed by the House and stricken by the Senate.

Deletes language proposed by the Senate and not included by the House providing $10,000,000 for the Office of Inspector General to contract for a series of independent financial audits of HUD's internal systems. Deletes language proposed by the Senate and not included by the House authorizing this amount to be available until September 30, 2001.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

Provides $500 for the Office of Federal Housing Enterprise Oversight's (OFHEO) reception and representation expenses instead of $1,000 as proposed by the House. The Senate did not provide a similar item.

ADMINISTRATIVE PROVISIONS

Deletes language proposed by the House and stricken by the Senate making a technical correction regarding enhanced disposition authority. This provision is incorporated in title V.

Restores language proposed by the House and stricken by the Senate reprogramming previously awarded economic development initiatives.

Deletes language proposed by the Senate and not included by the House clarifying an owner's right to prepay the mortgage of eligible low-income housing developments.

Deletes language proposed by the Senate and not included by the House prohibiting operating subsidies or capital funds from being provided to certain State and city funded and locally developed public housing or assisted units.

Restores language proposed by the House and stricken by the Senate establishing the Millennial Housing Commission.

Restores language proposed by the House and stricken by the Senate rescinding $74,400,000 .

Restores language proposed by the House and stricken by the Senate providing $5,000,000 for the National Cities in Schools Community Development program.

Deletes language proposed by the House and stricken by the Senate authorizing HUD to provide enhanced section 8 vouchers for certain assisted housing projects. This authority is incorporated into provisions in title V.

Restores language proposed by the House and stricken by the Senate to provide $5,000,000 to the Jobs-Plus component of the Moving to Work program.

Restores language proposed by the House and stricken by the Senate repealing section 214 of Public Law 104–204, dealing with recaptured section 8 funds.

Inserts language proposed by the Senate and not included by the House amending the National Housing Act defining the term ''nonadministrative.''

Deletes language proposed by the Senate and not included by the House limiting compensation to employees of public housing authorities to no more than $125,000.

Inserts language proposed by the Senate and not included by the House making a technical correction to section 541 of the National Housing Act regarding payment of claims. This provision streamlines the debt restructuring process in MAHRA.

Deletes language proposed by the Senate and not included by the House limiting compensation for employees of YouthBuild to no more than $125,000.

Inserts language proposed by the Senate and not included by the House providing HUD with the authority to gain access to tenant income matching information.

Deletes language proposed by the Senate and not included by the House eliminating the Secretary's discretionary fund.

Deletes language proposed by the Senate and not included by the House to correct section 514 (h)(1) of MAHRA. This matter is covered in title V.

Deletes language proposed by the Senate and not included by the House requiring HUD to reimburse GAO for any failure to cooperate in investigations.

The conferees have agreed to drop the requirement that HUD reimburse GAO for the cost of time due to delays caused by HUD in providing access to HUD officials and staff and to information important to the House and Senate appropriations committees. The conferees are concerned, however, about reports that HUD has unreasonably delayed such access on numerous occasions in the past year. Therefore, the conferees direct GAO to maintain a log detailing GAO's efforts to meet with HUD officials and staff and in seeking to obtain information on HUD programs and activities. This log shall include a summary of all delays and HUD's reasons for the delays. The conferees expect HUD to provide reasonable access to HUD officials, staff and information and that all meetings should be accommodated within a week of any request, unless there is a delay that is both reasonable and unavoidable.

Inserts language proposed by the Senate and not included by the House exempting Alaska and Mississippi—for fiscal year 2000 only—from statutory requirements to have a resident of public housing on the Board of Directors.

Deletes language proposed by the Senate and not included by the House clarifying that HOME funds may be used to preserve housing assisted with section 8.

Inserts language proposed by the Senate and not included by the House transferring administration of the Small Cities component of the CDBG program for all funds allocated to the State of New York from HUD to the State of New York.

Inserts language proposed by the Senate and not included by the House exempting Peggy Burgin from having to comply with the age requirement at Clark's Landing in Groton, Vermont.

Inserts language proposed by the Senate and not included by the House requiring HUD to continue to make interest reductions payments to Darlinton Manor apartments.

Deletes language proposed by the Senate and not included by the House authorizing HUD to provide section 8 assistance to buildings with terminating section 8 contracts. This provision is incorporated in title V.

Inserts modified language proposed by the Senate and not included by the House requiring HUD to use risk-sharing if the refinancing is the best available in terms of savings to the FHA insurance funds and results in reduced risk of loss to the federal government.

Deletes language proposed by the Senate and not included by the House authorizing section 8 enhanced vouchers. This provision is included in title V.

Inserts language extending the deadline for certain EDI grants until September 30, 2000. Neither the House nor the Senate included this language.

Deletes language proposed by the Senate and not included by the House authorizing HUD to contract with State or local housing finance agencies for the purpose of determining market rents.

Inserts new language enabling tenants of cooperative housing projects to make use of revocable trusts. Neither the House nor the Senate included this language.

Inserts new language making a technical correction to a grant to the County of Hawaii. Neither the House nor the Senate included this provision.

Restores language proposed by the House and not included by the Senate providing authority to HUD to reuse certain section 8 funds.

Deletes language proposed by the Senate and not included by the House authorizing HUD to allow project owners to use interest reduction payments for renovations in certain assisted housing projects. A similar provision is included in title V.

Inserts new language making waivers to the section 108 program for certain projects.

Inserts new language requiring HUD to allocate directly to New Jersey a portion of HOPWA funds designated for the Philadelphia, PA–NJ Primary Metropolitan Statistical Area. Neither the House nor the Senate included a similar provision.

TITLE III—INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

Appropriates $28,467,000 for salaries and expenses as proposed by the House instead of $26,467,000 as proposed by the Senate. The conferees commend the ABMC for the progress made in reducing the backlogged maintenance needs throughout the ABMC system, and have provided funds in excess of the budget request to continue this important project.

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

SALARIES AND EXPENSES

Appropriates $8,000,000 for salaries and expenses instead of $7,000,000 as proposed by the House and $6,500,000 as proposed by the Senate. Bill language has been included for fiscal year 2000 which limits the number of career Senior Executive Service positions to three.

The conferees share the concern expressed in the Senate Report that the Board may not be making the most effective use of its financial resources. In particular, the conferees agree that the Board must spend the preponderance of its resources, including contract resources, on investigations and safety instead of on external affairs or information technology.

The Board is further directed to complete, by December 31, 1999, an updated business plan, as well as formal written procedures for awarding and managing contracts and formal written procedures for selecting and performing investigations. In addition, the Board is directed to expend no funds to develop software for vulnerability assessments, and may not fill any vacant positions in the areas of external affairs or information technology.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND PROGRAM ACCOUNT

Appropriates $95,000,000 for the Community Development Financial Institutions Fund, instead of $70,000,000 as proposed by the House, and $80,000,000 as proposed by the Senate.

Deletes language proposed by the House allowing the CDFI Fund to use part of its appropriation to establish and carry out a microenterprise technical assistance and capacity building grant program.

The conferees encourage the CDFI Fund to maintain a blend of emerging and mature CDFIs, as well as CDFIs of varying asset sizes, by creating a ''Small and Emerging CDFI Access Program'' (SECAP) as part of its core CDFI Program. SECAP would fill a gap between the Core Component of the CDFI Program and the Technical Assistance Program.

The conferees recommend that the CDFI Fund's ''Small and Emerging CDFI Access Program'' require a streamlined business plan; employ flexible matching requirements; include access to training and technical assistance, as in the Core Component; and place a $100,000 cap per application on capital assistance, including both capital awards and awards for technical assistance.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

Appropriates $49,000,000 for the Consumer Product Safety Commission, salaries and expenses, instead of $47,000,000 as proposed by the House and $49,500,000 as proposed by the Senate.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $434,500,000 for national and community service programs operating expenses, instead of $423,500,000 as proposed by the Senate. The House proposed termination of the Corporation for National and Community Service using funds appropriated in fiscal year 1999 for close-out expenses.

Limits funds for administrative expenses to not more than $28,500,000, instead of $27,000,000 as proposed by the Senate. The conferees direct that additional funds are to be used for improvements to the Corporation's financial management system and not for general salaries and expenses. The conferees direct that the Corporation report, on a monthly basis, the status of efforts to improve its financial management.

Limits funds as proposed by the Senate to not more than: $28,500,000 for quality and innovation activities; $2,500 for official reception and representation expenses; $70,000,000 for education awards, of which not to exceed $5,000,000 shall be available for national service scholarships for high school students performing community service; $234,000,000 for AmeriCorps grants, of which $45,000,000 may be for national direct programs; $7,500,000 for the Points of Light Foundation; $18,000,000 for the Civilian Community Corps; $43,000,000 for school-based and community-based service-learning programs; and $5,000,000 for audits and other evaluations.

Inserts language proposed by the Senate which prohibits using any funds for national service programs run by Federal agencies; provides that, to the maximum extent feasible, funds for the AmeriCorps program will be provided consistent with the recommendation of peer review panels; and provides that, to the maximum extent practicable, the level of matching funds shall be increased, education only awards shall be expanded, and the cost per participant shall be reduced.

Rescinds $80,000,000 from the National Service Trust as proposed by the Senate. The conferees have taken this action because the balances in the Trust appear at this time to be in excess of requirements based upon usage rates. The conferees direct the Corporation to report in its fiscal year 2001 budget request and operating plan the status of its Trust fund reserve including the award usage rate and number of participants in the program.

The conferees agree to the Senate proposal to earmark $5,000,000 for the Girl Scouts of the United States for the ''P.A.V.E. the Way'' project and direct the Corporation to use the increase in the national direct program cap to fund this project. The conferees further agree that a unique set of circumstances exist in Shelby County, Alabama which indicates that the RSVP Program is to be allowed to operate separately from the existing multi-county consortium.

The House proposed that the Corporation be terminated and did not include any of the foregoing limitations or provisions proposed by the Senate.

OFFICE OF INSPECTOR GENERAL

Appropriates $4,000,000 for the Office of Inspector General, instead of $5,000,000 as proposed by the Senate and $3,000,000 as proposed by the House.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

Appropriates $645,000,000 for science and technology as proposed by the House instead of $642,483,000 as proposed by the Senate.

The conferees have agreed to the following increases to the budget request:

1. $1,250,000 for continuation of the California Regional PM 10 and 2.5 air quality study.
2. $2,500,000 for EPSCoR.
3. $700,000 for continuation of the study of livestock and agricultural pollution abatement at Tarleton State University.
4. $3,000,000 for the Water Environment Research Foundation.
5. $750,000 for continued research on urban waste management at the University of New Orleans.
6. $750,000 for continued perchlorate research through the East Valley Water District.
7. $1,500,000 for the Mickey Leland National Urban Air Toxics Research Center.
8. $4,000,000 for the American Water Works Association Research Foundation, including $1,000,000 for continued research on arsenic.
9. $1,500,000 for the National Decentralized Water Resource Capacity Development Project, in coordination with EPA, for continued training and research and development.
10. $750,000 for the Integrated Petroleum Environmental Consortium project.
11. $1,000,000 for the National Center for Atlantic and Caribbean Reef Research.
12. $800,000 for the University of New Hampshire's Bedrock Bioremediation Center research project.
13. $1,800,000 for the Lovelace National Environmental Respiratory Center.
14. $400,000 for the development, design, and implementation of a research effort on tributyltin-based ship bottom paints at Old Dominion University.
15. $750,000 for research of advanced vehicle design, advanced transportation systems, vehicle emissions, and atmospheric pollution at the University of Riverside CE-CERT facility.
16. $1,500,000 for the Environmental Technology Commercialization Center (ETC2) in Cleveland, Ohio.
17. $750,000 for continued research of the Salton Sea at the University of Redlands.
18. $750,000 for the final phase of research conducted through the Institute for Environmental and Industrial Science in San Marcos, Texas.
19. $1,000,000 for the Center for Estuarine Research at the University of South Alabama for research on the environmental impact of human activities on water quality and habitat loss in an estuarine environment.
20. $550,000 to develop and maintain an information repository of water related materials for research and conflict resolution at the Water Resources Institute at California State University, San Bernardino.
21. $300,000 for environmental remanufacturing research at the Rochester Institute of Technology.
22. $1,500,000 for the Fresh Water Institute to extend and expand acid deposition research.
23. $2,000,000 for assessing and mitigating the impact of exposure to multiple indoor contaminants on human health through the Metropolitan Development Association of Syracuse and Central New York.
24. $2,000,000 for the Canaan Valley Institute to establish a regional environmental data center and coordinated information system in the Mid-Atlantic Highlands, in coordination with the Federal Geographic Data Committee and the National Spatial Data Infrastructure.
25. $2,000,000 for the Center for the Engineered Conservation of Energy in Alfred, New York to conduct environmental performance and resource conservation research.
26. $750,000 for the National Center for Animal Waste Technologies at Purdue University.

27. $1,000,000 for analysis and research of the environmental and public health impacts associated with pollution sources, including waste transfer stations, in the South Bronx, New York, to be conducted by New York University.

28. $1,000,000 for research associated with the restoration and enhancement of Manchac Swamp conducted by Southeastern Louisiana University at the Turtle Cove Research Station.

29. $2,000,000 for drinking water research, to ensure the best available science needed for upcoming regulatory requirements under the Safe Drinking Water Act Amendments.

30. $1,500,000 for the National Jewish Medical and Research Center for research on the relationship between indoor and outdoor pollution and the development of respiratory diseases.

31. $1,250,000 for the Center for Air Toxics Metals at the Energy and Environmental Research Center.

32. $250,000 for acid rain research at the University of Vermont.

33. $6,000,000 for the Mine Waste Technology program at the National Environmental Waste Technology, Testing, and Evaluation Center.

34. $350,000 for the Consortium for Agricultural Soils Mitigation of Greenhouse Gases.

35. $250,000 to continue the work of the Environmental Technology Development and Commercialization Center at the Texas Regional Institute for Environmental Studies.

36. $750,000 for the Geothermal Heat Pump (GHP) Consortium.

37. $2,000,000 for the National Research Council to conduct a study of the effectiveness of clean air programs utilized by federal, state, and local governments. This study is intended to reveal, among other things, any contradictions among the various clean air programs, rules, and regulations at every level of government which may result in worsening air quality in the United States.

38. $3,000,000 for the National Technology Transfer Center to establish a technology commercialization partnership program and a comprehensive training program on commercialization best practices for EPA and other Federal officials.

The conferees have agreed to the following reductions from the budget request:

1. $22,900,000 from the CCTI Transportation research program.

2. $2,000,000 from the global change research program.

3. $3,000,000 from the Research for Ecosystems Assessment and Restoration program objective.

4. $900,000 from project EMPACT.

5. $4,958,000 from Clean Water Action Plan related research.

6. $1,000,000 from various lower priority facility repair and improvement projects.

7. $16,625,000 as a general reduction.

Within available funds, the Agency is expected to provide up to $1,000,000 to create the databases and analysis necessary to help establish programs and technologies to achieve an effective carbon sequestration program. In addition, no less than $7,000,000 is to be provided for the Superfund Innovative Technology Evaluation (SITE) program, and no less than $4,000,000 for the Clean Air Status and Trends Network (CASTNet).

The conferees are concerned about the accuracy of information contained in the Integrated Risk Information System (IRIS) data base which contains health effects information on more than 500 chemicals. The conferees direct the Agency to consult with the Science Advisory Board (SAB) on the design of a study that will, 1) examine a representative sample of IRIS health assessments completed before the IRIS Pilot Project, as well as a representative sample of assessments completed under the project, and 2) assess the extent to which these assessments document the range of uncertainty and variability of the data. The results of that study will be reviewed by the SAB and a copy of the study and the SAB's report on the study sent to the Congress within one year of enactment of this Act.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

Appropriates $1,900,000,000 for environmental programs and management instead of $1,850,000,000 as proposed by the House and $1,897,000,000 as proposed by the Senate. The conferees have included bill language as proposed by the House, identical to that carried in the fiscal year 1999 Act, which limits the expenditure of funds to implement or administer guidance relating to title VI of the Civil Rights Act of 1964, with certain exceptions. This provision does not provide the Agency statutory authority to implement its Environmental Justice Guidance. Rather, it simply clarifies the applicability of the Interim Guidance with respect to certain pending cases as an administrative convenience for the Agency.

Bill language proposed by the House and the Senate, identical to that contained in the fiscal year 1999 Act, has also been included to prohibit the expenditure of funds to take certain actions for the purpose of implementing or preparing to implement the Kyoto Protocol. Also included is bill language proposed by the House and the Senate to provide that in fiscal year 2000 and thereafter, grants awarded under section 20 of the Federal Insecticide, Fungicide and Rodenticide Act and under section 10 of the Toxic Substances Control Act shall be available for research, development, monitoring, public education, training, demonstrations, and studies.

Finally, the conferees have included bill language which transfers unexpended funds appropriated under this heading in Public Law 105–276 for the Lake Ponchartrain Basin Foundation to the state and tribal assistance grants account for grants for wastewater treatment infrastructure construction in Fluker Chapel and Mandeville, Louisiana.

The conferees have deleted language proposed by the Senate providing funds from within other EPA accounts to fund the Montreal Protocol activity, and have deleted language proposed by the Senate limiting the expenditure of funds for personnel compensation and benefit costs. The conferees have also deleted bill language proposed by the House providing funds for regional haze grants to the states. These issues have been specifically addressed elsewhere in the statement of the managers accompanying the conference report.

The conferees have agreed to the following increases to the budget request:

1. $2,000,000 for the Michigan Biotechnology Institute for continued development of viable cleanup technologies.

2. $500,000 for continued activities of the Small Business Pollution Prevention Center at the University of Northern Iowa.

3. $750,000 for the painting and coating compliance project at the University of Northern Iowa.

4. $1,500,000 for continuation of the Sacramento River Toxic Pollution Control Project, to be cost shared.

5. $1,325,000 for ongoing activities at the Canaan Valley Institute.

6. $2,500,000 for the Southwest Center for Environmental Research and Policy (SCERP).

7. $400,000 for continuation of the Small Water Systems Institute at Montana State University.

8. $14,000,000 for rural water technical assistance activities and groundwater protection with distribution as follows: $8,500,000 for the National Rural Water Association; $2,300,000 for the Rural Community Assistance Program; $650,000 for the Groundwater Protection Council; $1,550,000 for the Small Flows Clearinghouse; and $1,000,000 for the National Environmental Training Center. The conferees believe that the increase provided to carry out rural water technical assistance through the Rural Community Assistance Program (RCAP) should be utilized to balance that program's efforts with additional attention to wastewater projects.

9. $900,000 for implementation of the National Biosolids Partnership Program.

10. $1,000,000 for continued work on the Soil Aquifer Treatment Demonstration project.

11. $2,000,000 for continuation of the New York and New Jersey dredge decontamination project.

12. $500,000 for operation of the Long Island Sound Office.

13. $750,000 for the Southern Appalachian Mountain Institute.

14. $100,000 to the Miami-Dade County Department of Environmental Resources Management to expand the existing education program.

15. $200,000 for the Northwest Citizens' Advisory Commission to coordinate research and education efforts of environmental issues covering the entire Northwest Straits area.

16. $175,000 for use in planning to enhance environmental stewardship in the design, construction, and operation, of the University of California, Merced.

17. $1,000,000 for the four regional environmental enforcement projects.

18. $690,000 to develop a broad-based, highly interdisciplinary risk assessment program with strong community involvement, at Cleveland State University.

19. $700,000 for the university portion of the Southern Oxidants Study.

20. $1,500,000 for source water protection programs.

21. $5,000,000 for section 103 grants to the states to develop regional haze programs under Title I, Part C of the Clean Air Act.

22. $500,000 for continued work on the Cortland County, New York aquifer protection plan, $150,000 of which is for planning and implementation of the Upper Susquehanna watershed.

23. $1,250,000 for the National Onsite Water Demonstration project.

24. $2,000,000 for the Federal Energy Technology Center and EPA Region III for continued activities on a comprehensive clean water initiative.

25. $1,600,000 for Tampa Bay Watch to establish a sustaining program and expand community environmental restoration and developmental stewardship projects designed to elevate the health of the Tampa Bay estuary.

26. $500,000 for water quality monitoring of the Tennessee River basin through the Alabama Department of Environmental Management.

27. $5,000,000 to validate screens and tests required by the Food Quality Protection Act to identify hormone-disrupting chemicals.

28. $1,500,000 for training grants under section 104(g) of the Clean Water Act.

29. $500,000 for the Small Public Water System Technology Center at Western Kentucky University.

30. $400,000 for Small Water Systems Technology Assistance Center at the University of Alaska-Sitka.

31. $500,000 for the Small Public Water System Technology Center at the University of Missouri-Columbia.

32. $500,000 for the Southeast Center for Technology Assistance for Small Drinking Water Systems at Mississippi State University.

33. $500,000 to assist communities in Hawaii to meet successfully the water quality permitting requirements for rehabilitating native Hawaiian fishponds.

34. $5,000,000 under section 104(b) of the Clean Water Act for America's Clean Water Foundation for implementation of on-farm environmental assessments for hog production operations, with the goal of improving surface and ground water quality.

35. $475,000 for the Coordinated Tribal Water Quality Program through the Northwest Indian Fisheries Commission.

36. $500,000 for the Ohio River Watershed Pollutant Reduction Program, to be cost-shared.

37. $1,500,000 for the National Alternative Fuels Vehicle Training Program.

38. $2,500,000 for King County, Washington, molten carbonate fuel cell demonstration project.

39. $1,000,000 for the Frank Tejeda Center for Excellence in Environmental Operations to demonstrate new technology for water and wastewater treatment.

40. $775,000 for the National Center for Vehicle Emissions Control and Safety for on-board diagnostic research.

41. $750,000 for the Chesapeake Bay Small Watershed Grants Program.

42. $1,250,000 for the Lake Champlain management plan.

43. $500,000 for the Environmentors project.

44. $1,500,000 for the Food and Agricultural Policy Research Institute's Missouri watershed initiative project to link economic and environmental data with ambient water quality.

45. $500,000 for the final year of funding for the Ala Wai Canal watershed improvement project.

46. $200,000 for the Hawaii Department of Agriculture and the University of Hawaii College of Tropical Agriculture and Human Resources to continue developing agriculturally based remediation technologies.

47. $1,000,000 for the Animal Waste Management Consortium through the University of Missouri, acting with Iowa State University, North Carolina State University, Michigan State University, Oklahoma State University, and Purdue University to supplement ongoing research, demonstration, and outreach projects associated with animal waste management.

48. $1,500,000 for the University of Missouri Agroforestry Center to support the agroforestry floodplain initiative on nonpoint source pollution.

49. $1,000,000 for the Columbia basin ground water management assessment.

50. $1,500,000 for a cumulative impacts study of North Slope oil and gas development. The conferees expect the Administrator to contract for the full amount with the National Academy of Sciences through the National Research Council's Board on Environmental Studies and Toxicology to perform the study which shall be completed within 2 years of contract execution. The Council shall seek input from federal and state agencies, Native organizations, nongovernmental entities, and other interested parties. Pending completion of the NRC study, the conferees direct that federal agencies shall not, under any circumstances, rely upon the pendency of the study to delay, suspend, or otherwise alter federal decision-making and NEPA compliance for any existing or proposed oil and gas exploration, development, production or delivery on the North Slope.

51. $750,000 for an expansion of EPA's efforts related to the Government purchase and use of environmentally preferable products under Executive Order 13101 through the Office of Prevention, Pesticides and Toxic Substances. This includes up to $200,000 for the University of Missouri-Rolla to work with the Army to validate soysmoke as a replacement for petroleum fog oil in obscurant smoke used in battlefield exercises.

52. $200,000 to complete the development of a technical guidance manual for use by permit reviewers and product specifiers (Government and private sector) to ensure appropriate uses of preserved wood in applications including housing, piers, docks, bridges, utility poles, and railroad ties.

53. $500,000 for a watershed study for northern Kentucky, including the development and demonstration of a methodology for implementing a cost-effective program for addressing the problems associated with wet weather conditions on a watershed basis.

54. $1,750,000 for the Kansas City Riverfront project to demonstrate innovative methods of removing contaminated debris.

55. $250,000 for the Maryland Bureau of Mines to design and construct a Kempton Mine remediation project to reduce or eliminate the loss of quality water from surface streams into the Kempton Mine complex.

56. $975,000 for the Alabama Department of Environmental Management water and wastewater training programs.

57. $250,000 for the Vermont Department of Agriculture to work with the conservation districts along the Connecticut River in Vermont to reduce nonpoint source pollution.

58. $75,000 for the groundwater protection/wellhead protection project, Nez Perce Indian Reservation in Idaho.

59. $475,000 for the Water Systems Council to assist in the effective delivery of water to rural citizens nationwide.

60. $500,000 to complete the Treasure Valley Hydrologic Project.

61. $350,000 for the Leon County, Florida storm water runoff study.

62. $500,000 for Envision Utah sustainable development activities.

63. $550,000 for the Idaho Water Initiative.

64. $750,000 for the Resource and Agricultural Policy Systems Project.

65. $150,000 for the Vermont Small Business Development Center to assist small businesses in complying with environmental regulations.

66. $700,000 to continue the Urban Rivers Awareness Program at the Academy of Natural Sciences in Philadelphia for its environmental science program.

67. $500,000 for the Kenai River Center for research on watershed issues and related activities.

68. $300,000 for the restoration of the Beaver Springs Slough.

69. $750,000 for the New Hampshire Estuaries Project management plan implementation.

70. $200,000 for the Fairmount Park Commission to identify, design, implement, and evaluate environmental education exhibits.

71. $100,000 to continue the Design for the Environment for Farmers Program to address the unique environmental concerns of the American Pacific area through the adoption of sustainable agricultural practices.

72. $200,000 to complete the cleanup of Five Island Lake in Emmetsburg, Iowa.

73. $175,000 for the Geographical Survey of Alabama for a study on flow in natural and induced fractures in coalbed methane reservoirs to determine the impact of hydraulic fracturing and deep water production on shallow domestic water wells.

74. $850,000 for continued restoration of Lake Ponchartrain, Louisiana.

75. $500,000 for an arsenic groundwater study in Fallon, Nevada.

76. $500,000 for planning and development of the Buffalo Creek watershed, New York.

77. $1,500,000 for continued work on the water quality management plans for the New York watersheds.

78. $1,000,000 for the Mecklenburg County, North Carolina surface water improvement and management program.

79. $1,000,000 for planning and development of a master plan of the Susquehanna-Lackawanna, Pennsylvania watershed through the Pennsylvania Geographic Information Consortium.

80. $500,000 for a study of the effect of pesticide runoff on inter-urban lakes in Fort Worth, Texas.

81. $500,000 for the Brazos/Navasota, Texas watershed management initiative.

82. $300,000 for implementation of the Potomac River Visions Initiative through the Friends of the Potomac.

83. $500,000 for Mississippi State University, the University of Mississippi, and the University of Georgia to conduct forestry best management practice water quality effectiveness studies in the States of Mississippi and Georgia.

84. $500,000 for planning and consolidation of the west bank Jefferson Parish, Louisiana wastewater treatment facilities.

85. $300,000 for the Northeast States for Coordinated Air Use Management (NESCAUM).

86. $500,000 for completion of the international project to phase out the use of lead in gasoline.

87. $1,500,000 for West Virginia University to develop the plastics recycling component of the Green Exchange, in cooperation with the Polymer Alliance Zone and the National Electronics Recycling Project, and in consultation with the Office of Information and Resource Management.

The conferees have agreed to the following reductions from the budget request:

1. $90,000,000 from the climate change technology initiative (CCTI), including elimination of funds for the Transportation Partners program.

2. $2,000,000 from the partnerships with other countries program.

3. $3,043,000 from Project EMPACT.

4. $5,847,000 from compliance monitoring program.

5. $6,749,000 from the civil enforcement program.

6. $656,000 from the enforcement training program.

7. $2,700,000 from human resources management.

8. $1,369,000 from the criminal enforcement program.

9. $9,000,000 from the Montreal Protocol Multilateral Fund.

10. $4,700,000 from Sustainable Development Challenge Grants.

11. $3,400,000 from the new Urban Environmental Quality and Human Health program.

12. $112,119,000 as a general reduction.

In the Congressional response to the EPA's proposed Operating Plan for fiscal year 1999, deep concerns were raised regarding the increase of the overall personnel level at the Agency and the relationship of that increase to the actual appropriated levels for activities of the Agency. As a result of these concerns, both the House and the Senate included specific payroll reductions in their respective fiscal year 2000 legislative proposals, and the Senate took the further step of including a maximum expenditure for personnel compensation and benefits within the text of its bill.

The conferees acknowledge that such specific direction tends to reduce the Agency's flexibility in balancing both personnel and operations requirements and have therefore determined not to include specific dollar or FTE provisions in either the legislation or the statement of the managers accompanying the conference report. This action, however, should not be interpreted as any change in the conferees' resolve that EPA must continue to take the steps necessary,

short of a reduction-in-force action, to reduce its workforce and personnel costs.

To this end, the conferees expect the Agency to maintain throughout the year the modified hiring freeze begun during fiscal year 1999, with the ultimate goal of reaching, by the end of fiscal year 2001, an Agency-wide personnel level of no more than 18,000 FTEs. In applying the hiring freeze, the Agency should remain flexible and make accommodations, as appropriate, to maintain necessary positions, even if doing so will temporarily result in upward fluctuations of monthly personnel levels. In addition, the Agency is expected to include as part of its Operating Plan submission for fiscal year 2000 a proposal to reduce payroll costs to help meet the general reduction requirement contained in the Environmental Programs and Management account. Finally, the Agency is requested to provide monthly to the Committees on Appropriations an informal report detailing the end-of-month personnel levels listed by office, location (headquarters, region, field) and by appropriations account.

The conferees have agreed to provide $1,250,000 from within available funds for the seven Environmental Finance Centers. In this regard, the conferees direct the Agency to consider the finance center located at the University of Louisville part of and an equal partner in all activities, financial and otherwise, of the finance center network.

The conference agreement includes the budget request of $32,800,000 for reregistration and $36,100,000 for registration activities performed by EPA. Faster review and approval for registration applications will allow safer, more environmentally friendly products on the market sooner and ensure that farmers have the ability to protect their crop. In the submission of the fiscal year 2000 operating plan, the Agency is directed to take no reductions below the budget request from the pesticide registration and reregistration programs, as well as from the NPDES permit backlog, compliance assistance activities, RCRA corrective actions, and data quality and information management activities related to the reorganization of the Office of Information Management.

The conferees have provided $5,000,000 under section 103 of the Clean Air Act for states and recognized regional partnerships, including the Western Regional Air Partnership due to the accelerated schedule it has in the Regional Haze regulations, for multistate planning efforts on regional haze, including aiding in the development of emissions inventories, quantification of natural visibility conditions, monitoring, and other data necessary to define reasonable progress and develop control strategies. These additional funds shall in no way reduce other, existing grants to states or tribes authorized under sections 103 and 105 of title I, part C of the Clean Air Act, as amended.

The conferees have similarly provided an additional $5,000,000 for the validation of screens and tests under the Endocrine Disrupter Screening Program (EDSP), bringing the total funding level for this program to $12,700,000. The conferees expect these funds to be used by the Office of Pollution Prevention and Toxics, in conjunction with the Office of Research and Development, to improve, standardize, and validate simultaneously the recommended Tier I screens and Tier II tests, beginning with those screens and tests relevant to human health, to protect appropriately public health. For the public to have confidence in information developed under the EDSP, the screens and tests must produce credible, replicable results.

Within 60 days of enactment of this Act, EPA is directed to provide $300,000 to the Environmental Council of the States (ECOS) to analyze state enforcement and compliance statistics and identify the sources of any inconsistencies among the states and EPA in data collection, reporting, or definitions, and make such information along with a summary of state enforcement and compliance activities available for review by the Congress. EPA is further directed to provide the National Academy of Public Administration (NAPA), within 60 days of enactment, $200,000 to provide the Congress with an independent evaluation of state and federal enforcement data, including a recommendation of actions needed to ensure public access to accurate, credible, and consistent enforcement data.

Within available funds, the conferees direct EPA to conduct a relative risk assessment of deep well injection, ocean disposal, surface discharge, and aquifer recharge of treated effluent in South Florida, in close cooperation with the Florida Department of Environmental Protection and South Florida municipal water utilities.

The conferees encourage EPA to move forward with a rulemaking to provide for the use of a refillable/recyclable refrigerant cylinder system as a means of reducing the release of ozone-depleting chemicals.

Consistent with the Senate Report, the Agency is directed to conduct in conjunction with the Department of Agriculture a cost and capability assessment of the Unified National Strategy for Animal Feeding Operations. The conferees agree this report should be completed and submitted to the Congress by May 15, 2001. Similarly, consistent with the House Report, the conferees expect the Agency to solicit and consider additional public comment regarding exemptions from the rule on ''plant pesticides'' as suggested by the Consortium of Eleven Scientific Societies.

The conferees are concerned about an apparent inequity created by two separate and conflicting actions that occurred last May. One was EPA's issuance of a final rule under section 126 of the Clean Air Act that in essence requires the same emission reductions called for by EPA's State Implementation Plan (SIP) revision call for nitrogen oxides (NOx) if the Agency has not approved the NOx SIP Call revisions of 22 States and the District of Columbia by November 30, 1999. The other was an order by the United States Court of Appeals for the D.C. Circuit staying the requirement imposed in EPA's 1998 NOx SIP Call for these same jurisdictions to submit the SIP revisions just mentioned for EPA approval. Prior to this, EPA maintained a close link between the NOx SIP Call and the section 126 rule.

While the conferees' primary concern is in ensuring that these matters are soon resolved in the interest of air quality enhancements for all the states, the conferees encourage EPA to retain the linkage and refrain from implementing the section 126 regulation until the NOx SIP Call litigation is complete.

The conferees are aware that an agreement is close to being reached among the EPA, various animal protection organizations, trade associations representing chemical companies, and other interested parties that will incorporate certain animal welfare concerns and scientific principles into the High Production Volume (HPV) testing program. It is the intention of the conferees that the HPV program, including the first test rule, should proceed in a manner that is consistent with those animal welfare concerns and that the EPA develop and validate within existing funds non-animal test methods for use in chemical toxicity testing.

The conferees are aware of concerns regarding the relationship between proposed regulatory standards for radium in drinking water and the actual risks to public health caused by the ingestion of low concentrations of radium in drinking water. The Administrator of the EPA is therefore directed to evaluate all direct human health impacts of low concentrations of radium in drinking water and ascertain at what level radium in water actually becomes a risk to public health. The EPA is expected to publish a summary of this information in a Notice of Data Availability before making decisions about final standards for Radium 226 and Radium 228 in drinking water.

The conferees have deleted bill language proposed by the House under General Provisions in title IV prohibiting the expenditure of funds to publish or issue an assessment required under section 106 of the Global Change Research Act of 1990 unless the supporting research has been subjected to peer review and, if not otherwise publicly available, posted electronically for public comment prior to use in the assessment, and the draft assessment has been published in the Federal Register for a 60 day public comment period. While the conferees have deleted this specific bill language, the Agency is nevertheless expected to adhere to this provision.

Unlike in the State and Tribal Assistance Grants account, the Agency has historically not required a cost-share component for specific grants provided through the Environmental Programs and Management (EPM) account, unless specifically required. In order to leverage better available financial resources, the Agency is directed to work with the Committees on Appropriations in the development of a proposal for a cost-share requirement to be included for projects funded within the EPM account, with the goal of having such an agreed upon proposal included in the fiscal year 2000 Operating Plan.

OFFICE OF INSPECTOR GENERAL

Appropriates $32,409,000 for the Office of Inspector General as proposed by the Senate instead of $25,000,000 as proposed by the House. In addition to this appropriation, $11,000,000 is available to the OIG by transfer from the Hazardous Substance Superfund account. The conferees agree that the increase above the budget request provided the OIG should be used to address major problems at EPA through the development of additional audits of grants and assistance agreements, and to form a new program evaluation unit to analyze environmental outcomes more effectively.

BUILDINGS AND FACILITIES

Appropriates $62,600,000 for buildings and facilities as proposed by the House instead of $25,930,000 as proposed by the Senate. The conferees note that within this appropriation is $36,700,000, the final funding increment, for continued construction of the consolidated research facility at Research Triangle Park, North Carolina.

HAZARDOUS SUBSTANCE SUPERFUND

Appropriates $1,400,000,000 for hazardous substance superfund as proposed by the Senate instead of $1,450,000,000 as proposed by the House. Bill language provides that $700,000,000 of the appropriated amount is to be derived from the Superfund Trust Fund, while the remaining $700,000,000 is to be derived from General Revenues of the Treasury. Additional language 1) provides $70,000,000 for the Agency for Toxic Substances and Disease Registry (ATSDR); 2) provides for a transfer of $11,000,000 to the Office of Inspector General; 3) provides for a transfer of $38,000,000 to the Science and Technology account; and 4) provides that $100,000,000 of the appropriated amount shall not become available for obligation until September 1, 2000.

The conferees have also included bill language which permits the Administrator of the ATSDR to conduct other appropriate health studies and evaluations or activities in lieu of health assessments pursuant to section 104(i)(6) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA). The language further stipulates that in the conduct of such other health assessments, evaluations, or activities, the ATSDR shall not be bound by the deadlines imposed in section 104(i)(6)(A) of CERCLA.

The conferees have agreed to the following fiscal year 2000 funding levels:

1. $917,337,000 for Superfund response/cleanup actions. The Brownfields program has been funded at the budget request level of $91,700,000.
2. $140,000,000 for enforcement activities.
3. $125,000,000 for management and support. In addition, $11,000,000 is to be provided by transfer to the Office of Inspector General.
4. $38,000,000 for research and development activities, to be transferred to the Science and Technology account.
5. $60,000,000 for the National Institute of Environmental Health Sciences, including $23,000,000 for worker training and $37,000,000 for research activities.
6. $70,000,000 for the Agency for Toxic Substances and Disease Registry.
7. $38,663,000 for reimbursable interagency activities, including $28,663,000 for the Department of Justice, $650,000 for OSHA, $1,100,000 for FEMA, $2,450,000 for NOAA, $4,800,000 for the Coast Guard, and $1,000,000 for the Department of the Interior.

Within the amount provided to the ATSDR, $1,500,000 is for continued work on the Toms River, New Jersey cancer evaluation and research project. In addition, the conferees expect the ATSDR to provide adequate funding to continue the minority health professions program and to continue the health effects study on the consumption of Great Lakes fish. As in the past, ATSDR's administrative costs charged by CDC are capped at 7.5 percent of the amount appropriated herein. The conferees agree that $3,000,000 is to be re-directed from health assessments to other priorities.

With the funds transferred to science and technology, the conferees direct that the current hazardous substance research centers, including the Gulf Coast center, will be funded at no less than the 1998 funding level.

For fiscal year 2000 and consistent with fiscal year 1999, the conferees direct the Agency not to initiate or order dredging, except as noted in the conference report and statement of the managers accompanying the 1999 Appropriations Act, until the National Academy of Sciences has completed its dredging study and that study has been properly considered by EPA. Further, the Agency should only initiate or order dredging in cases where a full analysis of long and short-term health and environmental impacts has been conducted.

Finally, the conferees direct that within 45 days of enactment of this Act, EPA award a cooperative agreement for an independent analysis of the projected federal costs over the ten-year period of fiscal years 2000–2010 for implementation of the Superfund program under current law, including the annual and cumulative costs associated with administering CERCLA activities at National Priority List (NPL) sites. The analysis should identify sources of uncertainty in the estimates, and shall model 1) costs for completion of all sites currently listed on the NPL, 2) costs associated with additions to the NPL anticipated for fiscal year 2000 through fiscal year 2009, 3) costs associated with federal expenditures for the operations and maintenance at both existing and new NPL sites, 4) costs for emergency removals, 5) non-site specific costs assigned to other activities such as research, administration, and interagency transfers, and 6) costs associated with five-year reviews at existing and new NPL sites and associated activities. For purposes of this analysis, costs associated with assessment, response, and development of brownfields and federal facility sites are not to be included. The analysis shall be conducted by the Resources for the Future, and the results of the work are to be transmitted in a report to the Congress no later than December 31, 2000.

LEAKING UNDERGROUND STORAGE TANK PROGRAM

Appropriates $70,000,000 for the leaking underground storage tank program instead of $60,000,000 as proposed by the House and $71,556,000 as proposed by the Senate.

The conferees direct EPA to submit a plan to the Congress by May 1, 2000, including cost estimates, to (1) identify underground storage tanks that are not in compliance with subtitle I of the Solid Waste Disposal Act; (2) identify underground storage tanks in temporary closure; (3) determine the ownership of underground storage tanks not in compliance or in temporary closure; and (4) determine the plans of owners and operators to bring such tanks into compliance or out of temporary closure. For tanks for which no owner can be identified, the plans should describe how they will be brought into compliance or closed permanently.

OIL SPILL RESPONSE

Appropriates $15,000,000 for oil spill response as provided by both the House and the Senate.

STATE AND TRIBAL ASSISTANCE GRANTS

Appropriates $3,466,650,000 for state and tribal assistance grants instead of $3,199,957,000 as proposed by the House and $3,250,000,000 as proposed by the Senate. Bill language specifically provides $1,350,000,000 for Clean Water State Revolving Fund (SRF) capitalization grants, $820,000,000 for Safe Drinking Water SRF capitalization grants, $50,000,000 for the United States-Mexico Border program, $30,000,000 for grants to address drinking water and wastewater infrastructure needs in rural and native Alaska, $885,000,000 for categorical grants to the states and tribes, and $331,650,000 for grants for construction of water and wastewater treatment facilities and for groundwater protection infrastructure.

The conferees have included bill language which, for fiscal year 2000 only, authorizes the Administrator of the EPA to use funds appropriated under section 319 of the Federal Water Pollution Control Act (FWPCA) to make grants to Indian tribes pursuant to section 319 (h) and 518 (e) of FWPCA. In addition, bill language has been adopted by the conferees to permit states to include as principal amounts considered to be the cost of administering or, for the State of New York only, capitalizing SRF loans to eligible borrowers, with certain limitations.

The conferees have further agreed to include bill language which resolves in favor of the grantee a disputed grant, docket number AA–91–AD34 (05–90–AD09); bill language which permits EPA and the State of New York to utilize certain grant reallotments to provide grant assistance to Nassau County, New York for improvements at the Bay Park and Cedar Creek waste treatment plants; and bill language which makes technical changes to the use of funds appropriated in Public Law 105–276 for water and sewer infrastructure improvements in Utah and Alaska.

Finally, the conferees have included bill language, similar to that included in the fiscal year 1998 Appropriations Act, which permits the District of Columbia Water and Sewer Authority to obtain federal construction grants containing a matching requirement of 80–20. This provision will permit the District to continue its efforts to implement its necessary capital improvement program while enabling it to maintain a sound financial position.

Of the funds provided for the United States-Mexico Border Program, $3,000,000 is for the El Paso-Las Cruces sustainable water project, and $2,000,000 is for the Brownsville, Texas water supply project. Of the funds provided for rural and Alaska Native villages, $2,000,000 is for training and technical assistance. The State of Alaska must also provide a 25 percent match for all expenditures through this program.

The conferees agree that the $331,650,000 provided to communities or other entities for construction of water and wastewater treatment facilities and for groundwater protection infrastructure shall be accompanied by a cost-share requirement whereby 45 percent of a project's cost is to be the responsibility of the community or entity consistent with long-standing guidelines of the Agency. These guidelines also offer flexibility in the application of the cost-share requirement for those few circumstances when meeting the 45 percent requirement is not possible. The Agency is commended for its past efforts in working with communities and other entities to resolve problems in this regard, and the conferees expect this level of effort and flexibility to continue throughout fiscal year 2000. The distribution of funds under this program is as follows:

1. $2,000,000 for wastewater infrastructure improvements in Cherokee County ($750,000); South Vinemont ($750,000); and Dodge City ($500,000), Alabama.
2. $1,000,000 for water infrastructure needs in Jefferson County, Alabama.
3. $500,000 for the Dog River watershed project in Mobile, Alabama.
4. $1,900,000 for wastewater infrastructure improvements in Stevenson ($950,000) and Athens ($950,000), Alabama.
5. $3,000,000 for a surface water treatment plant in Franklin County, Alabama.
6. $500,000 for Lafayette, Alabama, water system project.
7. $500,000 for the City of Sitka, Alaska, water/sewer improvements.
8. $3,750,000 for water/sewer improvements in the Chugiak area of Anchorage, Alaska.
9. $3,750,000 for water/sewer improvements for the City of Valdez, Alaska.
10. $300,000 for the East Wetlands Restoration project in Yuma, Arizona.
11. $3,000,000 for a grant to the Arizona Water Infrastructure Financing Authority for making a loan to the city of Safford, Arizona to address the city's wastewater needs, which will be repaid by the city to the Arizona Clean Water Revolving fund established under title VI of the Federal Water Pollution Control Act, as amended.
12. $1,000,000 for water and wastewater infrastructure improvements in Fort Chaffee, Arkansas.
13. $3,000,000 for the Coastal Low Flow Storm Drain Diversion project in San Diego, California.
14. $1,500,000 for the removal of Arundo Donax on the lower Santa Ana River ($1,000,000); and for restoration of Lake Elsinore ($500,000), California.
15. $3,000,000 for continued construction of the Olivenhain Water District, California water treatment project.
16. $2,000,000 for continued work on the Lake Tahoe water export replacement project ($1,000,000), and for wastewater infrastructure improvements at the Placer County Subregional Wastewater Treatment Plant ($1,000,000), California.

17. $3,500,000 for water and wastewater infrastructure improvements for Arcadia and Sierra Madre ($2,000,000) and the City of San Dimas Walker House ($1,000,000); and for the Desalination Research and Innovation Partnership ($500,000), California.

18. $500,000 for continued development of the Calleguas Creek, California watershed management plan.

19. $4,000,000 for water, wastewater, and system infrastructure development and improvements for the Yucaipa Valley Water District ($2,000,000); the Lower Owens River project in Inyo County ($1,000,000); the Lower Owens River project in the City of Los Angeles ($500,000); and the San Timoteo Creek environmental restoration project in Loma Linda ($500,000), California.

20. $2,000,000 for Sacramento, California's combined sewer system improvement and rehabilitation project.

21. $2,500,000 for a desalination facility in Carlsbad ($500,000); for the San Diego wastewater capital improvement program ($1,000,000), and for watershed planning for the community and environmental transportation acceptability process in Riverside County ($1,000,000), California.

22. $1,000,000 for wastewater and sewer infrastructure improvements in Huntington Beach, California.

23. $950,000 for wastewater infrastructure improvements in the Russian River Sanitation District ($475,000), and for continued development of the Geysers Recharge project ($475,000), California.

24. $1,600,000 for continuation of a water reuse demonstration project in Yucca Valley ($1,000,000) and a water storage distribution project in Twenty Nine Palms ($600,000), California.

25. $950,000 for wastewater infrastructure needs on Mare Island, Vallejo, California.

26. $1,500,000 for sewer infrastructure improvements in the vicinity of the Santa Clara River in Los Angeles County, California.

27. $1,500,000 for the City of Montrose, Colorado, wastewater treatment plant upgrade.

28. $1,500,000 for wastewater infrastructure improvements in New Britain and Southington, Connecticut.

29. $1,425,000 for wastewater infrastructure and combined sewer overflow improvements on the Connecticut River in Connecticut and Massachusetts.

30. $3,000,000 for water, wastewater, and water reuse infrastructure improvements through Florida's five water management district Alternative Water Sources Development program.

31. $2,000,000 for continuation of the water reuse infrastructure project in West Palm Beach, Florida.

32. $5,000,000 for the Tampa Bay, Florida regional reservoir infrastructure project.

33. $1,900,000 for wastewater infrastructure improvements for Opa-locka ($950,000) and for the Highland Village neighborhood of North Miami Beach ($950,000), Florida.

34. $1,500,000 for wastewater infrastructure improvements necessary to reduce effluent discharge into Sarasota Bay, Florida.

35. $500,000 for development of the Deer Point Watershed Protection Zone in Bay County, Florida.

36. $1,000,000 for analysis and development of necessary combined system overflow facilities in Atlanta, Georgia.

37. $1,000,000 for infrastructure development and improvements of the Big Creek watershed programs in the cities of Roswell, Mountain Park, and Brookfield, and Fulton County, Georgia.

38. $1,000,000 for continued work on the basin stormwater retention and reuse project at Big Haynes Creek, Georgia.

39. $1,500,000 for the County of Kauai, Hawaii, for the Lihue wastewater treatment plant.

40. $600,000 for water and wastewater infrastructure improvements in Jerome ($300,000), and Dietrich ($300,000), Idaho.

41. $1,800,000 for the City of Blackfoot, Idaho, for wastewater treatment plant improvements.

42. $7,500,000 for drinking water infrastructure improvements in the cities of DeKalb ($2,500,000); Yorkville ($1,000,000); Elburn ($500,000); Batavia ($1,500,000); Oswego ($1,000,000); and Geneva ($1,000,000), Illinois.

43. $4,750,000 for continued development of the tunnel and reservoir project (TARP) of the Metropolitan Water Reclamation District in Chicago, Illinois.

44. $950,000 for water and wastewater infrastructure improvements in Robbins ($475,000) and Phoenix ($475,000), Illinois.

45. $1,000,000 for infrastructure development of the Pigeon Creek Enhancement project in Evansville, Indiana.

46. $1,900,000 for wastewater infrastructure improvements within the Gary Sanitary District, Indiana.

47. $900,000 for wastewater infrastructure improvements in Kansas City, Kansas.

48. $1,500,000 for wastewater infrastructure development and improvements in Jessamine County, Kentucky.

49. $1,000,000 for wastewater and drinking water infrastructure improvements in Bonnieville ($600,000) and in the Kentucky Turnpike Water District Division 2 ($400,000), Kentucky.

50. $1,500,000 for wastewater infrastructure improvements at the West County Wastewater Treatment Plant within the Metropolitan Sewer District of Louisville, Kentucky.

51. $6,400,000 for water and wastewater infrastructure needs for Knott County ($2,000,000); Somerset ($1,400,000); Knox County ($1,000,000); Harlan ($1,000,000); and McCreary County ($1,000,000), Kentucky.

52. $800,000 for water, sewer, and wastewater infrastructure improvements within the Henderson County Water District ($350,000); the Logan/Todd Regional Water System ($300,000); the McLean County sewer system ($120,000); and the Fancy Farm water system ($30,000), Kentucky.

53. $3,000,000 for North Jessamine County, Kentucky, wastewater system improvements.

54. $2,500,000 for water and wastewater infrastructure improvements in the East Baton Rouge Parish ($1,000,000); Ascension Parish ($1,250,000); and St. Gabriel ($250,000), Louisiana.

55. $2,000,000 for water and wastewater infrastructure improvements in St. Bernard Parish, Louisiana.

56. $3,800,000 for New Orleans, Louisiana wastewater infrastructure improvements.

57. $1,425,000 for combined sewer overflow infrastructure support in Middlesex and Essex Counties ($712,500), and for continued wastewater infrastructure improvements in Essex County ($712,500), Massachusetts.

58. $2,000,000 for continued wastewater needs in Bristol County, Massachusetts.

59. $1,900,000 for combined sewer overflow infrastructure improvements in Boston, Massachusetts.

60. $1,000,000 for Vinalhaven, Maine, wastewater infrastructure improvements.

61. $5,000,000 for the upgrade of sewage treatment facilities in Cambridge and Salisbury, Maryland.

62. $1,500,000 for combined sewer overflow infrastructure improvements in Grand Rapids, Michigan.

63. $5,000,000 for continuation of the Rouge River National Wet Weather Demonstration project.

64. $1,500,000 for infrastructure improvements within the George W. Kuhn Drainage District, Oakland County, Michigan.

65. $1,000,000 for water and watershed infrastructure improvements and research through Western Michigan University at Kalamazoo, Michigan.

66. $1,900,000 for wastewater infrastructure improvements in Port Huron, Michigan.

67. $1,425,000 for continued drinking water infrastructure improvements for Bad Axe, Michigan.

68. $1,900,000 for continued development of the Mille Lacs regional wastewater treatment facility, Minnesota.

69. $2,800,000 for the City of Flowood, Mississippi for the Hogg Creek Interceptor wastewater infrastructure improvements within the West Rankin Regional Sewage System.

70. $950,000 for sewer and wastewater infrastructure needs in Picayune, Mississippi.

71. $3,500,000 for wastewater infrastructure improvements at the DeSoto County Wastewater Treatment Facility ($2,950,000), and the City of Farmington wastewater collection and treatment facility ($550,000), Mississippi.

72. $475,000 for wastewater infrastructure improvements in Lamont, Mississippi.

73. $5,200,000 for wastewater infrastructure evaluation and improvements in Jackson, Mississippi.

74. $2,375,000 for the Meramac River, Missouri enhancement and wetlands protection project.

75. $1,000,000 for wastewater infrastructure improvements in Jefferson County, Missouri.

76. $5,500,000 for the State of Missouri Department of Natural Resources for phosphorous removal efforts in southwestern Missouri communities under 50,000, including but not limited to Nixa, Ozark, Kimberling City, Reeds Spring, and Galena wastewater treatment facilities discharging into the Table Rock Lake watershed.

77. $3,300,000 for the Missouri Division of State Parks water and sewer improvements needs including but not limited to the state parks of Meramec, Roaring River, Lake of the Ozarks, Knob Noster, Cuivve River, Mark Twain, and Trail of Tears.

78. $1,000,000 for wastewater infrastructure improvements for the East Missoula wastewater system ($250,000); the El Mar Estates wastewater treatment facility ($250,000); and the Lolo wastewater treatment plant ($500,000), Montana.

79. $4,000,000 for the Lockwood, Montana, water and sewer district for implementation of its wastewater collection, treatment and disposal plan.

80. $1,500,000 for the Big Timber, Montana wastewater treatment facility.

81. $450,000 for watershed management improvements in Omaha, Nebraska.

82. $3,300,000 for water and wastewater infrastructure needs of the Moapa Valley Water District ($2,300,000) and the City of Fallon ($1,000,000), Nevada.

83. $900,000 for water infrastructure improvements in Henderson, Nevada.

84. $2,000,000 for wastewater infrastructure improvements in Epping, New Hampshire.

85. $2,000,000 for the Berlin, New Hampshire, water infrastructure improvements.

86. $1,000,000 for combined sewer overflow infrastructure improvements in Nashua, New Hampshire.

87. $5,000,000 for combined sewer overflow requirements of the Passaic Valley Sewerage Commission, New Jersey.

88. $1,500,000 for combined sewer overflow infrastructure improvements of the North Hudson Sewerage Authority, New Jersey.

89. $475,000 for wastewater infrastructure improvements for the South Side Interceptor/Queens Ditch in Newark, New Jersey.

90. $3,000,000 for water and wastewater infrastructure and development needs in Lovington ($1,500,000) and Belen ($1,500,000), New Mexico.

91. $7,500,000 for water and wastewater infrastructure improvements in Bernalillo ($1,000,000); in the North and South Valley areas of Albuquerque and Bernalillo County ($6,000,000); and in Espanola ($500,000), New Mexico.

92. $500,000 for the Clovis, New Mexico emergency repair of a wastewater effluent holding pond and renovation of its wastewater treatment plant.

93. $10,000,000 for drinking water infrastructure needs in the New York City watershed.

94. $5,000,000 for wastewater infrastructure improvements within the Western Ramapo Sewer District in Rockland County, New York.

95. $950,000 for wastewater infrastructure improvements at New York and Pennsylvania treatment facilities which discharge into the Susquehanna River.

96. $950,000 for infrastructure improvements at the White Plains water filtration facility, New York.

97. $1,500,000 for phase one of the Genesee County, New York public water supply project.

98. $1,500,000 for water and wastewater infrastructure improvements for the Hamlet of Verona, New York.

99. $1,500,000 for the Lake Water Supply project in Monroe County, New York.

100. $1,000,000 for water infrastructure improvements in Syracuse, New York.

101. $18,500,000 for continued clean water improvements of Onondaga Lake, New York.

102. $2,500,000 for drinking water and wastewater infrastructure improvements of the Buncombe County Metropolitan Sewerage District ($2,000,000), and in the town of Waynesville ($500,000), North Carolina.

103. $3,000,000 for the Grand Forks, North Dakota, water treatment plant.

104. $1,925,000 for continued development of a storm water abatement system in the Doan Brook Watershed Area, Ohio.

105. $3,000,000 for combined sewer overflow infrastructure improvements in Port Clinton ($1,500,000) and Van Wert ($1,500,000), Ohio.

106. $1,000,000 for water treatment infrastructure improvements in Girard, Ohio.

107. $1,900,000 for wastewater improvements associated with the Toledo Waste Equalization Basin, Ohio.

108. $1,425,000 for drinking water infrastructure needs in Jackson County, Ohio.

109. $1,000,000 for wastewater infrastructure improvements in Hood River, Oregon.

110. $2,900,000 for continued development of the Three Rivers Wet Weather Demonstration program in Allegheny County, Pennsylvania.

111. $1,000,000 for Hampden Township, Pennsylvania wastewater infrastructure improvements.

112. $1,000,000 for continued wastewater infrastructure improvements for the Springettsbury Township and City of York, Pennsylvania.

113. $3,800,000 for groundwater, drinking water and watershed infrastructure restoration and improvements in Carrolltown Borough ($1,567,500); Sipesville ($2,118,500); and the Saint Vincent watershed ($114,000), Pennsylvania.

114. $1,000,000 for wastewater infrastructure improvements for the Roaring Brook Township Sewer Authority ($300,000); the Borough of Olyphant ($300,000); and the Borough of Honesdale ($400,000), Pennsylvania.

115. $1,000,000 for wastewater and sewer infrastructure improvements in New Kensington, Pennsylvania.

116. $5,000,000 for water and wastewater infrastructure improvements for the Lewistown Municipal Water Authority ($500,000); Chambersburg Borough ($1,250,000); Hollidaysburg Borough ($1,500,000); Houtzdale Borough Municipal Authority ($200,000); Tyrone Borough ($800,000); Metal Township Sewer Authority ($500,000); and Decatur Township ($250,000), Pennsylvania.

117. $500,000 for water infrastructure needs in the Khedive area of Jefferson Township, Greene County, Pennsylvania.

118. $4,000,000 for the continued development of water supply needs of the Lake Marion Regional Water Agency, South Carolina.

119. $2,300,000 for the Shulerville-Honey Hill, South Carolina, water extension project.

120. $1,000,000 for wastewater infrastructure development and improvements at the George's Creek Wastewater Treatment Plant, Pickens County, South Carolina.

121. $500,000 for Dell Rapids, South Dakota, wastewater treatment facility upgrade.

122. $5,000,000 for the Mitchell, South Dakota, water system.

123. $2,000,000 for drinking water infrastructure improvements of the Sunbright Utility District, Morgan County, Tennessee.

124. $1,000,000 for a wastewater, wet weather demonstration project in Fort Worth, Texas.

125. $500,000 for continued development of the Riverton, Utah water reuse system improvement project.

126. $2,000,000 for water, sewer, and stormwater infrastructure improvements for the City of Ogden, Utah.

127. $800,000 for a wetland development project in Logan, Utah.

128. $8,000,000 for continued development of combined sewer overflow improvements in Richmond ($4,000,000) and Lynchburg ($4,000,000), Virginia.

129. $2,000,000 for water and wastewater infrastructure improvements in western Lee County ($1,250,000) and in Amonate, Tazewell County ($750,000), Virginia.

130. $2,700,000 for the Pownal, Vermont wastewater treatment project.

131. $1,300,000 for the Cabot, Vermont, wastewater treatment project.

132. $2,500,000 for water system improvements in Metaline Falls, Washington.

133. $600,000 for the city of Bremerton, Washington, combined sewer overflow project.

134. $450,000 for water and wastewater infrastructure needs for the Village of Klicktat, Washington.

135. $950,000 for water and wastewater infrastructure improvements in Huntington, West Virginia.

136. $7,000,000 for water, wastewater, and sewer infrastructure improvements in Davis ($1,850,000); Newburg ($1,900,000); the Chestnut Ridge Public Service District in Barbour County ($1,950,000); and Worthington ($1,300,000), West Virginia.

137. $5,000,000 for the City of Welch, West Virginia, for water and sewer improvements.

138. $3,000,000 for continued development of the Metropolitan Milwaukee Sewerage District interceptor system.

139. $1,000,000 for wastewater infrastructure improvements in Beloit, Wisconsin.

140. $5,900,000 for continuation of the National Community Decentralized Wastewater Demonstration Project to develop and transfer technologies which offer alternatives to centralized wastewater treatment facilities. The three communities of Monroe County, Florida Keys, Florida ($4,000,000); Mobile, Alabama ($1,200,000); and Skaneateles Lake, New York have been added to the demonstration project based on their unique and diverse geology and geography, as well as on the commitment of each community to find appropriate alternative technologies to resolve their wastewater treatment needs. The Committee expects to continue the cost share requirements for these three projects as was provided the first three project communities.

141. $500,000 for wastewater infrastructure improvements through the City of Warm Springs, Georgia.

It is the intent of the conferees that EPA is to award the remaining $2,675,000 not yet awarded from the $8,000,000 appropriated in Public Law 105–65 for the Upper Savannah Council of Governments for wastewater facility improvements, with a local match less than that normally prescribed by EPA for such grants. In addition, for this year and prior fiscal years, any grants to nonprofit organizations (or educational institutions) for a project to demonstrate the use of an onsite ecologically based wastewater treatment process that are funded from monies included in EPA's State and Tribal Assistance Grant account should require not more than a five percent match requirement.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Appropriates $5,108,000 for the Office of Science and Technology Policy as proposed by the House instead of $5,201,000 as proposed by the Senate.

The conferees are aware of the growing interest in the scientific, biomedical, and industrial communities for increasing high field nuclear magnetic resonance capacities. Last year, the House Appropriations Committee requested the National Science Foundation assess and report on Japanese efforts in this area. It appears that progress by Japan and several other countries has been impressive while efforts related to this important new technology in the United States have lagged.

The conferees strongly urge the OSTP to undertake an assessment of this technology, its potential utilization by various scientific disciplines, and to provide recommendations on what future efforts or programs the federal research and development agencies should undertake to address this challenge. The conferees request the OSTP provide a report to the Committees on Appropriations by May 1, 2000.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

Appropriates $2,827,000 for the Council on Environmental Quality and the Office of Environmental Quality as proposed by the House instead of $2,675,000 as proposed by the Senate. The conferees have once again included bill language which prohibits CEQ from using funds other than those appropriated directly under this heading. The Council is expected to implement this provision in a manner consistent with its implementation during fiscal years 1998 and 1999.

The conferees note that the fiscal year 1999 Appropriations Act directed that ''no less than $100,000 of the appropriated amount be used by CEQ for work on the NEPA Reinvention project . . . to establish a memorandum of understanding between the Federal Energy Regulatory Commission and other appropriate federal departments and agencies to expedite review of natural gas pipeline projects.'' The conferees commend CEQ for beginning this process and understand the Council is currently awaiting input from the industry, which is expected shortly. The conferees continue to want this memorandum of understanding to occur in fiscal year 2000 and expect that it will help to serve as a model to develop memoranda of understanding to expedite processing for other projects that require NEPA review.

FEDERAL DEPOSIT INSURANCE CORPORATION

OFFICE OF INSPECTOR GENERAL

Appropriates $33,666,000 for the Office of Inspector general as proposed by the House, instead of $34,666,000 as proposed by the Senate. Funds for this account are derived from the Bank Insurance Fund, the Savings and Loan

association Insurance Fund, and the FSLIC Resolution Fund.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Appropriates $300,000,000 for disaster relief as proposed by the both the House and the Senate. In addition, appropriates $2,480,425,000 in emergency funding for disaster relief. The House and Senate bills did not provide for the emergency funding.

The conferees have agreed to include language in the bill making $10,000,000 from section 404 hazard mitigation grant funding available to the State of California for pilot projects to demonstrate seismic retrofit technology. Of this amount, FEMA is directed to use $2,000,000 to continue a pilot project of seismic retrofit technology on an existing welded steel frame building at California State University, San Bernardino. Also within the account, an additional $6,000,000 is available for continuation of a project at Loma Linda University Hospital, and $2,000,000 is available for a seismic retrofit project at the University of Redlands.

The conferees have also agreed to make available from section 404 hazard mitigation grant funding available to the respective states, $1,000,000 for a hurricane mitigation project at South Florida University, Ft. Lauderdale campus; $2,500,000 for a windstorm simulation project at Florida International University; $1,000,000 for a logistical staging area concept demonstration at the Stanly County Airport in North Carolina; and $500,000 for wave monitoring buoys in the Gulf of Mexico off the Louisiana coast.

The conferees note that FEMA's plans to promulgate regulations pertaining to public assistance insurance requirements have significant financial implications for states, municipalities, and private non-profit hospitals and universities. The conferees believe it is important that FEMA obtain key data prior to finalizing such a rule. Therefore, the conferees direct the General Accounting Office to study the financial impacts of the proposed FEMA regulation and submit the report to the Committees on Appropriations of the House and Senate within 120 days. Prior to finalizing a rule, FEMA is directed to consider fully the GAO's findings.

The conferees agree that the Texas Task Force 1 is strategically located and fully operational and direct FEMA to do a full evaluation of the task force and report back to the Committees on Appropriations of the House and Senate as to whether it should be included in the Urban Search and Rescue system.

The conferees are concerned that FEMA may not have adequate resources available for the training of federal, state, local, and volunteer disaster officials on the latest techniques in disaster response and resource management. Therefore, the conferees direct FEMA to study the feasibility and the merits of establishing a national training academy in south Florida for the above purposes. In completing such study, FEMA should consult with other agencies engaged in natural disaster response and assistance, and should take into account the activities of the Emergency Management Institute in Emmitsburg, Maryland. The conferees expect FEMA to report back to the Committees on Appropriations of the House and Senate by January 31, 2000.

EMERGENCY Y2K ASSISTANCE

The conferees agree not to establish a program of grants and loans to counties and local governments for expenses related to problems associated with the year 2000 date change as proposed by the Senate. This program was not included in the House bill.

SALARIES AND EXPENSES

Appropriates $180,000,000 for salaries and expenses as proposed by the Senate instead of $177,720,000 as proposed by the House. The conferees agree that the reduction from the budget request shall be applied to program offices in an equitable manner. FEMA is to provide a track of the funding reduction as part of its operating plan.

OFFICE OF INSPECTOR GENERAL

Appropriates $8,015,000 for the Office of Inspector General as proposed by the Senate instead of $6,515,000 as proposed by the House.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

Appropriates $267,000,000 for emergency management planning and assistance instead of $280,787,000 as proposed by the House and $255,850,000 as proposed by the Senate. The conferees have included language in the bill which authorizes and directs FEMA to extend its cooperative agreement for the Jones County, Mississippi emergency operating center, modified with a technical change from that proposed by the Senate.

The conferees agree that the amount provided includes $25,000,000 for pre-disaster mitigation activities and a reduction of $4,500,000 from the budget request for consolidated emergency performance grants. Unspecified reductions to the account are to be taken in an equitable manner except as provided below.

The conferees agree to make no specific reduction to the request for anti-terrorism activities. However, the conferees are concerned that the proliferation of anti-terrorism activities throughout the Federal government may give rise to duplication of efforts. FEMA is encouraged to take whatever action is required to ensure that its efforts do not duplicate the efforts of other Federal entities.

The conferees direct FEMA to ensure that, in exchange for the additional flexibility provided through the emergency management performance grants, States are held accountable for the funds by tying such funds to performance measures. FEMA is expected to provide adequate financial and programmatic accountability in order to demonstrate appropriate use of the funds.

The conferees agree to provide $400,000 for upgrades to the computer modeling capability of FEMA and the California Office of Emergency Services. Specifically, the Regional Assessment of Mitigation Priorities computer program is to be upgraded to evaluate earthquake disaster mitigation projects. The conferees also agree to provide $1,500,000 for the commercialization of emergency response technologies, to be performed by the National Technology Transfer Center, and $1,000,000 for the Operations Support Directorate to archive key agency documents by digitalization to optical disks.

The conferees agree with the Senate that the full budget request of $5,500,000 is to be provided for the dam safety program.

The conferees concur with House report language regarding an evacuation plan for the New Orleans area and direct FEMA to work with the Southeast Louisiana Hurricane Task Force and the Louisiana One Coalition on the preparation of this evacuation and recovery plan and report.

EMERGENCY FOOD AND SHELTER PROGRAM

Appropriates $110,000,000 for the Emergency Food and Shelter program as proposed by both the House and Senate. Includes language proposed by the Senate which makes the funds available until expended.

FLOOD MAP MODERNIZATION FUND

Appropriates $5,000,000 to establish the Flood Map Modernization Fund as proposed by the House. The Senate did not provide funding for this program. The conferees agree not to provide an earmark of $2,000,000 for the New York Department of Environmental Conservation from this fund.

NATIONAL INSURANCE DEVELOPMENT FUND

The conferees agree to bill language which cancels the indebtedness of the Director of FEMA. The House and Senate both included the provision, but with technical differences. The conferees agree to include the House language.

NATIONAL FLOOD INSURANCE FUND

The conferees have included bill language which authorizes the National Flood Insurance Program for fiscal year 2000. Without this authorization, new flood insurance policies could not be written throughout the fiscal year. In addition, the conferees direct FEMA to make $2,000,000 available to the New York Department of Environmental Conservation for initiating the Statewide Flood Plain Mapping Program. The House had proposed this earmark within the Flood Map Modernization Fund.

NATIONAL FLOOD MITIGATION FUND

Provides for the transfer of $20,000,000 from the National Flood Insurance Fund to the National Flood Mitigation Fund as proposed by the House. The Senate did not include a provision for the Fund.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Appropriates a total of $13,652,700,000 for the National Aeronautics and Space Administration, instead of $12,653,800,000 as proposed by the House and $13,578,400,000 as proposed by the Senate.

The conferees agree to retain the current NASA account structure for fiscal year 2000.

The conferees agree to include a general provision which provides indemnification and cross-waivers of liability with regard to experimental aerospace vehicle programs. The language is included as a general provision in title IV of the Act and is a modification of language included as part of the fiscal year 1999 appropriations Act. The conferees have also agreed to include a general provision which provides for a one year extension of indemnification for commercial space launches.

In addition, the conferees have agreed to include a general provision which authorizes NASA to carry out a program to demonstrate commercial feasibility and economic viability of private sector business operations involving the International Space Station.

The conferees believe that the International Space Station will be a catalyst for future economic development activity in low earth orbit. Therefore, the conferees have included bill language establishing a demonstration program intended to test the feasibility of commercial ventures using the station, and whether or not it is possible to operate the station in accordance with business practices. In order to encourage private investment and increase economic activity in low earth orbit, NASA may negotiate for payments, at a value set by the private market, and retain any funds received in excess of costs for re-investment in the station economic development program.

The demonstration program applies only to the transition period associated with station assembly and early operations—a period during which fledgling businesses will experience their first opportunity for sustainable, continuous access to orbital laboratories. The conferees expect NASA to refrain from picking winners and losers in this coming era and instead enable the power of the U.S. capital markets to come to bear on this new frontier of U.S. economic development.

The conferees intend that the results of this demonstration program—and lessons learned along the way—will be incorporated

into NASA's planning for long-term commercialization of the station, in concert with other ongoing activities such as the establishment of a non-government organization for station utilization and management.

Of the amounts approved in the following appropriations accounts, NASA must limit transfers of funds between programs and activities to not more than $500,000 without prior approval of the Committees on Appropriations. Further, no changes may be made to any account or program element if it is construed to be policy or a change in policy. Any activity or program cited in this report shall be construed as the position of the conferees and should not be subject to reductions or reprogramming without prior approval of the Committees on Appropriations of the House and Senate. Finally, it is the intent of the conferees that all carryover funds in the various appropriations accounts are subject to the normal reprogramming requirements outlined above.

HUMAN SPACE FLIGHT

Appropriates $5,510,900,000 for human space flight. The House had proposed $5,388,000,000 in this account. The Senate had proposed two new accounts, International Space Station and Launch Vehicles and Payload Operations, with a total of $5,638,700,000. Within the amount provided, the appropriation for space shuttle is $3,011,200,000, the appropriation for payload and utilization is $169,100,000, and the appropriation for space station development related activities is $2,330,600,000.

The amount provided for space shuttle operations is $25,000,000 greater than the budget request. The increase is provided for urgent safety upgrades for the shuttle and may be augmented with additional funding from shuttle operations if such funding is identified throughout the fiscal year. The conferees agree that NASA is to undertake upgrades that are necessary to ensure continued safe operation of the shuttle and NASA is to provide a report to the Committees on Appropriations which identifies proposed upgrades, a schedule for accomplishing the upgrades, and the cost associated with each upgrade. The report is to be provided to the Committees on Appropriations by February 1, 2000.

The conferees have included a proviso within the Human Space Flight account which reserves $40,000,000 for use only in connection with a shuttle science mission to be flown between the flight of STS–107 and December of 2001. The conferees have taken this action because of the belief that dedicated science missions must continue during the assembly of the International Space Station to ensure that the scientific community remains fully engaged in human space flight activities. Funding of $15,000,000 provided for the life and microgravity science program in fiscal year 1999 is to be used for STS–107 ($5,000,000) and for principal investigators associated with the dedicated flight which will occur before December, 2001 ($10,000,000).

The amount provided for the international space station program is $2,330,600,000, a decrease of $152,100,000 from the budget request. The reductions include a transfer of $17,100,000 to Mission Support to cover emergent personnel costs, a reduction of $100,000,000 from the funds requested for development of the crew return vehicle, and a general reduction of $35,000,000.

The conferees agree that international agreements to provide hardware for the space station should be binding and such agreements should be structured in such a way as to avoid complicating the assembly of the station. In order to be more fully informed on what potential problems may arise due to a reliance on foreign entities providing necessary hardware, NASA is directed to provide the Committees on Appropriations with a report on all external hardware components needed for the station that have been contracted for internationally, the schedule for delivery of these components, and the current status of each component with regard to completion and delivery.

The conferees agree that the two quarterly reports requested in the International Space Station section of the Senate report shall not be required. Instead, NASA shall provide a quarterly report, beginning on April 1, 2000 and every three months thereafter, which provides the status of station hardware construction and assembly, as well as associated costs. The report shall highlight schedule and cost variance relative to the schedule and cost included as the basis for the fiscal year 2000 budget request.

The conferees recognize the funds appropriated by this Act for the development of the International Space Station may not be adequate to cover all potential contractual commitments should the program be terminated for the convenience of the Government. Accordingly, if the Space Station is terminated for the convenience of the Government, additional appropriated funds may be necessary to cover such contractual commitments. In the event of such termination, it would be the intent of the conferees to provide such additional appropriations as may be necessary to provide fully for termination payments in a manner which avoids impacting the conduct of other ongoing NASA programs.

SCIENCE, AERONAUTICS AND TECHNOLOGY

Appropriates $5,606,700,000 for science, aeronautics and technology. The House had proposed $4,975,700,000 in this account and the Senate had proposed $5,424,700,000. The amount provided is $182,000,000 above the budget request. The amount provided consists of:

$2,197,850,000 for space science.

$277,200,000 for life and microgravity sciences.

$1,455,200,000 for earth sciences.

$1,158,800,000 for aeronautics and space transportation.

$406,300,000 for mission support.

$141,300,000 for academic programs.

$29,950,000 in general reductions.

The conferees are aware of a recent capabilities briefing that took place at NASA's Independent Verification and Validation (IV&V) Facility in conjunction with the quarterly Senior Management Council Meeting in June, 1999. The conferees understand that most NASA Center Directors or their designees were present at this briefing, as were the Assistant Administrators of the various NASA enterprises. The conferees expect substantial integration of the IV&V Facility into the NASA system, and in particular, the activities of the Goddard Space Flight Center (GSFC). This Center should take specific note of this opportunity due to its close proximity to the IV&V Facility. To these ends, the conferees direct the Administrator to report, in conjunction with GSFC and no later than June 1, 2000, on what new activities the various NASA Centers are initiating with the IV&V Facility.

The conferees are aware of the NASA Sounding Rocket Operations contract (NSROC) competitive procurement for rocket systems now underway, and see this as an excellent opportunity to invigorate the domestic sounding rocket industry, which has languished in recent years. Therefore, NASA is directed to instruct the NSROC contractor to choose the best domestic competitor for this procurement, if the NASA Administrator determines the competitor has satisfied the requirements of the contract.

The conferees are concerned that the large amount of data being collected as part of NASA science missions is not being put to the best possible use. To allay these concerns, the conferees direct NASA to contract with the National Research Council for the study of the availability and usefulness of data collected from all of NASA's science missions. The study should also address what investments are needed in data analysis commensurate with the promotion of new missions.

The conferees note that the fiscal year 1998 Statement of Managers (House Report 105–297) outlined a change in the allocation of advanced technology funding for space science so that 75 percent of all such funding would be done competitively through an announcement of opportunity. The conferees urge NASA to continue its efforts to reach the 75 percent target in a manner that does not undermine the core competencies of the NASA centers. Furthermore, the conferees direct NASA to present a plan to the Committees on Appropriations by February 1, 2000 that details how the agency will meet the 75 percent goal for both space and earth sciences and preserve core competencies at NASA Centers. The plan should also articulate how non-competitive funding will be allocated, by Center, to preserve core competencies. In addition, the report shall include a plan to link NASA Centers with relevant academic laboratories to enhance Center capabilities and core competencies.

The conferees direct NASA to submit project status reports on a quarterly basis for all space and earth science missions. The project status reports must include all projects in either phase B or phase C/D status and all mission operations and data analysis funding. The reports must also include all advanced technology funding by subprogram activity and future flight profile, and salary and expense costs. The conferees further expect NASA to include in these quarterly project status reports a review of any mission or project that is exceeding its annual or aggregate budget by more than 15 percent. This review shall include a status report on the feasibility of the mission or project, the reasons for the cost overrun, and a cost containment plan, in cases where NASA has determined to continue the mission or project. The conferees have included this reporting requirement as an alternative to the Senate recommendation that NASA missions and projects be terminated where their costs exceed their budget by 15 percent.

The conferees believe NASA should seek further opportunities to expand the scope of the Consolidated Space Operations Contract as a means to achieve additional savings for the agency and the taxpayer. Thus far, large portions of the deep space network (DSN) and related mission operations infrastructure have been exempted from CSOC. Therefore, the conferees direct NASA's space operations management office (SOMO) to undertake a study, to be submitted to the Committees on Appropriations by February 8, 2000, that evaluates transferring all remaining non-CSOC work in the telecommunications and mission operations directorate (TMOD), including all work designated for mission operations partnership services (MOPS), Jet Propulsion Lab (JPL) mission services, DSN operations architecture development and the deep space network services management system (DSMS) to the CSOC contract.

The space operations management office should identify and compare the full and total existing direct and indirect cost of the TMOD workforce with the projected cost of this workforce when transferred to CSOC on October 1, 2000. The transfer and cost analysis shall include all positions in the entire

TMOD base, including employees assigned to specific flight projects, data services, mission services and research and development costs related to the deep space network operations infrastructure. Cost calculations for determining the existing full costs of TMOD shall utilize the rates and estimates stated in the FY 99–01 JPL Cost Estimation Rates and Factors Manual and shall include direct labor, fringe benefits, leave, vacation pay, and full burden rates applied to the work performed at JPL. The full JPL burden rate calculation for estimating current TMOD costs shall follow precisely all terms and rates stated in the FY 99–01 JPL Cost Estimation Rates and Factors Manual.

Specific program adjustments are outlined below.

SPACE SCIENCE

The conferees agree to the following changes to the budget request:

1. Reduce funding for future planning for the Explorer program by $6,100,000. The conferees direct NASA to ensure that this reduction will not impact the current Explorer announcement of opportunity selection, ensuring that there will be two awards made for the mid-explorer competition.

2. Reduce funding for future planning for the Discovery program future mission by $23,700,000. The conferees expect that this reduction will not adversely impact funds available for Contour, Messenger and Deep Impact so that each can launch on its current schedule. In addition, the conferees expect that there will be sufficient funds in fiscal year 2000 to extend NEAR operations to correspond to next year's encounter with the Eros asteroid.

3. Reduce funding for Mars missions by $22,800,000. The conferees have made this adjustment without prejudice in light of the recent failure of this mission. The Committees on Appropriations are troubled by this second failure of a Mars orbiting spacecraft in recent years and expect a complete report on the cause of the most recent failure and what corrective actions NASA will take to prevent a failure on subsequent Mars missions. This report is due within 180 days of enactment of this Act.

4. Reduce funding for supporting research and technology by $4,400,000.

5. A reduction of $37,400,000 in the funding for the Champollion mission due to cancellation of the mission.

6. A reduction of $100,000 to finance personnel related expenses. These funds are provided within the Mission Support account.

7. An increase of $8,000,000 for Space Solar Power.

8. An increase of $2,000,000 for the Science Center at Glendale Community College.

9. An increase of $1,500,000 for the Louisville Science Center.

10. An increase of $1,500,000 for the Science Center Initiative at Ohio Wesleyan University.

11. An increase of $5,000,000 for the Polymer Energy Rechargeable System (PERS). The conferees recognize the leadership of NASA Glenn in battery technology development and encourage NASA to continue this program. Working with scientists at Wright Patterson Air Force Base, the PERS program will develop significant space, defense, and commercial applications and therefore should continue at NASA Glenn.

12. An increase of $2,000,000 for the center on life in extreme thermal environments at Montana State University in Bozeman.

13. An increase of $3,000,000 for the Adler Planetarium in Chicago, Illinois.

14. NASA is directed to provide an increase of $10,000,000 for fundamental physics research.

15. An increase of $23,000,000 for science costs related to the next servicing mission of the Hubble Space Telescope. The conferees are aware of the strong support in the scientific community for proceeding with the infrared channel on Wide Field–3 Camera. The conferees have provided sufficient resources in fiscal year 2000 to begin work on its development so that it will be ready for the final servicing mission now scheduled for Hubble in the 2002–03 timeframe.

16. An increase of $21,000,000 for the Sun-Earth Connections program, including an increase of $15,000,000 for STEREO and $6,000,000 for advanced technology for post-STEREO missions.

17. An increase of $3,000,000 for the development of STEP-Air SEDS, an electrodynamic tether facility to place and manipulate satellites in their orbits without the use of chemical propellants. To the extent this is a viable and useful technology, it is expected that NASA will include the necessary funds in the fiscal year 2001 budget.

18. An increase of $1,000,000 for a satellite telescope at Western Kentucky University.

19. An increase of $4,000,000 for the SciQuest hands-on science center in Huntsville, Alabama.

20. An increase of $2,000,000 for research into advanced hardware and software technologies at Montana State University, Bozeman.

21. An increase of $2,500,000 for the Bishop Museum.

22. An increase of $1,000,000 for the Chabot Observatory, Oakland, California.

23. An increase of $4,000,000 for the Green Bank Radio Telescope Museum.

24. An increase of $750,000 for the Museum of Discovery and Science in Ft. Lauderdale, Florida.

25. An increase of $500,000 for the Science and Technology Museum, Discovery Place in Charlotte, North Carolina.

LIFE AND MICROGRAVITY SCIENCES

The conferees have included a provision in the Human Space Flight account which calls for two science missions prior to December of 2001. The first mission, STS–107 will utilize up to $5,000,000 of the amounts provided in this account in fiscal year 1999. The remaining $10,000,000 from the fiscal year 1999 appropriation is to be used to finance principal investigators affiliated with the second science mission.

The conferees agree to the following changes to the budget request:

1. An increase of $14,000,000 for infrastructure needs at the University of Missouri, Columbia.

2. An increase of $1,000,000 for the ''Garden Machine'' program at Texas Tech University.

3. An increase of $4,000,000 for the Space Radiation program at Loma Linda University Hospital.

4. An increase of $2,000,000 for the Neutron Therapy Facility at Fermi Lab.

EARTH SCIENCES

The conferees have not terminated the Triana program as the House had proposed. Instead, the conferees direct NASA to suspend all work on the development of the Triana satellite using funds made available by this appropriation until the National Academy of Sciences (NAS) has completed an evaluation of the scientific goals of the Triana mission. The conferees expect the NAS to move expeditiously to complete its evaluation. In the event of a favorable report from the NAS, NASA may not launch Triana prior to January 1, 2001. The conferees have no objection to NASA's reserving funds made available by this appropriation for potential termination costs. The conferees recognize that, if a favorable report is rendered by the NAS, there will be some additional cost resulting from the delay.

The conferees agree with the House language directing NASA to develop a five-year plan detailing a robust program for Code Y utilization of unmanned aerial vehicles (UAVs). The conferees expect NASA to move ahead with the UAV Science Demonstration Program as detailed in the fiscal year 2000 budget justification, and to request fiscal year 2001 funding for this program in conformity with the five-year plan.

The conferees do not agree with the Senate directive to provide a report on the commercialization of EOSDIS data.

The conferees agree that NASA is to submit a report by March 15, 2000 on an EOS–II strategy that articulates in detail the NASA plan for earth science through fiscal year 2010.

The conferees direct NASA, in conjunction with the National Science Foundation, the Environmental Protection Agency, and the Federal Emergency Management Agency, to report by April 15, 2000 on a plan to demonstrate the potential benefits of remote sensing.

The conferees agree to the following changes to the budget request.

1. An increase of $2,000,000 for a Remote Sensing Center for Geoinformatics at the University of Mississippi.

2. An increase of $1,000,000 for the Advanced Tropical Remote Sensing Center of the National Center for Tropical Remote Sensing Applications and Resources at the Rosenstiel School of Marine and Atmospheric Science.

3. An increase of $10,000,000 for the Regional Application Center in Cayuga County, New York.

4. An increase of $2,500,000 for a joint U.S./Italian space-based research initiative for the study and detection of forest fires.

5. An increase of $3,000,000 for continuation of programs at the American Museum of Natural History.

6. An increase of $1,500,000 for a remote sensing center at the Fulton-Montgomery Community College in New York. The center is to work through the Regional Application Center at Cayuga County, New York.

7. An increase of $1,000,000 for continued development of nickel metal hydride battery technology.

8. An increase of $31,000,000 for the EOSDIS Core System.

9. An increase of $2,000,000 for the Advanced Fisheries Management Information System, of which $500,000 is to be used to develop a companion program at the University of Alaska, Fairbanks.

10. An increase of $2,000,000 for the EOS National Resource Training Center at the University of Montana, Missoula.

11. An increase of $1,000,000 for the PIPELINE project at Iowa State University and Southern University, Baton Rouge.

12. An increase of $7,000,000 to the EOSDIS Core System to develop additional uses for NASA's Earth Observing System to make data more readily available for potential user communities.

13. An increase of $1,000,000 for the Field Museum for the ''underground adventure'' exhibit.

14. An increase of $2,000,000 for research in remote sensing applications at the University of Missouri, Columbia.

15. An increase of $300,000 for the State University of New York College of Environmental Sciences and Forestry for a remote sensing applications project.

16. A decrease of $20,000,000 from the LightSAR program. The conferees agree that NASA's action to terminate the LightSAR program has resulted in a missed opportunity by failing to recognize the commitment to commercial investment and significant interest shown by private industry in the current structure of the program. LightSAR continues to offer tremendous potential for a number of practical applications, most particularly as an all-weather

method for remote sensing of the Earth's surface. The conferees direct NASA to review the history of this program and report to the Congress by February 1, 2000 on actions the agency can undertake to support industry-led efforts to develop an operational synthetic aperture radar capability in the United States, with particular focus on NASA as a data customer.

17. A decrease of $23,500,000 from reserves being held for the PM–1 mission.

18. A decrease of $5,700,000 from algorithm development.

19. A decrease of $22,000,000 from the funding requested for EOS special spacecraft.

AERONAUTICS AND SPACE TRANSPORTATION

The conferees agree that an independent review of NASA's decision to terminate the High Speed Research and Advanced Subsonic Technology programs is necessary. The conferees direct the Office of Science and Technology Policy to conduct such a review which should address the overall impact of these terminations on the United States aviation industry as well as the impact on the core competencies of NASA centers. The review should also address the merits of NASA undertaking a program to improve aircraft safety and reduce aircraft noise emissions. The conferees direct that this report be completed no later than July 1, 2000.

The conferees are aware of NASA's recent ERAST research announcement to bid competitively, important technology thrusts for combustible fuel vehicle research, with the goal of providing unmanned aerial vehicle (UAV) platforms to meet Code Y requirements by fiscal year 2002. The conferees are equally supportive of NASA's plan for flight testing as part of the solar-electric airplane program at the Pacific Missile Range Facility (PMRF). Therefore, the conferees expect NASA to balance carefully these two important initiatives. Furthermore, NASA should remain sensitive to transition funding for the partners of the ERAST Alliance during this period, such that past NASA investments in these partners is not undermined.

The conferees are aware of the many successful technology transfer arrangements negotiated in rural states through the NASA Techlink program and expect NASA to continue the program at the current level.

The conferees are concerned that significant reductions in NASA's budget request for rotorcraft research will undermine the core competencies in this technology at the Glenn and Langley research centers. The conferees believe that NASA should take into consideration the valuable service these centers provide to the Department of Defense for its Joint Transport Rotorcraft and tiltrotor programs and take efforts to ensure the centers retain their expertise in rotorcraft research.

The conferees agree to the following changes to the budget request:

1. An increase of $20,000,000 for Ultra Efficient Engine Technology.

2. An increase of $1,800,000 for phase two of the synthetic vision information system being tested at the Dallas-Ft.Worth Airport.

3. An increase of $1,200,000 for continued support of the Dynamic Runway Occupancy Measurement System demonstration at the Seattle-Tacoma Airport.

4. An increase of $2,000,000 to facilitate the acquisition of a 16 beam SOCRATES system and integration of SOCRATES into the AVOSS program.

5. An increase of $10,000,000 for the Trailblazer program at the Glenn Research Center.

6. An increase of $1,000,000 for the Institute for Software Research to continue its collaborative effort with NASA-Dryden, focusing on adaptive flight control research, including a flight control upgrade to the F–15 Active.

7. An increase of $1,500,000 for the Software Optimization and Reuse Technology program.

8. An increase of $2,000,000 for the establishment of the NASA-Illinois Technology Commercialization Center as an extension of the Midwest Regional Technology Transfer Center, to be located at the DuPage County Research Park.

9. An increase of $1,000,000 for Miami-Dade Community College-Homestead Campus to develop a technology-oriented business incubator in Homestead, Florida.

10. An increase of $2,000,000 for the Earth Alert program for a test of the system throughout the State of Maryland.

11. An increase of $1,500,000 for the National Technology Transfer Center, to bring total funding for the center up to $7,200,000.

12. An increase of $500,000 to study aircraft cabin air quality at the Education and Research Center for Occupational Safety and Health in Baltimore, Maryland.

13. An increase of $80,000,000 for Space Liner 100 efforts.

14. An increase of $1,500,000 for the Western Environmental Technology Office, Butte Montana.

15. An increase of $5,000,000 for the National Center for Space Technology.

16. An increase of $3,000,000 for enhanced vision system technology development.

17. An increase of $20,000,000 for efforts related to aircraft noise reduction.

18. An increase of $1,000,000 for the Institute for Software Research, for the modeling and simulation of electromagnetic phenomena for alternative space propulsion concepts.

19. An increase of $200,000 for the Garret Morgan Initiative in Ohio.

20. A decrease of $2,900,000 for personnel related expenses, transferred to Mission Support.

MISSION COMMUNICATIONS

The conferees have provided $406,300,000 for Mission Communications, the same amount as provided by the House and Senate.

ACADEMIC PROGRAMS

The conferees have agreed to the following changes to the budget request:

1. An increase of $6,500,000 for the National Space Grant College and Fellowship Program, for a total of $19,100,000.

2. An increase of $1,500,000 for the Franklin Institute for development of an exhibit on astronomy.

3. An increase of $2,300,000 for the JASON Foundation's JASON XI expedition, ''Going to Extremes.''

4. An increase of $1,000,000 for the Carl Sagan Discovery Center at the Children's Hospital at Montefiore Medical Center.

5. An increase of $4,000,000 for the Texas Learning and Computational Center at the University of Houston.

6. An increase of $4,000,000 for the Space Science Museum and Educational Program at Downey, California. The conferees are concerned about the transfer of NASA property at the space shuttle manufacturing facility in Downey, California to the City when the contractor leaves the facility at the end of the year. The conferees endorse the process established by GSA for disposal of historic artifacts at the facility, specifically, the space shuttle mock-up and astronaut footprints. The conferees do not intend to circumvent this process, but the conferees agree that GSA should take into consideration the historical significance of these artifacts at the Downey site, a significance that would be lost if the artifacts were to move to a different location.

7. An increase of $2,000,000 for the Ohio View Project.

8. An increase of $2,000,000 for continued academic and infrastructure needs related to the computer sciences, mathematics and physics building at the University of Redlands.

9. An increase of $5,400,000 for the EPSCoR program.

10. An increase of $1,000,000 for the Science Learning Center in Kenai, Alaska.

11. An increase of $2,000,000 for the Lewis and Clark Rediscovery Web Technology Project.

12. An increase of $1,000,000 for the Science Museum at Spelman College.

13. An increase of $7,600,000 for Minority University Research and Education projects, including $1,000,000 to provide support for the establishment of a Center of Excellence in Mathematics and Science at Texas College.

14. An increase of $500,000 for the University of San Diego for a Science and Education Center.

15. An increase of $500,000 for the City of Ontario, California for the development of a Science and Technology Learning Center.

16. The conferees agree to provide the budget request of $2,000,000 for the Classroom of the Future project.

MISSION SUPPORT

Appropriates $2,515,100,000 for mission support instead of $2,269,300,000 as proposed by the House and $2,495,000,000 as proposed by the Senate. The amount provided includes an increase of $20,200,000, derived from other accounts, to cover emergent personnel related requirements including lower than anticipated personnel retirements and government-wide pay rate changes.

The conferees continue to prohibit the use of funds appropriated or otherwise made available to the National Aeronautics and Space Administration by this Act, or any other Act enacted before the date of enactment of this Act, by the Administrator of NASA to relocate aircraft of the National Aeronautics and Space Administration based east of the Mississippi River to the Dryden Flight Research Center in California.

OFFICE OF INSPECTOR GENERAL

Appropriates $20,000,000 for the Office of Inspector General as proposed by the Senate, instead of $20,800,000 as proposed by the House.

ADMINISTRATIVE PROVISONS

Deletes language proposed by the House which directed NASA to develop a revised appropriations structure for fiscal year 2001.

Deletes language proposed by the Senate which directed NASA to terminate any program which experienced a cost growth of 15 percent.

Inserts a new general provision which limits the amounts NASA may use for the International Space Station.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

Appropriates $1,000,000 for the National Credit Union Administration for the Community Development Revolving Loan Program for credit unions, as proposed by the House instead of no funding as proposed by the Senate.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

Appropriates $2,966,000,000 for research and related activities instead of $2,768,500,000 as proposed by the House and $3,007,300,000 as proposed by the Senate. Bill language provides up to $253,000,000 of this amount for Polar research and operations support.

The conferees have included bill language which specifies that $60,000,000 of appropriated funds are to be for a comprehensive research initiative on plant genomes for economically significant crops. Language has

also been included which prohibits NSF from obligating or expending funds to enter into or extend a grant, contract, or cooperative agreement regarding the administration of the domain name and numbering system of the Internet.

Finally, the conferees have agreed to bill language which: (1) prohibits funds spent in this or any other Act to acquire or lease a research vessel with ice-breaking capability built or retrofitted outside of the United States if such a vessel of United States origin can be obtained at a cost of not more than 50 per centum above the cost of the least expensive, technically acceptable, non-United States vessel; (2) requires that the amount of subsidy or financing provided by a foreign government, or instrumentality thereof, to a vessel's construction shall be included as part of the total cost of such vessel; and (3) provides that should a U.S. vessel as set forth in the foregoing language not be available for leasing for the austral summer Antarctic season of 2002–2003, and thereafter, a vessel of any origin can be leased for a period not to exceed 120 days of that season until delivery of such a United States vessel occurs.

The conference agreement provides an increase of $196,000,000 above the fiscal year 1999 appropriated level for research and related activities, $90,000,000 of which is to be used within the Computer and Information Sciences and Engineering (CISE) directorate and $106,000,000 of which is for the remaining directorates, including Integrative Activities.

With regard to the additional funds provided for CISE, the conferees expect the Foundation to support individual and team research projects related to information technologies, specifically in the areas recommended in the PITAC report and in H.R. 2086. Among the most important of these are software research, scalable information infrastructure, software design, stability, security and reliability, as well as the need to acquire high-end computing equipment. In addition, the conferees expect an appropriate level of funding be provided for research to study privacy and access to information, and to further the understanding of the impact information technology advances have on issues that are of significant societal, ethical, and economical importance. Finally, as the NSF prepares to release CISE research funds through its normal competitive process, the conferees strongly encourage that an increased ratio of grants be issued at higher funding levels and for longer duration.

Within the amounts made available to all other directorates, $50,000,000 is for the new Biocomplexity Initiative. All other programs within the Integrative Activities directorate, except the Opportunity Fund, have been funded at the budget request. The Opportunity Fund has, without prejudice, not been funded for fiscal year 2000.

The NSF is directed to provide up to $5,000,000 for the National Oceanographic Partnership Program, and is further directed to contract with a non-federal entity to carry out a review of the merit review process of the Foundation. This review is to be completed and submitted to the Committees on Appropriations within eleven months of enactment of this Act.

The conferees have provided $25,000,000 for Arctic research support and logistics, an increase of $3,000,000 above the budget request. The conferees expect the Foundation, in conjunction and in close cooperation with the Interagency Arctic Research and Policy Committee to develop a multi-year, multi-agency plan for the implementation of joint United States-Japan Arctic research activities as envisioned by the March 1997 science and technology section of the Common Agenda agreed to by the United States and Japan. In this regard, the conferees expect the Foundation to provide up to $5,000,000 from within available funds for logistical activities in support of United States-Japan international research activities related to global climate change.

Consistent with a directive of the Senate to strengthen international cooperation in science and engineering, the conferees encourage NSF to consider providing from within available funds up to $3,000,000 to strengthen cooperative research activities between the United States and the former Soviet Union through the Civilian Research and Development Foundation.

Except as previously noted, the conferees expect that the remaining additional funds will be distributed proportionately and equitably, consistent with the ratio of the budget request level above the fiscal year 1999 funding level, among all of the remaining directorates, and request that such distribution be specifically noted in the fiscal year 2000 Operating Plan submission.

The conferees commend the Foundation for its support of the National High Magnetic Field Laboratory (NHMFL) located in Tallahassee, Florida. That laboratory is an excellent example of a facility that has worked closely with teams of academic and industrial scientists from throughout the United States and abroad. The conferees strongly support the work of this important national facility and commend the NSF for its increased support and interest in the work of the NHMFL.

Finally, pursuant to recommendations made by the federally-mandated National Gambling Impact Study Commission, the conferees encourage the NSF to explore the feasibility of establishing a multi-disciplinary research program that will estimate the benefits and costs of gambling.

MAJOR RESEARCH EQUIPMENT

Appropriates $95,000,000 for major research equipment instead of $56,500,000 as proposed by the House and $70,000,000 as proposed by the Senate.

The conference agreement provides the budget request level for all projects within the MRE account, including $36,000,000 for the development and construction of a new, single site, five teraflop computing facility. The conferees expect that the competition for this project will allow for significant participation by universities and other institutions throughout the country, and will have as its goal completion of such a facility within 16 months of enactment of this Act. The conferees further expect the Foundation to provide regular, informal reports as to the progress of this project, including the funding requirements necessary to complete five teraflop capability.

The conference agreement also provides $10,000,000 to begin production of the High-Performance Instrumented Airborne Platform for Environmental Research (HIAPER). This new high-altitude research aircraft will, upon its completion, be available to support critical and outstanding atmospheric science research opportunities over the next 25 to 30 years.

EDUCATION AND HUMAN RESOURCES

Appropriates $696,600,000 for education and human resources instead of $660,000,000 as proposed by the House and $688,600,000 as proposed by the Senate.

Within this appropriated level, the conferees have provided $55,000,000 for the Experimental Program to Stimulate Competitive Research (EPSCoR) to allow for renewed emphasis on research infrastructure development in the EPSCoR states, as well as to permit full implementation awards to states which have research proposals in the planning process. In addition, the conferees have provided $10,000,000 to initiate a new Office of Innovation Partnerships. This new office, in addition to housing the EPSCoR program, will examine means of helping those non-EPSCoR institutions receiving among the least federal research funding expand their research capacity and competitiveness so as to develop a truly national scientific research community with appropriate research centers located throughout the nation.

The conferees expect that funds for these two efforts will be included in a single program office within the EHR account, under the direct supervision of the Director's office. Building upon the EPSCoR experience, the conferees also expect the new office to work with CISE to insure that all areas of the country share in advanced networking and computing activities, especially rural and insular areas with research institutions. Assistance in developing scientific research applications for use on the computing and networking systems now available as a result of earlier NSF programs is a high priority in the EPSCoR states. The conferees also expect the new office to coordinate with all research and related activities directorates.

The conference agreement also provides $10,000,000 for Historically Black Colleges and Universities through the underrepresented population undergraduate reform initiative, including $8,000,000 from the EHR account and $2,000,000 from the RRA account. Similarly, the conferees have provided the budget request level of $46,000,000 for the Informal Science Education (ISE) program. This program has acted as a catalyst for increasing the public's appreciation and understanding of science and technology in settings such as science centers, museums, zoos, aquariums, and public television. The ISE program has also been involved in the professional development of science teachers. The conferees continue to support this important program, including its focus for fiscal year 2000 on increasing access to informal learning opportunities in inner cities and rural areas that have received little exposure to science and technology.

Except as previously noted, the conferees expect that the remaining additional funds will be distributed proportionately and equitably, consistent with the ratio of the budget request level above the fiscal year 1999 funding level, among all of the remaining directorates, and request that such distribution be specifically noted in the fiscal year 2000 Operating Plan submission.

SALARIES AND EXPENSES

Appropriates $149,000,000 for salaries and expenses instead of $146,500,000 as proposed by the House and $150,000,000 as proposed by the Senate. Consistent with the position of the Senate, the conferees direct the Foundation to fund program travel only from within the salaries and expenses account. Additionally, the conferees urge the Foundation to improve its oversight activity of its many programs, using available funds from within this account.

OFFICE OF INSPECTOR GENERAL

Appropriates $5,450,000 for the Office of Inspector General instead of $5,325,000 as proposed by the House and $5,550,000 as proposed by the Senate. The conferees expect the OIG to increase efforts in the areas of cost-sharing, indirect costs, and reducing misconduct in scientific research.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

Appropriates $75,000,000 for the Neighborhood Reinvestment Corporation instead of $80,000,000 as proposed by the House and $60,000,000 as proposed by the Senate.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

Appropriates $24,000,000 for salaries and expenses instead of $7,000,000 for termination costs as proposed by the House and $25,250,000 as proposed by the Senate.

TITLE IV—GENERAL PROVISIONS

Retains language proposed by the Senate permitting EPA appropriations to be used for comprehensive conservation and management plans.

Deletes language proposed by the House and stricken by the Senate providing for a rescission of Tennessee Valley Authority borrowing authority.

Inserts and modifies language proposed by the Senate to hereafter authorize the use of funds for the United States/Mexico Foundation for Science. Inserts new language renaming the Foundation the ''George E. Brown United States/Mexico Foundation for Science.''

Deletes language proposed by the House and stricken by the Senate prohibiting the use of funds by the EPA to publish or issue assessments under the Global Change Research Act unless certain conditions are met. The conferees have addressed this issue in the EPA Environmental Programs and Management account under title III.

Deletes language proposed by the House and stricken by the Senate expressing House support for the improvement of health care services in rural areas. Similar language is included in the Administrative Provisions section of title I.

Restores language proposed by the House and stricken by the Senate expressing the sense of the Congress that honor guards at a veteran's funeral is a benefit that a veteran has earned.

Deletes language proposed by the House and stricken by the Senate reducing certain accounts within the bill by $7,000,000 and increasing another account by a like amount.

Deletes language proposed by the Senate prohibiting the use of funds to carry out Executive Order 13083.

Inserts language proposed by the Senate prohibiting HUD from using funds for any activity in excess of amounts set forth in the budget estimates.

Inserts modified language proposed by the Senate prohibiting the use of funds for the purpose of lobbying or litigating against any Federal entity or official, with certain exceptions.

Deletes language proposed by the Senate prohibiting the obligation of any funds after February 15, 2000 unless each department provides a detailed justification for all salary and expense activities for fiscal years 2001–2005.

Inserts modified language proposed by the Senate amending section 101 (20)(D) of CERCLA to stipulate that law enforcement agencies shall not be considered owners or operators following seizure of properties needing certain environmental cleanup response.

Inserts modified language proposed by the Senate prohibiting the use of funds for any activity or publication or distribution of literature that is designed to promote public support or opposition to any legislative proposal on which Congressional action is not complete.

Deletes language proposed by the Senate redesignating an economic development grant for Kohala, Hawaii. The conferees have included this provision in title II of the bill.

Deletes language proposed by the Senate prohibiting the movement of NASA aircraft from the Glenn Research Center to any other field center.

Deletes language proposed by the Senate establishing a GAO study of the Federal Home Loan Bank system capital structure.

Deletes language proposed by the Senate expressing the sense of the Senate regarding aeronautics research. This issue has been addressed in the NASA section of title III.

Deletes language proposed by the Senate directing the EPA Administrator to develop a compliance plan for the underground storage tank program. This issue was addressed in the EPA Leaking Underground Storage Tank Program under title III.

Inserts modified language proposed by the Senate extending the comment period on the proposed rule related to section 303(d) of the Clean Water Act by 90 days. The conferees agree that nothing in this language is intended to limit EPA's administrative authority to extend the comment period beyond this 90 day period.

Inserts language proposed by the Senate extending the authority of 16 U.S.C. 777c(a) through calendar year 2000.

Inserts modified language proposed by the Senate prohibiting EPA from promulgating the Phase II stormwater regulations until the Administrator submits a report to the Senate Committee on Environment and Public Works and the House Committee on Transportation and Infrastructure.

Inserts language proposed by the Senate prohibiting the EPA's expenditure of funds to promulgate a final regulation to implement changes in the payment of pesticide tolerance fees for fiscal year 2000. The conferees support and encourage EPA and the industry's joint effort to develop a comprehensive fee-for-service proposal to provide the necessary additional resources for registration and tolerance actions coupled with EPA performance enhancements, milestones, and accountability. The conferees expect that this fiscal year 2000 prohibition will not be repeated in future years. The conferees direct that the EPA not reduce its effort to approve both pesticide reassessments and approval of new applications at a pace presumed in the budget submittal.

Inserts language amending section 70113(f) of title 49, U.S.C., providing for a one year extension of indemnification for commercial space launches.

Inserts language providing the National Aeronautics and Space Administration with authority to establish a demonstration program regarding the commercial feasibility of private sector business operations involving the International Space Station.

Inserts language repealing section 431 of Public Law 105–276 and amending the National Aeronautics and Space Act of 1958 to allow for insurance, indemnification, and liability protection for experimental aerospace vehicle developers.

TITLE V—PRESERVATION OF AFFORDABLE HOUSING

OVERVIEW

Title V combines certain provisions from three bipartisan House housing bills (including H.R. 202 ''Preserving Affordable Housing for Senior Citizens into the 21st Century Act,'' introduced by Reps. James A. Leach and Rick Lazio, H.R. 1336 ''Emergency Resident Protection Act of 1999'', introduced by Reps Leach, Lazio and James T. Walsh, and H.R. 1624 ''Elderly Housing Quality Improvement Act'', introduced by Reps. John J. LaFalce, Barney Frank and Bruce Vento) and the title is designed to address a potentially crisis-level loss of affordable housing for seniors, individuals with disabilities and other vulnerable families. The consolidate House bill passed the U.S. House of Representatives on September 27, 1999 by a vote of 405 to 5. In addition, this title is consistent with a number of provisions contained in S. 1319, the ''Save My Home Act'', legislation introduced by Senators Kit Bond and Wayne Allard which is designed to address the section 8 opt out problem. The Senate VA/HUD FY 2000 appropriations bill also includes authority on section 202 and assisted living units.

The legislation protects existing residents of Federal-assisted housing from being forced to move from their homes in the face of market-rate rent increases; preserves the housing as affordable itself where appropriate by emphasizing renewal at market-rate rents for developments that serve seniors or persons with disabilities or in other circumstances where there is risk of loss of an important affordable housing resource; and provides flexibility for the conversion of housing to assisted living environments to allow seniors to ''age in place.''

Title V represents a consensus between the House and Senate VA/HUD Appropriations subcommittees as well as the House Banking Committee. The references to conferees herein reflect the views of all these parties.

SECTION BY SECTION: ''PRESERVING AFFORDABLE HOUSING FOR SENIOR CITIZENS INTO THE 21ST CENTURY''

Section 501. Short title and table of contests

Titled cited as ''Preserving Affordable Housing for Senior Citizens into the 21st Century Act''.

Section 502. Regulations

Provides that the HUD Secretary shall issue regulations necessary to carry out the provisions of the Act only after notice and opportunity for public comment.

Section 503. Effective date

Provisions of the Act are effective as of the date of enactment unless such provisions specifically provide for effectiveness or applicability upon another date. The authority to issue regulations to implement this Act shall not be construed to affect the effectiveness or applicability of the bill as of the effective date.

Subtitle A—Authorization of Appropriations for Supportive Housing for the Elderly and Persons With Disabilities

Section 511. Supportive housing for elderly persons

Provides annual authorization of appropriation of $710 million for existing program of supportive housing for the elderly (section 202) for FY2000.

Section 512. Supportive housing for persons with disabilities

Provides annual authorization of appropriation of $201 million for supportive housing for the disabled (section 811) for FY2000.

Section 513. Service coordinators and congregate services for elderly and disabled housing

Provides annual authorization of appropriation of $50 million for grants for service coordinators for certain federally assisted multifamily housing projects for FY2000.

Subtitle B—Expanding Housing Opportunities for the Elderly and Persons With Disabilities

Section 521. Study of debt forgiveness for section 202 loans

Requires the Secretary to conduct a study of the net impact on the Federal budget deficit or surplus of making available, on a one-time basis, debt forgiveness relating to remaining principal and interest from Section 202 loans with a dollar-for-dollar reduction of rental assistance amounts under the Section 8 rental assistance program.

Section 522. Grants for conversion of elderly housing to assisted living facilities

Authorizes grants to convert and repair elderly affordable housing projects to assisted living facilities. Authorizes such sums as may be necessary for fiscal year 2000.

Section 523. Use of section 8 assistance for assisted living facilities

Provides that a recipient of Section 8 housing assistance may use such assistance in an assisted living facility.

Section 524. Size limitation for projects for persons with disabilities

Provides that of any amounts made available in any fiscal year for capital advances or project rental assistance under this section, not more than 25% may be used for supportive housing which contains more than 24 separate dwelling units. Requires the Secretary to study and submit a report to Congress regarding the extent to which the authority of the Secretary under Section 811(k)(4) of the Cranston Gonzalez National Affordable Housing Act has been used to provide assistance to supportive housing projects for persons with disabilities having more than 24 units

Section 525. Commission on Affordable Housing and Health Care Facility Needs in the 21st Century

Establishes a commission to be known as the Commission on Affordable Housing and Health Care Facility Needs in the 21st Century. The Commission shall provide an estimate of the future needs of seniors for affordable housing and assisted living and health care facilities, identify methods of encouraging private sector participation and investment in affordable housing, and perform other matters relating to housing the elderly.

Subtitle C—Renewal of Expiring Rental Assistance Contracts and Protection of Residents

Section 531. Renewal of expiring contracts and enhanced vouchers for project residents

Unless otherwise provided, for expiring Section 8 properties that have current rents below comparable market rents for the area and that meet certain criteria set out in the bill, the Secretary of HUD is directed upon renewal of such Section 8 contracts to set rents at comparable market rent levels. For those expiring Section 8 contracts that have rent levels above comparable market rents but are not being restructured, the Secretary upon renewal shall set these rents at comparable market rents. With regard to those expiring Section 8 contracts for multifamily housing projects that are not eligible multifamily housing project[s] under Section 512(2) of the Multifamily Assisted Housing Reform and Affordability Act (MAHRA) or that are exempt from mortgage restructuring pursuant to section 514(h) of MAHRA, upon the request of the owner, renewal rents shall be set at the lesser of existing rents, adjusted by an operating cost adjustment factor, or a rent level that provides income sufficient to support a budget-based rent.

Directs the Secretary of Housing and Urban Development to provide ''enhanced vouchers'' to residents residing in a property upon the date of the expiration of a federally-assisted housing contract that is not renewed. Enhanced vouchers allow increased assistance for residents in cases where rents increase as a result of the project owner's decision to opt-out of the Section 8 program, therefore ensuring that the resident may continue to reside in the unit. Authorizes such sums as may be necessary for enhanced voucher assistance for fiscal years 2000 through fiscal year 2004.

To the extent funds are specifically appropriated for this purpose, authorizes the Secretary to renew expiring Section 8 contracts for projects that are subject to an approval plan of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990 on terms comparable to those provided in the plan of action.

Provides a limited preemption of state distribution limitations in cases where such limitations interfere with affordable housing preservation.

Section 532. Section 236 assistance

Allows Section 236 property to continue to receive interest reduction payments following a mortgage refinancing, subject to the owner's agreement to continue to operate the project in accordance with low income affordability restrictions for the period of the interest reduction payments plus an additional five years.

Allows an owner of a project financed under a State program pursuant to Section 236 of the National Housing Act to retain any excess rental income from the project for use for the benefit of the project, upon terms and conditions established by the Secretary, subject to appropriations.

Section 533. Rehabilitation of assisted housing

Amends Section 236 of the National Housing Act to accelerate the use of recaptured interest reduction payments.

Section 534. Technical assistance

Amends the Multifamily Assisted Housing Reform and Affordability Act of 1997 to allow for technical assistance for preservation of low-income housing.

Section 535. Termination of section 8 contract and duration of renewal contract

Provides that section 8 contracts may be renewed for up to one year or for any number of years, subject to appropriations (as opposed to mandatory renewals of one year).

Section 536. Eligibility of residents of flexible subsidy projects for enhanced vouchers

Amends Section 201 of the Housing and Community Development Amendments of 1978 by allowing the use of enhanced vouchers for projects preserved as affordable housing under section 229 of the Low-Income Housing Preservation and Resident Homeownership Act of 1990.

Section 537. Enhanced disposition authority

Amends section 204 of the FY 1997 VA/HUD Appropriations Act to extend current grant and loan authority under Section 204 through FY 2000, expressly provide that upfront grants or loans may support reconstruction as well as rehabilitation and demolition, and provide that vacant as well as occupied projects shall be eligible for such grants or loans.

Section 538. Unified enhanced voucher authority

Consolidates and unifies all existing enhanced voucher authority, the terms regarding provision of tenant-based assistance through an enhanced voucher under a new subsection 8(t) of the United States Housing Act of 1937.

REPORT LANGUAGE

The conferees are aware that the Department has issued a notice permitting non-profit owners of section 202 properties to repay their section 202/section 8 mortgages and to refinance those mortgages provided the housing remains available to existing and future tenants under terms at least as advantageous to them as the terms required by the original loan, and if the subsequent refinancing would enhance the housing for the tenants. For this reason, the conferees do not feel it necessary to include Section 102 of HR 202, which passed the House with strong bipartisan support. Section 102 of HR 202 was intended to accomplish this same purpose. In keeping with the intent of section 102 of HR 202, however, the conferees direct the Department, in instances where section 202 borrowers choose to prepay and refinance their mortgages, to share at least 50% of any section 8 savings that might become available as a result of prepayment with the borrower in order to facilitate the refinancing so that enhancements can be made to serve the current and future elderly tenants.

The conferees are aware that the non-profit sponsors of section 202 developments for the elderly struggle to identify additional sources of financing for their projects to enhance the amenities and services available to low-income senior citizens. One alternative that should be explored is to permit the non-profit organizations that are eligible as borrowers for section 202 funds to be the sole general partner of a for-profit limited partnership as long as that general partner meets the definition of private non-profit organization under section 202(k)(4). This would enable borrowers under the 202 program to become eligible for LIHTC, and the equity financing it generates, in the same way as non-profit borrowers under the section 515 rural rental housing program are eligible for the LIHTC. Such eligibility would provide a critical source of additional capital to housing for the elderly, giving our deserving elderly residents the best housing possible.

Sections 307 and 327 of HR 202 specifically allowed for the development and operation of commercial facilities in Section 202 and Section 811 projects, respectively. The conferees, however, believe that nothing in federal law currently prohibits the Department of Housing and Urban Development from permitting the development and operation of commercial facilities in Section 202 and Section 811 projects. For this reason, the conferees do not feel inclusion of these provisions of HR 202 is necessary, but instead specifically directs HUD to grant requests of project sponsors to do this wherever feasible.

In addition, the conferees believe that HUD has authority to allow the development and operation of Section 202 units on the same premises as, and integrated with, privately-financed units. Such integrated housing would allow low-income elderly residents and elderly residents in privately financed units to live side-by-side without the stigma of a separate, low-income wing or of units that are clearly designated for low-income residents. Such was the intent of Section 308 of HR 202. Because the conferees believe the Department already has the authority to accomplish this goal, rather than including Section 308 of 202, the conferees direct HUD to develop policies to enable Section 202 project sponsors who request it to include privately-financed units in their 202 developments.

The conferees direct the Department, for Fiscal Year 2000, that, notwithstanding any other provision of law or any Department regulation, in the case of any denial of an application for assistance under Section 202 of the Housing Act of 1959 for failure to timely provide information required by the Secretary, the Secretary shall notify the applicant of the failure and provide the applicant an opportunity to show that the failure was due to the failure of a third party to provide information under the control of the third party. If the applicant demonstrates, within a reasonable period of time after notification of such failure, that the applicant did not have such information but requested the timely provision of such information by the third party, the Secretary may not deny the application on the grounds of failure to timely provide such information.

The conferees are concerned that section 8 projects whose rent structure was modified and a use agreement executed under one of the portfolio reengineering demonstration programs may be required to undertake a

second round of time consuming and expensive rent restructuring. If the Secretary has previously found debt restructuring to be inappropriate for a project by closing a project under a demonstration program using budget-based rents without debt restructuring and pursuant to a use agreement between the Secretary and the project owner, the conferees direct the Secretary to use the authority provided by the conference report to honor the terms of the use agreement without debt restructuring.

The contract renewals for moderate rehabilitation Section 8 projects are treated differently than contract renewals for other Section 8 properties by requiring a renewal at the lesser of: current rents with an operating cost adjustment factor (OCAF), FMRs minus tenant paid utilities, or the comparable market rent for unassisted units. The conferees do not intend for such renewals to result in a rent that is below the aggregate base rent for the project. The base rent reflects the rent without the rehabilitation financing that was added to the project upon entering the moderate rehabilitation program.

The conferees direct the Department to streamline and reduce the cost of refinancing Home Equity Conversion Mortgages [HECMs] for elderly homeowners, including (a) reducing the single premium payment to credit the premium paid on the original loan [subject to actuarial study], (b) establishing a limit on origination fees that may be charged [which fees may be fully financed] and prohibiting the charging of broker fees, (c) waiving counseling requirements if the borrower has received counseling in the prior five years and the increase in the principal limit exceeds refinancing costs by an amount set by the Department, and (d) providing a disclosure under a refinanced mortgage of the total cost of refinancing and the principal limit increase.

The conferees further direct the Department to conduct within 180 days an actuarial study of the effect of reducing the refinancing premium collected under a refinancing and of the effect creating a single national loan limit for HECM reverse mortgages.

The conferees note the increasing trend in the mortgage industry of various types of home equity loans such as reverse mortgages, and are concerned about the potential effect of abusive lending practices on elderly homeowners. Because the elderly have high rates of homeownership and are more likely to have high levels of equity in their homes, they are prime targets for reverse mortgage scams. While the conferees recognize the majority of lenders operate legitimately, the conferees are concerned about the increasing number of reverse mortgage scams. The conferees therefore direct HUD to evaluate and report on the lending practices of the reverse mortgage industry no later than June 30, 2000. This report should focus on elderly borrowers and should include, at a minimum, an evaluation of: current consumer protection measures; the terms of home equity loans, including the rates and fees paid by elderly borrowers; and the marketing of home equity loans to elderly borrowers. The report should also include an assessment of HUD's role in ensuring that reverse mortgages are not used to defraud elderly homeowners and should detail HUD's plan for preventing such activity.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 2000 recommended by the Committee of Conference, with comparisons to the fiscal year 1999 amount, the 2000 budget estimates, and the House and Senate bills for 2000 follow:

[In thousands of dollars]

New budget (obligational) authority, fiscal year 1999	$95,263,261
Budget estimates of new (obligational) authority, fiscal year 2000	99,603,004
House bill, fiscal year 2000	91,980,156
Senate bill, fiscal year 2000	97,828,196
Conference agreement, fiscal year 2000	99,452,918
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1999	+4,189,657
Budget estimates of new (obligational) authority, fiscal year 2000	−150,086
House bill, fiscal year 2000	+7,472,762
Senate bill, fiscal year 2000	+1,624,722

JAMES T. WALSH,
TOM DELAY,
DAVID HOBSON,
JOE KNOLLENBERG,
ROD FRELINGHUYSEN,
ROGER WICKER,
ANNE M. NORTHUP,
JOHN E. SUNUNU,
BILL YOUNG,
ALAN MOLLOHAN,
MARCY KAPTUR,
CARRIE P. MEEK,
DAVID E. PRICE,
BUD CRAMER,
DAVID OBEY,
(except for delayed funding gimmick),
Managers on Part of the House.

C.S. BOND,
CONRAD BURNS,
RICHARD SHELBY,
LARRY E. CRAIG,
KAY BAILEY HUTCHISON,
TED STEVENS,
BARBARA MIKULSKI,
PATRICK LEAHY,
FRANK R. LAUTENBERG,
TOM HARKIN,
ROBERT C. BYRD,
DANIEL INOUYE,
Managers on Part of the Senate.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 8 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2357

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 57 minutes p.m.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–380) on the resolution (H. Res. 328) waiving points of order against the conference report to accompany the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2679, MOTOR CARRIER SAFETY ACT OF 1999

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–381) on the resolution (H. Res. 329) providing for consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–382) on the resolution (H. Res. 330) providing for consideration of the bill (H.R. 3064) 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, 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. CROWLEY, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Ms. BALDWIN, for 5 minutes, today.

Mr. WIENER, for 5 minutes, today.

Mr. NADLER, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. MOORE, for 5 minutes, today.

The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, October 20.

Mr. DUNCAN, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today and October 14.

Mr. METCALF, for 5 minutes, today.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, October 14.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 560. An act to designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the ''Jose v. Toledo Federal Building and United States Courthouse.''

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 322—An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 800—An act to promote and enhance public safety through use of 9-1-1 as the universal emergency assistance number, further deployment of wireless 9-1-1 service, support of States in upgrading 9-1-1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless service, and for other purposes.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 58 minutes p.m.), the House adjourned until tomorrow, Thursday, October 14, 1999, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4755. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Rhizobium inoculants; Exemption from the Requirement of Tolerance [OPP–300915; FRL–6380–4] (RIN: 2070–AB78) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4756. A letter from the Director, Office of Regulation Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethalfluralin; Reestablishment of Tolerance for Emergency Exemptions [OPP–300925; FRL–6383–2] (RIN: 2070–AB78) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4757. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuconazole; Extension of Tolerance for Emergency Exemptions [OPP–300936; FRL–6386–4] (RIN: 2070–AB78) received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4758. A communication from the President of the United States, transmitting requests for transfers from the Information Technology Systems and Related Expenses Account for Year 2000 compliance to eight Federal agencies; (H. Doc. No. 106–143); to the Committee on Appropriations and ordered to be printed.

4759. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Stage II Gasoline Vapor Recovery and RACT Requirements for Major Sources of VOC [DC–2012a; FRL–6457–1] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4760. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Revision to Section 111(d) Plan Controlling Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills [MD054–3044a; FRL–6456–6] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4761. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills [PA022–4089a; FRL–6456–4] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4762. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Vermont: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6456–8] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4763. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District and South Coast Air Quality Management District [CA 226–165a, FRL–6448–5] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4764. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Georgia: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6453–2] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4765. A letter from the Associate Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—1998 Biennial Regulatory Review Spectrum Aggregation Limits for Wireless Telecommunications Carriers [WT Docket 98–205] Cellular Telecommunications Industry Association's Petition for Forbearance From the 45 MHz CMRS Spectrum Cap; Amendment of Parts 20 and 24 of the Commission's Rules-Broadband PCS Competitive Bidding and Commercial Mobile Radio Service Spectrum Cap [WT Docket No. 96–59] Implementation of Section 3(n) and 332 of the Communications Act [GN Docket No. 93–252] Regulatory Treatment of Mobile Services—Received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4766. A letter from the Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Socorro, New Mexico) [MM Docket No. 99–90 RM–9528] (Shiprock, New Mexico) [MM Docket No. 99–119 RM–9550] (Magdalena, New Mexico) [MM Docket No. 99–120 RM–9551] (Minatare, Nebraska) [MM Docket No. 99–122 RM–9553] (Dexter, New Mexico) [MM Docket No. 99–158 RM–9615] (Tularosa, New Mexico) [MM Docket No. 99–191 RM–9632] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4767. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to the Commerce Control List (ECCNs 1C351, 1C991, and 2B351): Medical Products Containing Biological Toxins; and Toxic Gas Monitoring Systems and Dedicated Detectors [Docket No. 990920257–9257–01] (RIN: 0694–AB85) received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

4768. A letter from the Director, Workforce Restructuring Office, Employment Service, Office of Personnel Management, transmitting the Office's final rule—Voluntary Early Retirement Authority (RIN: 3206–A125) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4769. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 990304062–9062–01; I.D. 100599C] received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4770. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117–9123–06; I.D. 050599D] (RIN: 0648–AH97) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4771. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117–9149–09; I.D. 052799C] (RIN: 0648–AH97) received October 8,

1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on Science, H.R. 1753. A bill to promote the research, identification, assessment, exploration, and development of methane hydrate resources, and for other purposes; with amendments (Rept. 106–377, Pt. 1). Ordered to be printed.

Mr. HYDE. Committee on the Judiciary. H.R. 2260. A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. 106–378 Pt. 1). Ordered to be printed.

Mr. WALSH: Committee on Conference. Conference report on H.R. 2684. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–379). Ordered to be printed.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 328. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2684) making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–380). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 329. Resolution providing for consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes (Rept. 106–381). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 330. Resolution providing for consideration of the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes (Rept. 106–382). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1753. Referral to the Committee on Resources extended for a period ending not later than October 18, 1999.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CUBIN:

H.R. 3063. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State, and for other purposes; to the Committee on Resources.

By Mr. ISTOOK:

H.R. 3064. A bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes; to the Committee on Appropriations.

By Mr. BOEHNER (for himself, Mr. SAWYER, Ms. KAPTUR, Ms. PRYCE of Ohio, Mr. OXLEY, Mr. REGULA, and Mr. STRICKLAND):

H.R. 3065. A bill to amend title XIX of the Social Security Act to remove the limit on amount of Medicaid disproportionate share hospital payment for hospitals in Ohio; to the Committee on Commerce.

By Mr. CARDIN:

H.R. 3066. A bill to amend the Uruguay Round Agreements Act with respect to the rules of origin for certain textile and apparel products; to the Committee on Ways and Means.

By Mrs. CHENOWETH-HAGE (for herself and Mr. SIMPSON):

H.R. 3067. A bill to authorize the Secretary of the Interior to convey certain facilities to Nampa and Meridian Irrigation District; to the Committee on Resources.

By Mr. ENGLISH (for himself, Mr. PETERSON of Pennsylvania, Mr. SHUSTER, Mr. COYNE, Mr. HOLDEN, Mr. MURTHA, Mrs. WILSON, Mr. GREENWOOD, Mr. PITTS, Mr. WELDON of Pennsylvania, Mr. BRADY of Pennsylvania, Mr. BORSKI, Mr. DOYLE, Mr. GOODLING, Mr. KANJORSKI, Mr. NEY, Mr. KLINK, Mr. TOOMEY, Mr. SHERWOOD, Mr. HOEFFEL, Mr. FATTAH, Mr. MASCARA, and Mr. GEKAS):

H.R. 3068. A bill to designate the Federal building and United States courthouse located at 617 State Street in Erie, Pennsylvania, as the ''Samuel J. ROBERTS Federal Building and United States Courthouse''; to the Committee on Transportation and Infrastructure.

By Mr. FRANKS of New Jersey (for himself, Ms. NORTON, Mr. WISE, and Mr. TRAFICANT):

H.R. 3069. A bill to authorize the Administrator of General Services to provide for redevelopment of the Southeast Federal Center in the District of Columbia; to the Committee on Transportation and Infrastructure.

By Mr. HULSHOF (for himself, Mr. ARCHER, Mr. SHAW, Mr. CAMP, Ms. DUNN, Mr. ENGLISH, Mr. FOLEY, Mr. HAYWORTH, Mr. HERGER, Mr. HOUGHTON, Mr. RAMSTAD, Mr. THOMAS, and Mr. WELLER):

H.R. 3070. A bill to amend the Social Security Act to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide beneficiaries with disabilities meaniful opportunities to work, to extend health care coverage for such beneficiaries, and to make additional miscellaneous amendments relating to Social Secuity; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OWENS:

H.R. 3071. A bill to amend title XII of the Elementary and Secondary Education Act of 1965 to provide grants to improve the infrastructure of elementary and secondary schools; to the Committee on Education and the Workforce.

By Mr. TOOMEY (for himself, Mr. STENHOLM, Mr. BARTLETT of Maryland, Mrs. BIGGERT, Mr. BOEHNER, Mr. BURR of North Carolina, Mr. CALVERT, Mr. CHAMBLISS, Mrs. CHENOWETH-HAGE, Mr. CONDIT, Mr. CRANE, Mrs. CUBIN, Mr. DEMINT, Mr. DOOLITTLE, Ms. DUNN, Mr. FLETCHER, Mr. FRANKS of New Jersey, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. GREENWOOD, Mr. HASTINGS of Washington, Mr. HAYES, Mr. HAYWORTH, Mr. HERGER, Mr. HILL of Montana, Mr. HOSTETTLER, Mr. JOHN, Mrs. JOHNSON of Connecticut, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KNOLLENBERG, Mr. KUYKENDALL, Mr. LARGENT, Mr. MCINTOSH, Mr. MICA, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mr. NETHERCUTT, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. POMBO, Mr. RADANOVICH, Mr. RILEY, Mr. ROHRABACHER, Mr. RYAN of Wisconsin, Mr. RYUN of Kansas, Mr. SESSIONS, Mr. SAXTON, Mr. SHAW, Mr. SHERWOOD, Mr. SIMPSON, Mr. SISISKY, Mr. STEARNS, Mr. SUNUNU, Mr. TANCREDO, Mr. TIAHRT, Mr. VITTER, and Mr. WALDEN of Oregon):

H. Con. Res. 197. Concurrent resolution expressing the sense of Congress that there should be no increase in Federal taxes in order to fund additional Government spending; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. HILL of Montana and Mr. LUCAS of Oklahoma.

H.R. 531: Mr. UDALL of Colorado.

H.R. 552: Mrs. EMERSON.

H.R. 815: Mrs. MEEK of Florida.

H.R. 1071: Mr. MASCARA, Mr. HINCHEY, Mr. SANDLIN, Mr. OLVER, and Mr. SCOTT.

H.R. 1083: Mr. ARMEY.

H.R. 1093: Mr. SWEENEY.

H.R. 1095: Mr. CLYBURN, Mr. PHELPS, Mr. NADLER, and Ms. MCCARTHY of Missouri.

H.R. 1103: Mr. SHAYS.

H.R. 1115: Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. PETERSON of Minnesota, Mr. CONYERS, Mr. SMITH of Washington, Mrs. JONES of Ohio, Mr. JACKSON of Illinois, Mr. OWENS, Ms. ESHOO, Mr. KANJORSKI, Mrs. NAPOLITANO, Mr. JOHN, Ms. SCHAKOWSKY, Mr. KENNEDY of Rhode Island, Mr. DOOLEY of California, Mr. UNDERWOOD, Mr. MEEHAN, Mr. DICKS, Mr. HASTINGS of Florida, Mr. BRADY of Pennsylvania, Mrs. CLAYTON, Mr. FATTAH, Mr. CRAMER, Mr. CLYBURN, Mr. HINOJOSA, Mr. MEEKS of New York, and Ms. MCKINNEY.

H.R. 1132: Mr. ANDREWS and Ms. LEE.

H.R. 1187: Mrs. LOWEY.

H.R. 1388: Mrs. LOWEY and Mr. DICKEY.

H.R. 1399: Mr. SERRANO and Mr. SABO.

H.R. 1432: Mr. TIERNEY.

H.R. 1465: Mr. UDALL of Colorado.

H.R. 1505: Mr. HILL of Indiana.

H.R. 1579: Mr. KENNEDY of Rhode Island and Mr. CONYERS.

H.R. 1592: Mr. HINOJOSA.

H.R. 1650: Mr. MCDERMOTT, Mr. JOHN, and Mr. SWEENEY.

H.R. 1728: Mr. BOUCHER and Mr. GEJDENSON.

H.R. 1775: Ms. WOOLSEY, Ms. ESHOO, Ms. PELOSI, Mr. TIERNEY, Mr. DEUTSCH, Mr. CASTLE, and Mr. HORN.

H.R. 1785: Ms. PELOSI and Mr. SHAYS.

H.R. 1814: Mr. LARGENT, Mr. COBURN, and Mr. SENSENBRENNER.

H.R. 1838: Mr. HANSEN, Mr. ETHERIDGE, Mr. TALENT, Mr. TAYLOR of North Carolina, Mr. SESSIONS, and Mr. SAM JOHNSON of Texas.

H.R. 1868: Mr. COOKSEY and Mr. HALL of Texas.

H.R. 1869: Mr. HYDE.

H.R. 1870: Mr. GREEN of Wisconsin, Mr. SWEENEY, and Mr. EVANS.

H.R. 1887: Mr. UDALL of Colorado and Mr. DIAZ-BALART.

H.R. 2102: Mr. PHELPS.

H.R. 2162: Mr. RAMSTAD and Mr. WOLF.

H.R. 2170: Mr. DIAZ-BALART, Mr. VENTO, Mr. GOSS, and MR. RAMSTAD.

H.R. 2233: Mr. SANDLIN, Mr. KENNEDY of Rhode Island, Mr. BARRETT of Wisconsin, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 2260: Mrs. FOWLER.

H.R. 2300: Mr. GOODLATTE.

H.R. 2320: Mr. CALVERT.

H.R. 2366: Mrs. NORTHUP.

H.R. 2409: Mr. MCINNIS.

H.R. 2493: Mrs. LOWEY, Mrs. MEEK of Florida, Mr. LANTOS, and Mr. KENNEDY of Rhode Island.

H.R. 2628: Ms. STABENOW.

H.R. 2655: Mr. FOLEY.

H.R. 2698: Mr. KOLBE.

H.R. 2713: Mr. ORTIZ, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. REYES, Mr. SERRANO, and Ms. VELAZQUEZ.

H.R. 2720: Mr. PASCRELL.

H.R. 2722: Ms. SCHAKOWSKY.

H.R. 2728: Mr. EHLERS and Mr. CASTLE.

H.R. 2733: Mr. HALL of Texas and Mr. EVANS.

H.R. 2749: Mr. ENGLISH.

H.R. 2757: Mr. PAUL and Mr. LARGENT.

H.R. 2807: Mr. DOYLE.

H.R. 2809: Mr. GOODE, Mr. STARK, and Mr. SABO.

H.R. 2810: Mr. WEINER.

H.R. 2816: Mr. OWENS.

H.R. 2888: Mr. FRANK of Massachusetts and Mr. HALL of Ohio.

H.R. 2895: Mr. CAPUANO, Mr. MARTINEZ, Mr. HINCHEY, Ms. NORTON, and Mr. WU.

H.R. 2906: Mr. BLUNT, Mr. TIAHRT, and Mr. FOLEY.

H.R. 2928: Mr. BALLENGER, Mr. LARGENT, Mr. DOOLITTLE, Mr. SWEENEY, Mrs. MYRICK, Mr. POMBO, Mr. TANCREDO, Mr. GRAHAM, Mr. TOOMEY, Mr. PITTS, Mr. OSE, Mr. BARTLETT of Maryland, Mr. PETERSON of Pennsylvania, and Mr. KINGSTON.

H.R. 2939: Ms. MCKINNEY.

H.R. 3014: Mr. BILBRAY.

H.R. 3047: Mr. COYNE.

H. Con. Res. 120: Mr. HERGER.

H. Con. Res. 141: Mr. KENNEDY of Rhode Island, Mr. ABERCROMBIE, Mr. DICKEY, Mr. MCHUGH, and Mr. MCGOVERN.

H. Con. Res. 174: Mr. GEPHARDT.

H. Con. Res. 177: Ms. MCCARTHY of Missouri, Ms. SCHAKOWSKY, Mr. SABO, Mr. KUCINICH, Mr. BONIOR, Mr. TIERNEY, Mr. WEYGAND, Mr. DELAHUNT, Mrs. LOWEY, Ms. ESHOO, and Ms. PELOSI.

H. Con. Res. 188: Mr. BLAGOJEVICH, Mr. FOLEY, Mr. KING, Mr. FROST, Mrs. MYRICK, Mr. VISCLOSKY, Mr. GEJDENSON, Mrs. MINK of Hawaii, Ms. ESHOO, Mr. PORTER, Mr. DIXON, Mr. KENNEDY of Rhode Island, Mr. GOODLING, Mr. RUSH, Mr. ABERCROMBIE, and Mr. MEEHAN.

H. Res. 41: Mrs. BIGGERT and Mrs. EMERSON.

H. Res. 238: Mr. FRANK of Massachusetts.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2679

OFFERED BY: MR. GONZALEZ

AMENDMENT NO. 1: Page 34, strike line 6 and all that follows through the end of line 21, and insert the following:

SEC. 205. SAFETY VIOLATION TELEPHONE HOTLINE.

(a) STAFFING.—Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.''; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking ''for each of fiscal years 1999'' and inserting ''for fiscal year 1999 and $375,000 for each of fiscal years 2000''.

(b) DISPLAY OF TELEPHONE NUMBER.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations requiring all commercial motor vehicles (as defined in section 31101 of title 49, United States Code) traveling in the United States, including such vehicles registered in foreign countries, to display the telephone number of the hotline for reporting safety violations established by the Secretary under section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note).

H.R. 2679

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Amendment No. 2: At the end of the bill, add the following:

SEC. 210. SENSE OF CONGRESS ON USE OF RECORDING DEVICES IN COMMERCIAL MOTOR VEHICLES.

It is the sense of Congress that—

(1) the use of recording devices (commonly referred to as ''black boxes'') in commercial motor vehicles could provide a tamper-proof mechanism for use in accident investigations and enforcement of hours-of-service regulations; and

(2) the National Motor Carrier Administration should implement the recommendations of the National Transportation Safety Board concerning the use of recording devices in commercial motor vehicles.

Conform the table of contents of the bill accordingly.

H.R. 2679

OFFERED BY: MS. JACKSON-LEE OF TEXAS

Amendment No. 3: At the end of the bill, add the following:

SEC. 210. USE OF RECORDING DEVICES IN COMMERCIAL MOTOR VEHICLES.

(a) STUDY.—The Secretary of Transportation shall conduct a study to determine if the use of recording devices (commonly referred to as ''black boxes'') in commercial motor vehicles could provide a tamper-proof mechanism for use in accident investigations and enforcement of hours-of-service regulations.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall report to Congress on the results of the study, together with recommendations concerning the use of recording devices and commercial motor vehicles.

Conform the table of contents of the bill accordingly.

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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, WEDNESDAY, OCTOBER 13, 1999 No. 138

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Today our prayer is taken from the Jewish Book of Service, Daily Prayers.

Let us pray.

We gratefully acknowledge that You are the eternal one, our God, and the God of our fathers evermore; the Rock of our life and the Shield of our salvation. You are He who exists to all ages. We will therefore render thanks unto You and declare Your praise for our lives, which are delivered into Your hands, and for our souls, which are confided in Your care; for Your goodness, which is displayed to us daily; for Your wonders and Your bounty, which are at all times given unto us. You are the most gracious, for Your mercies never fail. Evermore do we hope in You, O Lord our God. Amen.

PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD, a Senator from the State of Colorado, led the Pledge of Allegiance as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Mississippi.

SCHEDULE

Mr. COCHRAN. Mr. President, for the information of Senators, yesterday the Senate reached an agreement for 6 hours of debate on the Agriculture conference report. That time will expire today at 3:30 p.m. Senators may expect a vote on the conference report to occur then unless time is yielded back. The time will be controlled 2½ hours on each side, with 1 hour under the control of the Senator from Minnesota, Mr. WELLSTONE.

During the rest of the session today, the Senate will go back into executive session to complete consideration of the Comprehensive Nuclear Test-Ban Treaty. There are approximately 3 hours remaining for debate, so a vote is expected to occur prior to adjournment today. The Senate is also expected to begin consideration of the campaign finance reform legislation or any conference reports that may be available for action by the Senate.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 1906, which the clerk will report.

The bill clerk read as follows:

Conference report to accompanying H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

Mr. COCHRAN. Mr. President, under the agreement, I yield myself such time as I may consume on the Agriculture conference report.

As Senators will remember, we invoked cloture on this conference report yesterday. I think the vote was 79–20. So by a very decisive vote, the Senate has expressed its will that we should complete action on this conference report. So debate has been limited, by agreement, to 6 hours, as described in the announcement to the Senate.

I am very pleased we have reached this point. This has been a very difficult and hard to resolve conference agreement. There have been a lot of issues extraneous to the appropriations process this year that had to be considered because they were raised either in the Senate or during consideration of the conference report.

We have reached the point, though, that it is time to complete action on this conference report. We are appropriating funds for the fiscal year that began on October 1. So we have already begun the fiscal year during which the funds we will approve today will be needed. These funds are going to be allocated for administration by the Department of Agriculture among a wide range of programs. Sixty billion dollars are made available under the terms of this bill for programs of the Department of Agriculture including agricultural research, food and nutrition service, conservation programs, agricultural support programs, and rural development. We also have the responsibility of funding the Food and Drug Administration and the Commodity Futures Trading Commission activities under this bill. So funds are provided for those agencies as well.

I am very pleased that the conference agreement reflects a very strong commitment to the food safety initiatives. The President has been very active in his effort to increase funding for a number of those programs. Funds are provided for that—not all that the President wanted for every aspect of the program, but it is a well-balanced program.

We also fund the Food Safety Inspection Service of the Department of Agriculture. Under that program, we have inspection that is conducted at food processing plants throughout the country, trying to make sure the food that is made available in the marketplace

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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in our country is safe and wholesome, trying to alleviate concerns and the risks of foodborne illnesses.

I daresay we have the best record of any country in the world in protecting our citizens from foodborne illnesses, and this is due in large part to those industries and those people who are involved every day in preparing and marketing the foods that make up the U.S. food supply. So they are the ones who really deserve the credit, in my opinion, and we very often do not recognize that. Government officials like to take the credit for just about everything, and I think that is wrong. In our society, we have a lot of people who work very hard and in a very conscientious way with the latest technologies to try to help make this country the best in the world, and they have done it.

We try to support the activities of food processors and producers, but we sometimes fall short. This year, for example, we have had a very serious problem in production agriculture because of low commodity prices. There is an oversupply of some commodities in the world market that has depressed prices a great deal. We have seen a lot of weather-related disasters strike production agriculture this year. So in this bill there is a response to that problem. A generous disaster assistance program totaling $8.7 billion is included in this conference report, providing emergency assistance for production agriculture.

The head of the Mississippi Farm Bureau was interviewed after the House approved this conference report to get his reaction to the need in agriculture for the funds that were provided in this bill. Here is what David Waide of the Mississippi Farm Bureau Federation said about this emergency assistance: It ''could well mean the difference in massive foreclosures and the ability to continue farming'' in Mississippi. ''It's that serious,'' he said, ''because of the market situation and the extremely low commodity prices and the natural disaster we've had with weather, every producer is impacted to some degree.'' He went on to say, ''With the type of market losses that we're seeing as a result of an extremely dry year, the producers are still going to have to struggle.''

I point this out because there are some who think we have overreacted to the problems in agriculture this year. Every farmer in every area of the country may not be seriously affected by the problems I have discussed and described but most are. In my State of Mississippi, David Waide has it right. He has described what the problems are and what the needs are, why it is important for this appropriations bill with this emergency disaster assistance program to be approved.

I am hopeful Senators will come to the floor under the order that we have provided for debate. We have a good amount of time available for the discussion of sanctions legislation we adopted in the Senate on an amendment offered by Senator ASHCROFT, which would have limited the unilateral power the President has to impose embargoes, in effect, or trade embargoes, stopping the flow of agricultural commodities from this country into the international marketplace as a means for trying to discipline other countries or coerce them into some kind of change of behavior. For many, this has seemed to be an area where we have unfairly targeted agriculture and made agricultural producers and exporters bear the brunt of American foreign policy and, in many cases, it hasn't worked. It hasn't worked to change the behavior of those countries against whom the trade embargoes or sanctions were imposed. And it has hurt our own economy—not just the agricultural producers and exporters but others, because it has had a ripple effect throughout our economy. So I supported that initiative and I hope we can see legislation of that kind enacted. But because it was legislation, a change in law, there were objections to it being included on this appropriations bill.

So there will be other opportunities to take up that issue, and I hope the Senate will address that at the earliest possible time. We have time available for Senator ASHCROFT and others who are interested in discussing that issue. Under the impression that there will be Senators coming to the floor soon to discuss those issues and others, I am prepared to yield the floor.

I suggest the absence of a quorum, and I ask unanimous consent the time under the quorum call be charged equally to both sides under the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I rise today to make comments on the Agriculture appropriations conference report. It is a bill which I think is very important for America's farmers and ranchers. Clearly, the agricultural community in America is in dire straits. Farmers need relief quickly. But the irony about this bill is that farmers are getting, in my judgment, shortchanged. They are getting short-term financial relief, but they have been robbed of good policy; that is, a policy to reform the unilateral embargoes of food and medicine that have kept our farmers from being able to sell their products around the world.

Before I get substantially into my remarks, I thank the Senator from Mississippi, the chairman of the agriculture appropriations subcommittee, for his support and vote to end unilateral food embargoes, and for his very mannerly handling of this issue on the floor and in the Senate-House conference. He has a strong record of supporting an end to the food embargoes. I know he recognizes the incredible groundswell of support for this policy change that is in the Congress and, more importantly, in the farm community. Senator COCHRAN is to be commended. I thank him. He has done an outstanding job.

Farmers in America are aware that the current U.S. embargoes tie their hands and give an advantage to Canada, Brazil, Europe, and South America, farmers from around the world, when competing against the United States. Current U.S. policy favors foreign farmers—not U.S. farmers. It is a tragedy that our own policies throw roadblocks between our farmers and the world marketplace so producers in other countries have a better opportunity to be more successful than producers in our country.

Make no mistake about it. The history of U.S. food embargoes is that they almost uniformly hurt only two parties: the American farmer and innocent people overseas.

Food embargoes generally don't succeed in changing other nations. They succeed in taking dollars out of our farmers' pockets and in putting dollars in the pockets of foreign farmers. They succeed in undermining our farmers' reputation as reliable suppliers in the world market. We understand that because farmers have talked to us. Farmers have come to me. I have met with them. Senator BOND and I have several times sat down together and discussed it with farmers in the last 3 or 4 months at various places. We were in the foothills of Missouri. We were in the central part of the State. We have been at various places around the State. They have helped me understand this issue more clearly than ever before.

A number of other Senators are very attuned to this. This is something that goes on on both sides of the aisle. This is not an issue that is defined by parties in this Congress. Senators HAGEL, BAUCUS, DODD, BROWNBACK, DORGAN, KERREY, along with myself and many others—you notice this is one of those things where you can go back and forth across the aisle as you name the Members of the Senate—have been working on a bill that would lift embargoes involving U.S. farm products.

I wish to recognize the fact that Senator LUGAR has for a long time been working on measures to do the same and is chairman of the Agriculture Committee in the Senate.

This understanding about the need to have markets where farmers can sell what they produce is a pretty substantial understanding. It is not partisan. We did not surprise anyone with this proposal. Americans have long agreed it is generally unwise for the United States to use food as a weapon. The weapon usually backfires and hurts us more than it hurts anyone else.

Congress has endorsed the values of the American people. Our job is to represent the values of the American people and not to allow a select few inside Washington, DC, to go behind closed doors and impose their values on America. I am here today to do what I was elected to do—to promote farm policies that reflect the values of the farm belt instead of caving in to the values of the beltway.

If Members listen to their farmers, they will most likely hear what I have been hearing. This is a letter from Kansas City, MO, signed by 10 people with a strong interest in this issue. Let me read a part of it:

We believe that this legislation—

that is the legislation to allow farmers to market their products to change the way we have embargoes imposed so we don't have the unilateral embargoes against food and medicine imposed by the President without Congress.

We believe that this legislation will help the United States sell its valuable farm products and medicines as well as help the receiver countries.

The President and Congress ought to review more carefully unilateral embargoes against any country. Withholding food and medicine is an affront against human rights as well as a politically foolish practice. Such sanctions have never toppled governments, but only serve to perpetuate hatred, hunger, and poverty among the ordinary citizens.

This was signed by 10 individuals. This is one of a number of letters I would like to submit for the RECORD.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LATIN AMERICAN TASK FORCE,
CATHOLICS FOR JUSTICE,
Kansas City, MO, September 13, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate, Washington, DC.

DEAR SENATOR ASHCROFT: Thank you for introducing the Food and Medicine for the World Act as an amendment to the agricultural appropriations bill and for championing it through this far. We hope that you and Senator Bond will continue to work to pass this important amendment.

We believe that this legislation will help the United States sell its valuable farm products and medicines as well as help the receiver countries.

The President and Congress ought to review more carefully unilateral embargoes against any country. Withholding food and medicine is an affront against human rights as well as a politically foolish practice. Such sanctions have never toppled governments, but only serve to perpetuate hatred, hunger, and poverty among the ordinary citizens.

Thank you for your attention; we will look forward to a report on the outcome of Food and Medicine for the World Act.

Letter signed by 10 people.

Mr. ASHCROFT. Mr. President, not only do members of my constituency and citizens of Missouri write letters to me, but they write letters to the editor. They talk to the press and farm focus forums about the significance of lifting food embargoes. Senator BOND and I not only were in Columbia at one of these farm forums, but we were at the State fair.

I am reading from a newspaper article out of Sedalia, MO, entitled, ''Farmers Meet with Bond, Ashcroft at State Fair.''

This is what some farmers said. This is what the article begins with. It includes quotes by farmers.

Some farmers who are worried by low prices and the recent lack of rain felt encouraged after talking with Missouri's two U.S. Senators about emergency relief and trade barriers.

''I hope the relief comes soon,'' said Brent Sandidge, a hog farmer. ''[But] rather than always giving us immediate relief, help us so that we can live so that emergency money won't be needed.

That is what the hog farmer was saying. Give us the capacity to sell our products so emergency money won't always be needed.

One such long-range plan is Ashcroft's Food and Medicine for the World Act. . . .

The article continues, and then Brent, the hog farmer who was with us, said:

. . . lifting embargoes makes sense. We need to use the agriculture in this country to feed the grave hunger of people around the world.

I am pleased to have had that article in the Sedalia paper. The bottom line is this: The final Agriculture appropriations conference report should have included the embargo reform that was overwhelmingly supported by American farmers and adopted by the Senate. Frankly, it is a great disappointment to me that the Agriculture conference report does not include reform for food embargoes. First of all, this reform, which we had included in the Senate version of the Agriculture bill, was a reform that would have required the President to collaborate with Congress and get approval before imposing any unilateral sanction that would embargo food or medicine.

The Senate approved that amendment by an overwhelming vote of 70–28. That included a majority of positive votes from both sides of the aisle—both Democrats and Republicans. This vote shows that not only do we have more than a majority, but 70 votes would be more than enough to invoke cloture, if these votes remain committed, more than enough votes to even override a Presidential veto.

After the Senate 70–28 vote when the Agriculture appropriations bill went to the conference, the House conferees voted on a proposal to make the Senate reform even stronger. This is significant because it reflects the view of many of the House Members with whom I have talked that embargoes be brought to the House of Representatives for a straight up-or-down vote, and the proposal would receive the same kind of overwhelming support in the House that it received in the Senate. They were confident of that if voted on by the House. Also, eight Senate conferees to three favored keeping the Senate provisions along with the stronger House provisions.

It is a mystery that the House wanted this, the Senate wanted this, we voted 70–28 to have it, and then behind closed doors a decision was made to strip out the reform provision that received overwhelming bipartisan support in the Congress. It is something that the American farmers want, that will help sell American goods overseas, that will help reverse the currently depressed prices, that will help provide food and medicine to people all around the world, and a reform that would reverse the rather ridiculous policy in which America finds itself alone so often as a nation using food and medicine as a weapon of foreign policy.

A select few in Congress have tried to make the issue of embargoes on food an issue about Cuba. I reject this narrow interpretation. It is about the importance of consistent U.S. policy on food and medicine embargoes. Since Cuba is one of those countries that we sanction or embargo exports of wheat, rice, pork, and other vital farm products, let me address that. Does it really make sense for the United States not to sell food to Cuba when the entire rest of the world already does? I don't think so. Does it really make sense for the United States to deny food and medicine and thereby bolster Castro's anti-American distortions?

Let's hear from the countryside on this issue. Here is an e-mail I received from one of my constituents, Thomas Capuano, from Kirksville, MO:

Dear Senator ASHCROFT, I want you to know that I favor loosening the embargo on Cuba. The best way for understanding between our two peoples is by means of free markets, free exchange of ideas and goods and services, and freedom of movement. . . .

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: John Ashcroft.
From: Tom Capuano.
Date: 15 July, 1999.
Subject: Cuba embargo.

DEAR SENATOR ASHCROFT: I want you to know that I favor loosening the embargo on Cuba. The best way for understanding between our two peoples is by means of free markets, free exchange of ideas and goods and services, and freedom of movement between Cuba and the U.S. Please consider supporting the exemptions that are currently being proposed to ease the embargo. Food and medicine should be totally exempted from the embargo.

Thank you for your attention.

Mr. ASHCROFT. Here is another e-mail received from Ms. Janelle Sharoni:

The blockade against Cuba has been going on for so many years we have nearly forgotten about the terrible suffering of the Cuban people and the total lack of any results to point to from this blockade. The blockade has not worked and has alienated us from other Latin Americans.

All this does is exempt food, agricultural supplies, medicine and medical supplies for the trade embargo. It does NOT indicate any change in American policy, just a change in how we deal with the poor and suffering.

That is a description of the Food and Medicine for the World Act.

I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

To: Senator Ashcroft.
From: ''Janell H. Sharoni''.
Date: 21 July, 1999.
Subject: End the Cuban Embargo.

DEAR SENATOR ASHCROFT: The blockade against Cuba has been going on for so many years, we have nearly forgotten about the terrible suffering of the Cuban people and the total lack of any results to point to from this blockade. This blockade has not worked and has alienated us from other Latin Americans.

Businessmen are trying, against of course the wishes of the Miami community, who seem to control our entire congress, to make headway in working to establish relations with Cuba. Please support or co-sponsor SB926 to end the embargo against Cuba.

All this does is exempt food, agricultural supplies, medicine and medical supplies for the trade embargo. It does NOT indicate any change in American policy, just a change in how we deal with the poor and suffering in the third world. Is it not obvious that Fidel Castro will die in office and never be removed?

This is the first step in ending our stupid cold war relationships with a person who is head and shoulders above most of the dictators we have supported in the past in our anti communist stance.

The Pentagon is not afraid of Cuba, and especially the Cuban people. Why, Senator Ashcroft, do we continue this terrible ordeal against the people of a nation so close to our shores.

Sincerely,

JANELLE H. SHARONI.

Mr. ASHCROFT. I received many letters about this issue. Here is one from a constituent in St. Joseph, MO, Mr. Craig Drummond, who is the Drake University student body vice president.

I don't know why he went all the way to Iowa to get his education, but Drake is a fine institution.

He states it this way:

The United States is a country that was founded on the premise of freedom, democracy and sovereignty. We enact policies, laws and regulations that best exhibit the highest ideals of democracy and the American public. For the most part, we do a good job and function well as a powerful global leader. I am a proponent of democracy and capitalism and hold the values and ideas of the aforementioned paramount to any other country or government. The United States has problems and for the most part we are aware of these and have good people working to rectify our problems and wrongs. That is why this whole Cuba situation intrigues me so much.

Why does America continue to have an embargo against trade with Cuba? Why have we chosen to isolate Cuba and ourselves from each other?

I think the point here that ought to be made is a point that needs to be made over and over again. For food and medicine, we don't strengthen the regime; we strengthen the people. Strengthening oppressed people is what is fundamentally appropriate in terms of eventually allowing them to survive oppressive regimes.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JUNE 22, 1999.

DEAR SENATOR JOHN ASHCROFT OF MISSOURI: I am writing this letter in regards to the United States' embargo against Cuba. I recently visited Cuba through a U.S. Treasury Department licensed trip that was part of a class for Drake University. In Cuba I was immersed in their culture and sense of community and feel that after this experience, it is my Lockean duty as an American citizen to write my elected leaders and express my concern at the status quo foreign policy that America practices in regards to Cuba.

The United States is a country that was founded on the premise of freedom, democracy and sovereignty. We enact policies, laws and regulations that best exhibit the highest ideals of democracy and the American public. For the most part, we do a good job and function well as a powerful global leader. I am a proponent of democracy and capitalism and hold the values and ideas of the aforementioned paramount to any other country or government. The United States has problems and for the most part we are aware of these and have good people working to rectify our problems and wrongs. That is why this whole Cuba situation intrigues me so much.

Why does America continue to have an embargo against trade with Cuba? Why have we chosen to isolate Cuba and ourselves from each other? This puzzles me dearly and I have searched, with a patriotic mindset, to find answers, yet I have not found any viable ones. Cuba operates as a socialistic government and this government is by far one of the best examples of true socialism that I have seen. The people are educated, have access to medical care and the leaders do not live lavish lifestyles. Cuba is poor and the people need money and have wants, yet the division of wealth appears to be fair and from the government leaders to the person on the street, the people support their governmental system.

Why then has the United States, the world leader in human rights, let itself place greed and the desires of a limited minority of American businessmen above the needs of a people, fair foreign policy, and the search for social justice in U.S. action? American businessmen are upset because their companies were nationalized in the Revolution of 1959. Cuba has since offered retribution, but the former owners have declined it on the grounds that the retribution is not for the real amount that the assets were worth. Well, as someone who has invested in foreign markets, I personally know of and accept the higher degree of risk that is taken when investing in foreign markets that are not under direct U.S. control. A foreign investor must accept this risk and realize that there is additional risk associated with transacting or operating a business in a foreign country.

Cuba is a nation of great beauty and opportunity. The Cuban people desire and need the help of the United States. I see no reason for the current embargo and would ask you to compare Cuba to China when talking about foreign policy and governmental structures. I am asking as a constituent and citizen that you look into this matter so that you can form an educated opinion on this subject. Hopefully, education on this subject will foster a desire to rise up and make the necessary change to lift this embargo. There may have been reasons in the past for the implementation of the embargo, but Cuba and the U.S. have both changed since the 1950's and it is time for our foreign policy to change as well.

The lifting of the embargo will not only help the Cuban economy, but it will inevitably act as an impetus to spark American investment and exports to Cuba. Such transactions could only be considered a positive for the U.S. economy. Thank you and if you have any questions or comments please do not hesitate to contact me.

Sincerely,

CRAIG W. DRUMMOND,
Drake University Students Body Vice-President.

Mr. ASHCROFT. A final letter from Mrs. Joan Botwinick in University City, MO:

I want to thank you for introducing a bill which would lift the embargo on food and medicine. Not only is it the humane thing to do, but it would also benefit our farmers.

That is a clear statement of what I think is the important truth.

I ask unanimous consent to have the letter printed in its entirety in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNIVERSITY CITY, MO,
Sept. 24, 1999.

DEAR MR. ASHCROFT: I want to thank you for introducing a bill which would lift the embargo on food and medicine in Cuba. Not only is it the humane thing to do, but it would also benefit our farmers.

The broader issue is: Do we promote democracy by putting sanctions on countries we don't like or who may be a threat to us, or do we try to help improve their economies by engaging in commerce and dialogue. I believe our best course is the latter.

Sincerely,

JOAN BOTWINICK.

Mr. ASHCROFT. Comments about lifting the food embargo come not just from the Midwest. An editorial from the Fort Lauderdale Sun-Sentinel, August 16, 1999, states:

It clearly would be in America's best interest to expand trade in food and medicine to Cuba, for more reasons than one.

I continue to quote:

If nutrition and health-care conditions don't improve in Cuba under the easing or lifting of U.S. trade restrictions, Castro won't have the embargo to blame for his government's failures.

In other words, we provide Castro with an opportunity to blame America for hungry people, to blame America for sick people, as long as we embargo food and medicine.

Quite frankly, there is a ground swell of support to lift the food and medicine embargo on Cuba—and other countries.

An article from the Omaha World-Herald commends the cosponsor of this legislation, Senator CHUCK HAGEL of Nebraska, who has been such a leader in this respect. I will read from that article:

Sens Chuck Hagel, R-Neb., and John Ashcroft, R-Mo., added to the Senate's recent farm spending bill an amendment that would exempt most food and medical supplies from U.S. sanctions against foreign nations.

As an editorial in this space said on August 10, Cuba provides the closest example of why Hagel and Ashcroft have a good idea: Such sanctions usually harm only the people who deserve it least, and they pointlessly exclude U.S. farmers and pharmaceutical manufacturers from significant international markets.

I ask unanimous consent to have this editorial from the Omaha World-Herald, Friday, August 20, 1999, printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Omaha World-Herald; Fri. August 20, 1999]

A GENTLER FACE TOWARD CUBA

Maybe it's just a coincidence of timing. But lately it seems that Midwesterners are at the forefront of a push to start easing some of the barriers between the United States and Cuba.

Sens. Chuck Hagel, R-Neb., and John Ashcroft, R-Mo., added to the Senate's recent farm spending bill an amendment that would exempt most food and medical supplies from U.S. sanctions against foreign nations.

As an editorial in this space said on Aug. 10, Cuba provides the closest example of why Hagel and Ashcroft have a good idea: Such sanctions usually harm only the people who deserve it least, and they pointlessly exclude U.S. farmers and pharmaceutical manufacturers from significant international markets.

Senate Minority Leader Tom Daschle of South Dakota and Sen. Byron Dorgan, D-N.D., recently came back from a visit to Cuba with figures that undergird that idea. They said officials in Cuba told them the country imports nearly $1 billion in food and medicine annually and food imports could double in five years. Cuban doctors and hospital officials told the Americans that more than 200 important pharmaceuticals are not to be found in Cuba and that a pressing need exists to restock.

One must consider the source of such assertions. But even if the numbers were substantially exaggerated, they still point to real markets and real needs.

Now there's the visit to Havana by the Gold Nemesis from Lincoln, Nebraska's top under-17 soccer team, with its people-to-people sports diplomacy stint. What are the young players (many of whose parents have no memory of a time when there wasn't an embargo against Cuba) learning?

''People from Cuba are not stereotypical, real hard-nosed, mean people,'' Gold nemesis co-captain Christian Mangrum told the Associated Press. ''They're actually really nice, really genuine.''

No surprise there, surely. The faceoff between the two nations has never been about Americans vs Cubans. It is about the corrupt and dictatorial regime of Fidel Castro and his dreams of Pan-American revolution. And harbor no illusions: Castro remains Castro. All in Cuba is not sweetness and light

Dorgn reported that Castro staunchly defended the current system. ''He staunchly defends what he has done,'' Dorgan said. ''He rejects the notion that there are human rights violations.'' Dorgan said Cuban officials had told him and Daschle they were free to speak to any Cuban. But that proved to be untrue when they wanted to talk to four dissidents recently sentenced to prison.

The overthrow of Castro is not a realistic prospect, but after all, he will not live forever. It is time to think about what happens after he's gone. If Americans demonstrate to Cubans that we as a nation aren't out to starve them or deprive them of medical care; if we show them more about average Americans and the kind of life that is possible under a more progressive form of government: doesn't it make sense that in the post-Castro era they'll be open to a free and open society?

For that reason, when the House of Representatives resumes its session next month, it should join the Senate in easing the food and medicine embargo.

Mr. ASHCROFT. Most people realize it is the good thing to do for our farmers and it is the right thing to do in terms of humanitarian interests of those abroad. That is why the Senate overwhelmingly approved this concept, and that is why it should have been retained in the conference report which provides relief for American farmers.

We provide financial relief, but we ignore the need for structural relief so that their market can be expanded. It is no secret that what happened to the appropriations bill for farmers has been construed by some as an affront to farmers. Missouri farmers are not duped; they are not fooled. They understand that while there is additional financial assistance being given out, they are still being deprived of their markets, and Missouri farmers want to be able to produce and to sell. That is what farming is all about. They are bewildered as to how their freedom to market, which had majority support from both sides of the aisle, could be stripped out of the bill. I will do everything I can to make sure they get the freedom to market we have been promising them for years; we must deliver.

Quite frankly, there is growing consideration of an idea that says we can't have Freedom to Farm if we don't have freedom to market. We have never given it a real chance to work. We have to give our farmers the chance to market what they produce as well as the freedom to be producers.

If what happened over the last 2 weeks on sanctions policy keeps up, I do not think we will be seeing this program work. We have to have both freedoms: The freedom to farm and the freedom to market; and who will be to blame but those who kept us from passing the freedom to market?

Our amendment, the Food and Medicine for the World Act, is designed to allow our farmers to market around the world and is designed to restructure the way in which agricultural embargoes, or food embargoes, would be imposed—if at all. That proposal would have put United States farmers on more competitive ground with the Canadians and more competitive ground with the Europeans and South Americans in world markets. It would have put money in the pockets of U.S. farmers—clear and simple; just a fact; there would have been money in the pockets of American farmers.

It is hard to believe we simply—we? I should not say ''we.'' From somewhere, in the dark of night in the conference committee, out goes that provision which had overwhelming support, I believe, in both Houses of the Congress. It would have restored the credibility of the Congress worldwide, across America, and would have restored our farmers' credibility worldwide as suppliers.

I will continue my efforts to win final approval for ending unilateral food and medicine embargoes. Next week the sponsors of the amendment, that was approved 70 to 28 and was added to the Agriculture appropriations bill, intend to introduce the embargo reform as a freestanding bill. We will bring it to the Senate and the Congress. We will say to the Congress: This is not part of the Agriculture appropriations measure as it was before, but we want to present this to the Congress. I am grateful the majority leader of the Senate has made a commitment to me to bring the proposal back to the Senate floor for separate consideration this session. That is important to me.

I wanted the measure approved as part of the Agriculture appropriations bill and sent to the President for signature. It would have been easier. It certainly was an overwhelming consensus of this body and I believe an overwhelming consensus of the House. But if that can't be, then we try plan B. Plan B is to bring it up separately and get it passed through the Senate, get it passed through the House of Representatives, and sent to the President.

I thank the majority leader of the Senate who has made a commitment to bring the proposal back to the Senate floor for separate consideration. This debate will continue, therefore.

Let me reiterate a few points that are vital to the proposal we are advancing. The general framework is this. We do not make it impossible to have an embargo. We just say, before there can be an embargo, the Congress has to approve it. So we do not tie the hands of the President, but we ask him to shake hands with the Congress before you take this draconian, drastic step which hurts American farmers, before you have sanctions on food, fiber, and medicine. We will not allow the President, with the stroke of a pen, to damage the livelihood of American farmers or to cut off the subsistence of oppressed people around the world. It will require consultation with the Congress.

I want to make one thing as clear as I can. This is genuinely a proposal that supports the policy of helping our farmers and putting products which will eliminate suffering and hunger into the hands of those who need them most. This is not about shipping military equipment or even dual-use items—things that could be used in the military setting—to other countries. We want to keep those kinds of things out of the hands of tyrants. But we do not want to assist tyrants, or strengthen the hands of tyrants, by allowing them to blame America for hungry people who are oppressed or people who are ill in health, so that the tyrant can say: The reason you are ill and the reason we don't have good medicine is the United States of America won't allow you to have good health or won't sell us food.

Our approach helps us show support for the oppressed people who need to be strengthened in these countries, at the same time we send a message that the United States in no way will assist or endorse the activities of the rogue

leaders of these nations which threaten our interests. If these rogue leaders don't spend the money with the American farmers to buy food, that leaves them hard currency to buy weapons and destabilize countries around the world. We ought to hope they spend all their money on food for their people instead of weaponry they use either to repress people in their own regimes or destabilize neighboring countries.

Ending unilateral embargoes against sales of U.S. food and medicine is good, solid foreign policy, it is good farm policy, and it promotes U.S. interests around the world. In the past, we have imposed embargoes that have done exactly the opposite from what we intended. If we use food as a weapon, we have to be careful it doesn't backfire. Using food as a weapon has really resulted in more backfiring than forward firing. We have actually enriched the people we were seeking to hurt, and we have hurt the people, the American farmers, who have been the producers of what has made this Nation the greatest nation on the face of the Earth, where hunger has been virtually abolished—or it should be.

Let me just give this example. It is a tragic example. It is not humorous, but it is almost funny because it backfired so badly. Everyone remembers the Soviet grain embargo in the 1970s. We canceled 17 million tons of high-priced exports from the United States. We told farmers: You cannot make those sales; we are not going to allow you to ship that grain to Russia.

Here is what happened. The Russians, having been relieved of their contractual obligation to buy what they wanted to buy, went into the world marketplace. Do you know what they did? They bought all the stuff which we refused to sell them, and they saved $250 million in the process. We really hurt the Russians with that one. Robert Kohlmeyer of ''World Perspectives'' brought that story to the committee as we had hearings on sanctions. I thought to myself, that gun backfired in a big way. The only people with powder burns, the only people suffering as a result of that volley, were American farmers and individuals in the production of American agriculture.

Our market reputation as a supplier in the world went down, and other people decided they would bring on land to be producers, in South America and other settings, so they could supply what we would refuse to supply. All of a sudden, we brought new competitors into the arena; we destroyed our reputation; we helped our enemy get $250 million he wouldn't otherwise have gotten, and we hurt American farmers. Seldom can a gun backfire so accurately in so many directions. I say seldom, but it is just generally so in the arena of embargoes. Our embargoes more often deny people who suffer under such regimes the food and medicine they need and desire rather than hurting the leaders in those countries.

America has been a nation that promotes freedom worldwide. We should continue to talk truthfully about political oppression in other countries. We should do so, though, without denying food and medicine to the oppressed people who need to be strengthened, not weakened. How can we ever expect to topple a regime by starving those who populate it? Our foreign policy interests should be to strengthen, not to weaken, those who could resist an oppressive regime.

We need to stop using food as a weapon against the innocent. It is not good foreign policy. It is failed foreign policy. That gun backfires. It is not working. It is hurting those abroad and is hurting those of us who are back home. In terms of market access for farmers, we can talk about the roadblocks that are laid down by foreign governments—and I am pretty distressed about those roadblocks. The Europeans have vast subsidies that make it hard for us to compete with them overseas. But let us also be aware we have to stop throwing roadblocks in the way of our own farmers here at home. We have built a solid brick wall in front of our own farmers. Simply, it is an impenetrable wall when it relates to embargoes and sanctions imposed unilaterally on food and medicine against a number of countries around the world. My message today to the Congress is simply this: Tear down this wall we have built.

Let our farmers be free. Our food embargoes have failed. Our food embargoes are not effective. Food embargoes are not the way for us to win. That gun backfires. It is time to tear down this wall. And we will. Starting next week, we will do our best to bring this measure up as an independent, freestanding measure.

While I believe it is important to help our farmers in the Agriculture appropriations bill upon which we are going to be voting, that is a financial assist in the short term for a disastrous year, but we need the long-term structural reform that the hog farmer in Sedalia, Brett, came to me and said: We need the ability to market so we don't need to come back for financial assistance over and over again. Tear down this wall.

I yield the floor.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Presiding Officer, the other distinguished Senator from Kansas. I appreciate his recognition. I ask unanimous consent to speak for up to 10 minutes on the Ag appropriations conference report which is before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise in support of what my colleague from Missouri just spoke about. As he was speaking, I was thinking where I was when the embargo happened. In the late seventies, I was a farm broadcaster in Manhattan, KS, when President Carter put the embargo on the Soviet Union. My dad was farming, as he is today. We were both long in wheat. Wheat went down lock limit for 3 days in a row with that embargo. The markets did not recover when that big of a sale was taken out of the system. We lost a lot of money.

Senator ASHCROFT was talking about how much we lost as a nation and how much our farmers lost. I remember what we lost as a family in that embargo, not that it should be any deciding factor, but it galvanized in my mind what happens when we do these sorts of things. That is, we lose markets, we lose money, our farmers are penalized, punished—and the Soviet Union got cheaper grain out of the deal. It was bad for us all the way around.

One of my great disappointments with the Ag appropriations conference report is that we had a chance to end once and for all the use of food and medicine as a foreign policy tool. We did not take that chance, and we are poorer for it. We should have gotten this monkey off the back of U.S. farmers.

I rise to state my strong disappointment with this conference report, even though my colleague from Mississippi, who chairs this subcommittee, has done everything he possibly can. There is a lot of good in this appropriations conference report, but we missed a chance to lift these unilateral sanctions on food and medicine.

As you have already heard several times, the Ashcroft amendment was adopted overwhelmingly in this body by a vote of 70–28. It is important to keep mentioning that fact because it is astonishing to me that such a clear message from the Senate could be so easily ignored.

In a place as diverse as America and as compact as Congress, there are bound to be honest disagreements about any number of issues, including sanctions. These disagreements were given a thorough and extensive airing in the Senate, and the result was an overwhelming majority decided it was not an effective policy tool to use food and medicine in foreign policy. This is a conclusion that a vast majority of the American public has already recognized for some time and certainly the farming public has recognized this for a long period of time.

What has occurred with the Agriculture appropriations bill is an attempt to avoid this important policy issue. I am delighted we are going to bring it back up next week and discuss it, but it is an unfortunate tactic that has moved us to next week rather than now in deciding this critical policy issue for U.S. agriculture and for America's foreign policy. Compounding this wrong is the fact that U.S. agriculture is in the midst of an economic struggle, and sanctions serve to limit U.S. markets for no real policy effect.

Unilaterally using food and medicine as foreign policy weapons fails to take into account that the U.S. has competition in agriculture. If we do not

sell it, somebody else will, and that is what has taken place in the past. It is time we limit the possibility of this happening again in the future to the United States.

Even if the U.S. denies trade with another nation, other countries will, and do eagerly, sell these products. We know this for a fact. The only one who gets hurt in this process is truly the U.S. farmer, the farmers across Kansas who do not get to make these sales.

While it is difficult to calculate the actual gain that lifting sanctions would bring in the short term it is easy to see the long-term benefits of sanctions reform. These benefits include the increased sales to new markets because we tell that new market we will be a reliable supplier; we will not just step in willy-nilly on this; we will be reliable in our supplying. Perhaps even more profound, this policy serves to reassure all our trading partners that the U.S. will continue and will always be that constant and reliable supplier of agricultural goods. This assurance is necessary in a competitive market.

Efforts to reinstate this important sanctions relief language or find a compromise have certainly been valiantly put forward by Senator ASHCROFT, Senator DORGAN, and a number of others, including the Chair. I commend my neighbors in this principled fight and their persistence on this issue. Still the few who oppose sanctions reform have blocked any progress.

Reluctantly, I will vote for this bill because farmers and producers are depending on the emergency aid funding contained in this bill. But I truly believe the future of U.S. agriculture depends on the long-term reforms such as this Senate-passed amendment lifting unilateral sanctions. I will continue to fight on this issue and insist that the will of the majority be followed.

In conclusion, we had a chance to once and for all remove the use of food and medicine as a foreign policy tool, and we missed it. We could do something good, something right, morally on the high ground, the right thing for U.S. farmers, the right thing for those consumers in places around the world who need and should have this good, high quality food product we have. We missed that opportunity. We are poorer for it, and so is the rest of the world. We will have this fight again next week. I hope we can still move this bill this session of Congress. I lament we did not do it on this piece of legislation.

Mr. President, I yield the floor.

Mr. KOHL addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Wisconsin is recognized.

Mr. KOHL. I thank the Chair. Mr. President, I am glad to join my colleague, Senator COCHRAN, in support of the conference report to H.R. 1906, the fiscal year 2000 Agriculture appropriations bill.

I congratulate Senator COCHRAN, chairman of the subcommittee, for guiding us past many obstacles that have stood in the way of final passage of this measure. At the end of today's debate, we will send to the President an agricultural spending bill that will result in immediate aid to hundreds of thousands of farmers across our country. That is an accomplishment of which we can all be proud.

At times, work on this bill was contentious. The money we had available to work with made it very difficult to fund adequately the most critical programs at USDA, FDA, and the other agencies in this bill.

Senator COCHRAN did a masterful job in finding a balance of priorities, given the budgetary constraints under which we had to work. In fact, we were even able to increase spending for some critical programs. This conference report provides an increase for the President's food safety initiative, as well as additional funds to help avoid a shortfall in inspectors at the Food Safety Inspection Service. An increase is provided for the WIC Program to help maintain caseload. Other programs, such as research and education, conservation and rural development are all funded at a very healthy level.

Most important, we have managed to include $8.7 billion in emergency aid to farmers suffering from the price collapse that has hit too many commodities. I realize some of my colleagues, especially those from the Northeast, will argue that more is needed to address the needs of farmers suffering from the effects of this summer's drought and Hurricane Floyd. I agree. The administration should send us a separate emergency request for these recent disasters, and Congress ought to act on it immediately. But our commitment to help the farmers of the Northeast overcome the natural disasters of the last several months should not stop us from enacting aid for farmers all over the country suffering from the economic disasters of the last several years.

I also want to note the efforts made to ensure that harmful legislative riders, such as attempts to undermine USDA reform of dairy policy, did not become part of this conference report. We have spent months putting together a fair bill—not perfect, but fair. Efforts to incorporate dairy compacts into this legislation were defeated more than once. It is time to pass this bill and get much-needed funding to dairy farmers and to hardworking farmers across the country.

And let me emphasize that last point. This bill contains almost $9 billion in emergency assistance to struggling farmers everywhere. Within days of the President signing the bill, almost $5 billion of that aid will be on its way to farmers. It is all well and good for us to spend days listening to talk about this money—how it is distributed and how much there should be—but there are hundreds of thousands of farmers who need it now to plant, feed, and operate. All the words in the world will not help farmers get next year's crop in the ground or milk the cows. We have talked enough—it is time now to pass this bill.

In closing, let me say how much I have enjoyed working with Senator COCHRAN. This is my first year as ranking member on this subcommittee and his exceptional leadership, good judgment, and helpful hand has been indispensable in making this a positive experience for all of us. I would also like to thank his distinguished staff, Rebecca Davies, Martha Scott Poindexter, Les Spivey, and Hunt Shipman, for their important contributions to this bill. And, of course, I must thank Galen Fountain of the minority staff for his wisdom and patience. Galen is an invaluable resource to me, to all Democratic Senators, and to the Senate itself.

I ask unanimous consent that a letter on the Foreign Market Development Program from the USDA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, September 29, 1999.

Hon. HERBERT KOHL,
Committee on Appropriations, Washington, DC.

DEAR SENATOR KOHL: This is in reply to your request for information about the Commodity Credit Corporation (CCC) Charter Act and the President's budget to fund the Foreign Market Development Program (FMD) through CCC.

The President's budget proposes to shift funding for FMD from the FAS appropriated account to the Commodity Credit Corporation (CCC). The budget also proposes to fund a new Quality Samples Program through CCC. In conjunction with the budget, the Administration has forwarded to Congress legislation authorizing the use of CCC funds for FMD and capping expenditures for that purpose at the Fiscal Year (FY) 1998 program level of $27.5 million.

You questioned whether such legislation was necessary or whether the Administration has the authority to fund these programs through CCC administratively. You are indeed correct: although it is the Administration's position that such legislation should be enacted, CCC has the authority to fund FMD and the proposed Quality Samples Program under the Section 5(f) of the CCC Charter Act without additional legislation. The legislation we submitted does not expand the Secretary's existing authority; it limits it by imposing a cap on CCC expenditures for the two programs.

If FMD ultimately is funded through CCC rather than from the FAS appropriated account, the Administration intends to continue to fund FMD at not less than the historic level of $27.5 million annually.

Please feel free to contact me if you need any additional information.

Sincerely,

AUGUST SCHUMACHER, Jr.,
Under Secretary for Farm and Foreign Agricultural Services.

Mr. KOHL. I thank the Chair and yield the floor.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. KOHL. I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

Mr. REED. I thank the Senator from Wisconsin for yielding and also thank him and the Senator from Mississippi for their efforts on behalf of this legislation. But I must come to the floor today in opposition to this bill because it is not fair legislation for all the farmers of America—certainly not fair to the farmers of the Northeast, in Rhode Island, New England, the Mid-Atlantic States, because they have suffered a tremendous loss this year because of a drought that has historic implications. It was the worst drought in the history of this region in over 105 years of record keeping by the National Oceanic and Atmospheric Administration. This has had a devastating impact on the farmers of my State and of the region.

Most people do not consider the Northeast to be a place where there are lots of farms, but in my own small State of Rhode Island there are over 700 farmers who grow vegetables, turf, nursery stock, cranberries, strawberries, and potatoes. We also have numerous orchards and dairy farms. All of these farms have suffered devastating losses. And these are family farms; these are not large agricultural combines—certainly not in Rhode Island. They are family farms that are struggling to make do. This year they had a difficult struggle because of this historic drought.

We originally thought that farm losses would be about 50 percent of the crop—a serious blow. But I have just been given data today from our agricultural authorities where in Rhode Island they are suggesting that the August estimates were not as severe as the reality is turning out to be. In fact, the estimate is that the percentage loss of sweet corn in the State is 80 percent, silage corn is 70 percent, potatoes is 60 percent, mixed vegetables is 75 percent, and hay is 50 percent. These are difficult losses to bear, particularly difficult to bear without assistance.

We have received some rain through the last few weeks, but it has not been enough to reverse the damage that already was done April through August with the worst drought in the history of our region.

That is why I am here today, because, frankly, the resources in this legislation that are being made available to the Northeast, to the Mid-Atlantic farmers, are insufficient. We have tried, over the last several months, to structure a meaningful relief package that would help the farmers throughout this country—every region.

In the 1999 emergency supplemental appropriations bill, Democrats offered an amendment to provide disaster relief for America's farmers and ranchers which would have taken care of all of our farmers throughout the country. This provision was rejected by the majority. Later, Democrats offered additional disaster relief amendments to the fiscal year 2000 Agriculture appropriations bill as it was being considered in the subcommittee. Those amendments were rejected also.

On the floor of the Senate in August, I joined my Democratic colleagues in supporting an emergency farm package that would provide over $10 billion to producers in need of relief, including $2.6 billion in disaster relief and $212 million in emergency conservation assistance, both of which would have been very critical to my farmers in Rhode Island and throughout the Northeast. Sadly, that proposal was also rejected. There was even discussion to try to work out a compromise, a bipartisan effort, on the order of $8.8 billion. This, too, failed.

Finally, I think in the hopes of moving the process forward, we did agree to the final $7 billion package proposed by the majority, as a downpayment, if you will, on the necessary support we hoped we could obtain through the conference process and we hoped we would be voting on today in this final conference report.

But today we are faced with a bill which we cannot amend, which we must either accept or reject; and, sadly, despite all the efforts, all the earnest efforts of my colleagues, I must vote against it because it does not provide the kind of assistance that is necessary for the farmers of my State and my region.

Of the $8.7 billion in emergency farm relief in the appropriations bill, only $1.2 billion is set aside for all disasters declared by the Secretary of Agriculture in 1999. In the Northeast alone, our Governors have told us we are facing nearly $2 billion in total losses. And as today's data indicates, those are probably conservative estimates. For the Department of Agriculture to cover 65 percent of our region's losses alone would cost about $1.3 billion. Yet we have only appropriated $1.2 billion for the entire country—every region, for every natural disaster from January 1 to December 31.

So as you can see, all of this money that is within this bill could easily be used in the Northeast, in the Mid-Atlantic alone, but it will be spread throughout the country and, in fact, be spread in such a way that my farmers will be particularly disadvantaged.

It is unlikely this $1.2 billion of disaster relief money will be available to my farmers until sometime in the middle of next year because, as the legislation is written, the Secretary must wait until the end of the year to calculate all of the damages throughout the country and then begin the cumbersome process of proration and distribution of these funds, which could take months. That is another problem with the legislation. Not only are there insufficient funds available to the Northeast, but these funds may not come until the middle of next year.

That is in contrast to what my colleague from Wisconsin pointed out with respect to those farmers who are part of the Agricultural Market Transition Act. There is $5.5 billion there. That money will be flowing out immediately. They will get assistance immediately. Not only will they get this assistance, but they will also qualify for this $1.2 billion of natural disaster money if they suffered their loss through a natural disaster. They will get essentially two bites of the apple, where my farmers in the Northeast will get what is left.

There are many States throughout this country that qualify for this disaster program, this $1.2 billion—33 States, in fact. So there will be a long line of farmers who have to be satisfied by this insufficient amount of money.

There are things we could have done, I believe we should have done, in addition to putting more money into the natural disaster program so we could take care of the real needs of all the farmers across the country.

I had hoped we could have increased the Crop Loss Disaster Assistance Program, which is something that has been helpful in the past. There is also a Livestock Feed Assistance Program which is also critically important to my farmers in the Northeast because much of the silage has been lost. In our dairy farms particularly, that is a critical loss.

We also, as we go forward, should think about the structure of the program for noninsured crop disaster assistance, the NAP program. There is a trigger in that program that requires a 35-percent areawide loss. Sometimes we can't meet that loss, but, frankly, most of the crops in my State are noninsured. They are strawberries, vegetables, et cetera. They individually sometimes can't meet this trigger, and they are denied any assistance whatsoever. If that program were more flexible, we could address some of the concerns we are talking about today in terms of insufficient funding.

In addition to this lack of resources, in addition to the unfairness of the distribution, in addition to the lack of timely response to the problems of my farmers in the Northeast and Rhode Island, there is also the issue of the dairy compact. Failing to extend this undercuts a program that was working, a program that provided not only support to the dairy industry in my State but, frankly, provided consumers with milk at reasonable prices. It also provided tremendous environmental benefit to the State of Rhode Island and other States because of the pressure of development, particularly in the Northeast. Many of these dairy farms, given the choice of producing at a loss each year or selling out to developers, will sell out. In Rhode Island, the little green space we have becomes less and less and less.

For all these reasons, I must oppose this legislation. I hope in the remaining days of this session we can, in fact, find ways and other legislative vehicles, perhaps even a supplemental, to

direct assistance to the farmers throughout this country, including farmers in the Northeast, particularly in my home State of Rhode Island.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Minnesota, Mr. GRAMS.

The PRESIDING OFFICER. The distinguished Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I will talk a few minutes this morning in support of the Ashcroft amendment to the Agriculture appropriations bill dealing with sanctions. I know this Agriculture appropriations bill covers many areas, including dairy, as we just heard our colleague from Rhode Island discuss. I have a different view, of course, on the dairy situation. I hope to have more on that in another statement that will also be entered into the RECORD in regard to the Agriculture appropriations bill.

I was disappointed the conferees decided to drop the Ashcroft Food and Medicine for the World amendment added by 70 Senators to the Senate Ag appropriations bill. I am a cosponsor of the bill to be introduced by Senator ASHCROFT and the cosponsors of his amendment. While I would prefer this bill addressed all unilateral sanctions, not just food and medicine, I strongly support the bill as a good start to reforming our sanctions policy. As a cosponsor of the Lugar Sanctions Reform Act, I believe it is long overdue that the administration and the Congress think before we sanction.

it makes no sense to punish the people of a country with which we have a dispute. Denying food and medicine does nothing to penalize the leaders of any country. Government leaders can always obtain adequate food and medicine, but people suffer under these sanctions, whether they are multilateral or unilateral. Those two areas should never be a part of any sanction.

At the same time our farmers suffer from the lingering effects of the Asian financial crisis as well as those in other areas of the world, we either have, or are debating, sanctions that further restrict markets for our farmers and medical supply companies. Since most of our sanctions are unilateral, it makes no sense to deny our farmers and workers important markets when those sales are made by our allies. I need not remind any of you that we are still experiencing the aftermath of the Soviet grain embargo of the early 1980's when the United States earned a reputation as an unreliable supplier.

Another example of how we have harmed our farmers is the Cuban embargo. I have for several years supported Senator DODD's Cuba food and medicine bill, similar to this proposal. For 40 years this policy was aimed at removing Fidel Castro—yet he is still there. This is a huge market for midwestern farmers, yet it is shut off to us for no good reason. Because Cuba has fiscal problems, many of its people are experiencing hardship. Those who have relationships with Cuban-Americans receive financial support, but those who don't have relatives here need access to scarce food and medical supplies. Higher shipping costs from other import sources has restricted the volume of food that can be imported. Yet here we are 90 miles away. We could help these people, but we cannot. It is time to develop more contact with the Cuban people and time to help those who do not have relatives in the United States. This bill does not aid the government, as United States guarantees can only be provided through NGOs and the private sector. Currently, donations are permitted, as well as sales of medicine, but they are very bureaucratically difficult to obtain, and they don't help everyone. Our farmers are in a good position to help and they should be allowed to do so.

I applaud Senators ASHCROFT and HAGEL and many others for there work to ensure farmers and medical companies will not be held hostage to those who believe sanctions can make a difference. Any administration would have to get Congressional approval for any food and medicine sanction. This is our best opportunity to help farmers and to show the world we are reliable suppliers. I urge the support of my colleagues for this long overdue legislation.

I yield the floor.

Mr. COCHRAN. Mr. President, seeing no Senators seeking recognition, I suggest the absence of a quorum and ask unanimous consent that the time be charged equally among all sides to the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the Senator from Wyoming, Mr. THOMAS.

The PRESIDING OFFICER. The distinguished Senator from Wyoming is recognized for as much time as he may consume.

Mr. THOMAS. I thank the Chair.

Mr. President, I thank the chairman of the Appropriations Committee for the work that has been done on both sides. I know this is a very difficult issue, one about which Members have very different ideas concerning resolution. I do appreciate the work that has been done.

Certainly, one of the things that has occurred and has an impact on what we are talking about today has been the difficult times we are having in agriculture. In my State of Wyoming, we have basically three areas of economic activity. This is one of the three; minerals is the other. Both have not been good lately. Fortunately, there are some signs of improvement, particularly in the livestock area, which is of course the most important part of Wyoming's agriculture.

I come to the floor to talk about what we need to do in the long run. We are talking in this bill about a great deal of fairly short-term remedies. I don't argue with those particularly. I guess maybe we have spent a little more money than we should, used the emergency technique for some things that probably are not bona fide emergencies. On the other hand, we have a great deal to do in our community in agriculture and all that needs to be done.

No one doubts the urgency of providing the short-term relief, whether it be from emergencies in weather, from emergencies in markets, or whether it be other kinds.

But the fact is that this, in my view, is not the long-term solution to the problems we have. Producers in Wyoming generally do not favor returning to the Government farm programs. I think they would much prefer the idea of being in the marketplace, producing for the marketplace, developing new markets.

We had an agricultural seminar in our State recently, and those were the things that were talked about—that we do need to develop markets; we need overseas markets because we are great producers. We produce efficiently and at good prices. But in order to do that, we have to continue to develop markets. I think we have to, in addition, reduce the kinds of restrictions that prohibit the sort of production we choose. So we need to follow up, and I think many of the agricultural leaders in the Senate believe we have some things we have to do to make Freedom to Farm work. Those are the things we must do in following up to make that marketplace work.

One of them, of course, is to reduce unfair trade barriers throughout the world. We have a great many of those, and probably the most pressing one is the European Union, where they have found various ways through tariff barriers, or nontariff barriers, to keep agricultural products in the country moving—beef, for example, which is important to me and others.

We have a great opportunity, as we go forward with the WTO meetings in Seattle soon, to take to that meeting the kinds of things that are important to us. I happen to be involved as chairman of the subcommittee on Asia and the Pacific rim. So I have been involved with some of the countries with which we deal to a great extent.

Japan has a 40-percent tariff on American beef. This is not a realistic thing to do. If we are going to have trade organizations and trade treaties that are designed to level the playing field and be fair, those kinds of things should not happen. We have some opportunities in China, as a matter of

fact, where they moved this summer to suggest they would take more wheat and also more beef. So we have some great opportunities to do that. We just this week had some hearings with respect to the NAFTA treaty with Canada. In this instance, we had some hearings before the International Trade Commission to seek enforcement of those trade agreements.

So what I am saying, of course, is that these are the kinds of things, over the long term, that we have to do to cause American agriculture to produce for the market and to be able to produce from that market a reasonable price. We can do that.

Unilateral sanctions. We have had a great deal of talk and discussion about unilateral sanctions. I think most people would agree that unilateral sanctions are not an effective tool for foreign policy. Basically, what we do is bar our own producers from selling in those particular places and gain no advantage from it. If there have to be sanctions, they certainly ought not to be unilateral. They should be through some kind of a trade organization.

So that, coupled with enforcement, I believe, of trade agreements is something that agricultural people are very anxious about. Obviously, foreign trade is not the only remedy, but it is one of the major ones. It was unfortunate that at the time we were moving into the marketplace in agriculture, we had the currency crisis in Asia, a place where we have a potential for great markets. Of course, now, hopefully, the Asian market is strengthening and we will find we will be able to move back there again.

As I mentioned, foreign trade is not the only remedy and not the only issue on which we ought to be working. I think we have to have some other innovative avenues to spur market competition. I think one of them that, again, was talked about at our seminar in Wyoming was producer-owned cooperatives that move on through to the retail marketing of these products.

I think it is pretty clear, particularly in the case of beef—or at least it is very appropriate there—where you had a major reduction in the price received by producers but no reduction in the retail market, no reduction in the grocery store when you went there—so there is some sort of a problem in between. We think producer-owned cooperatives may be a way to do the processing and to ensure that, indeed, producers are given their fair share of the final product. Another is niche marketing. A great number of things are taking place on the Internet, where people are marketing products in specialties areas.

I think we need to look at the concentration of packers, where there are only two or three packers that handle 80 to 85 percent of the livestock. I think there are some similarities in the grain industry, where very few buyers are available to go into the marketplace. So you have to ask the question, Is there, indeed, a competitive, fair marketplace? We have the Packers and Stockyard Act which is designed to do that. Over the years, we have appealed to the Justice Department a number of times to look at whether there was, indeed, a monopoly factor. They have said that, under the law, there is not. Not everybody agrees with that. Nevertheless, that has been the result.

We are going to, I think sometime this week, introduce a proposition that would have to do with packers' ownership of livestock and see if we can do something about reducing the potential for monopolies so the market prices are there. In this bill, I think there is a market-price-revealing requirement that is very important.

Financial solvency, of course, for agriculture is always difficult.

Crop insurance. The Senator who is presiding at this time continues to do a great deal with crop insurance, and we need to do that—at least from the weather emergency standpoint. That is the kind of thing that needs to be in place to protect the investment of farmers. In the form of tax relief, we have tried to do some things to extend income averaging. As you can understand, because some years are good and some are not, there needs to be the ability to income average.

There is interest in estate taxes. Most agricultural people have their estate in property, and they make very little profit often, but it accumulates toward their estate under the circumstances, and after they get beyond the exemption of 55 percent, that estate has to be paid in taxes. That is extremely difficult for agriculture. So we are going to be doing some things there.

Regulatory relief is particularly important in States such as ours, where 50 percent of the land belongs to the Federal Government, where much of agricultural activity, particularly livestock, is carried on, on public lands. The restrictions sometimes are very difficult.

So I am pleased we are going forward with this bill. As is the case with many, it probably isn't the way I would do it if I were in charge. But I am not in charge, nor is anyone else. So when you put it all together, it is difficult. I think the committee has done the best they could and has done a good job, but we need to focus on the long-term prosperity in agriculture, the family farm. We need to focus on continuing to keep U.S. producers competitive in the world market and, finally, opening those markets throughout the world for our agricultural products on a fair basis, so we are not kept out of those markets by nontariff barriers, and, in addition, of course, to develop domestically the things we do.

So, again, I say to the chairman, the Senator from Mississippi, good job. He has worked very hard in doing this, and we are pleased that this bill will be sent to the White House.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, let me, first of all, repeat what I said on the floor yesterday, which is that I am going to support this emergency package, both the financial emergency package and the disaster relief emergency package.

I am going to do so because, may I say for the Record, Tracy Beckman tells me this will mean $620 million in AMTA payments to Minnesota, and this will be important for some 60,000-plus producers. I hasten to add that most of this money to farmers will end up being used to pay back bankers.

I also am going to support this because I want to get some assistance out there. I don't think we are going to have enough with this $8.7 billion package. I don't think there is enough for disaster relief.

Clearly, our farmers in the Northeast are saying we don't figure in. And in northwest Minnesota where we have had so much wet weather and some farmers haven't been able to get a crop in or much of a crop in, I fear there won't be enough assistance.

But I think that when we are at least talking about something we can pass. We need to get this to the President and have President sign it in order to get some of this financial assistance out to our communities within the next couple of weeks. For this reason, I am going to support it. I also want to say that I hope to have to never vote for such a package again.

I believe these disaster relief bills are becoming a disaster. I think they are a complicated way of acknowledging the fact that we have a failed agricultural policy. Who would ever have dreamed that we would have spent over $19 billion now to keep farmers going post-Freedom to Farm bill. This doesn't make a lot of sense.

The producers in my State, the farmers in my State, much less the rural communities, the small businesses that are affected by this, the implement dealers, and those who sell tools all say: What we want is a decent price.

I want to make it real clear that I wish—though I appreciate the work, I don't think there is any Senator on the floor who has any unkind words to say about Senator COCHRAN, publicly or privately, because I think he is held in such high regard—I wish we were doing this through a somewhat different mechanism because I fear that too much of the support will be in reverse relation to need. I think we will have yet another supplementary emergency package to deal with, especially disaster relief because there is not enough in here.

In any case, we ought to deal with the root of the problem. The family farmers in my State of Minnesota and in the rural communities that have been so affected by this economic convulsion in agriculture—it is a depression in agriculture—I want to see a

new policy. The Freedom to Farm bill has become the ''freedom to fail'' bill. I do not hear very many Senators talking any longer about staying the course. We have to change the course of agricultural policy.

I make a plea on floor of the Senate that before we finish, before we adjourn, before we leave Washington, before we go back to our States, we pass legislation to change farm policy; that we pass some legislation to deal with the price crisis; that we pass legislation to give our farmers and our producers some leverage in the marketplace so they can make a decent price and so they can support their families.

The plea or the cry in rural America from family farmers is nothing more than to say for all you people who believe there should be a family wage, or a living wage, and a parent or parents ought to be able to make enough of a wage to support their families, well, those of us who produce the food and the fiber for families in this country ask for the same thing.

That is what this is all about.

I want to translate this crisis in personal terms.

Lynn Jostock is a Waseca, MN, dairy farmer. He tells his story:

> I have four children. My 11-year-old son Al helps my husband and I by doing chores. But it often is too much to expect of someone so young. For instance, one day our son came home from school. His father asked Al for some help driving the tractor to another farm about 3 miles away. Al was going to come home right afterward. But he wound up helping his father cut hay. Then he helped rake hay. Then he helped bale hay. My son did not return home until 9:30 p.m. He had not yet eaten supper. He had not yet done his schoolwork. We don't have other help. The price we get at the farm gate isn't enough to allow us to hire any farmhands or to help our community by providing more jobs. And it isn't fair to ask your 11-year-old son to work so hard to keep the family going. When will he burn out? How will he ever want to farm?

Gary Wilson, an Odin farmer, says:

> Received the church newsletter in the mail. What's normally to the entire congregation had been addressed to only farmers. The newsletter said farmers should quit farming if it was not profitable. If larger, corporate-style farms were the way to turn a profit, the independent farmers should let go and find something else to do. ''What he doesn't understand is that the farmers are his congregation. If we go, he won't have a church.''

Oh, how right Gary Wilson is.

The point is, if we continue with this failed policy, we are going to lose a generation of producers. We are going to see this convulsion in agriculture play out to the point where we have a few large conglomerates that control all phases of the food industry. Believe me, if you have just a few landowners versus a lot of family farmers who live and buy in the community and invest in the community, there won't be the support for the church. There won't be the support for the synagogue. There won't be the support for the small business. There won't be the support for the school system.

Darrel Mosel is a Gaylord farmer.

> Farming for 18 years. When he started farming in Sibley County, which is one of Minnesota's largest agricultural counties, there were 4 implement dealers in Gaylord, the county seat. Today, there are none. There's not even an implement dealer in all of Sibley County. The same thing has happened to feed stores and grain elevators. Since the farm policies of the 1980s and the resulting reduction in prices, farmers don't buy new equipment they either use baling wire to hold things together or quit. ''The farm houses have people in them but they don't farm. There's something wrong with that.''

That is a direct quote from Darrel.

John Doe—this is a farmer who wants to remain anonymous:

> This family has gone through a divorce and the father and three children are operating the farm. The father has taken an off farm job to make payments to the bank and has his 12 year old son and 14 year old daughter are operating the farming operation, unassisted while he is away at work. The neighbors have threatened to turn him in to human services for child abandonment and so he had to have his 18 year old daughter quit work and stay at home to watch the two younger children.
>
> The 12 year old boy is working heavy farm equipment, mostly alone. He is driving these big machines and can hardly reach the clutch on the tractor. It's this or lose the farm.

I could go on and on, but I will not. I want to repeat what I have said, which is that I am going to support this emergency assistance package. But all it does, at best, is enable farmers to live to farm another day. The truth of the matter is it isn't going to help the farmers who it needs to help the most.

In addition, I am going to support it because at least it gets some assistance to some families. It doesn't do anything for the small businesses. Most important of all, farmers simply will not have any future.

Ken and Lois Schaefer from Greenwald, MN, will not receive much assistance. Ken and Lois are one of the few small, independent hog operations still remaining, with roughly 400 hogs. They raise feeder hogs and sows. Lois has an off-farm job to make ends meet. Ken is considering an additional job. This is common. People who farm have jobs off the farm; it is unbelievable stress on the family. There is no choice if they are to survive.

A recent hog operation opened near the Schaefer farm and is seeking employees. Ken's neighbor started working part time for the hog factory. Ken and Lois will not receive much assistance; there is not near enough livestock assistance. However, Ken and Lois do not necessarily want assistance. What they want is a decent price for their hogs.

They ask the question: How can it be that we as hog producers are facing extinction and these packers are in hog heaven? How can it be that we as hog producers are facing extinction and the IBPs and the Cargills and the ConAgras are making record profits?

Several weeks ago, I spoke about the crisis that is ravaging rural America. I told my colleagues about farmers I visited in Minnesota, Iowa, Missouri, South Dakota, and Texas. Today, I want to talk about why there is this convulsion, why every month more and more family farms are put on the auction block; why every month more and more family farmers are forced to give up their way of life; why they lose their work; why they are losing their hope; and why they are sometimes losing their communities.

We ought to act now. I have said to the majority leader three or four times that I want an opportunity to bring to the floor of the Senate some legislation that will alleviate the suffering. I want to talk about this today. I want the opportunity to have an up-or-down vote on a moratorium on any further mergers or acquisition of any huge agribusiness. We have a frightening concentration of market power. These big conglomerates have muscled their way to the dinner table and are driving out family farmers. At the very minimum, we can put into effect the moratorium and have a study so over the next 18 months we can come up with legislation while this moratorium is in place that will put some competition and free enterprise back into the food industry, giving our family farmers, our producers, a fighting chance.

Several weeks ago I spoke on the floor at some length about the crisis that is ravaging rural America today. I told my colleagues about some of the farmers I've visited with in Minnesota, in Iowa, in Texas, and around the country who are on the brink of financial disaster because of record low farm prices.

Farmers from all around the country were in Washington, DC, that week because they know that the future of the family farm is at stake. Every month, more and more family farms are put on the auction block. Every month, more and more family farmers are being forced to give up their life's work, their homes, and their communities. We must act now.

In Minnesota, about 6,500 farmers are expected to go out of business this year. That's about eight percent of all farmers in my state. In northwest Minnesota, which has been hit especially hard by this crisis, about 11 percent are expected to go under. An August 1999 survey of Minnesota County Emergency Boards reported that more Minnesota farmers are quitting or retiring with fewer farmers taking their place; more Minnesota farm families are having to rely on non-farm income to stay afloat; and the number of Minnesota farmers leaving the land will continue to increase unless and until farm prices improve. We must act now.

Today I want to take a step back and look at the larger picture. I want to examine what is going on in American agriculture and why; what it means for farmers and for us as a society; and, most importantly, what we can do about it.

I want to talk about record low farm prices. I want to talk about record high

levels of market concentration and the absence of effective competition in almost every major commodity market. I want to talk about the failure of our antitrust enforcement authorities to do much of anything about this.

I want to talk about the need for Congress to take immediate action to restore competitive markets in agriculture and give farmers more equal bargaining power against corporate agribusiness. And I also want to make the case for a moratorium on large agribusiness mergers and acquisitions, effective immediately, which I have recently proposed along with Senator DORGAN.

In my travels around Minnesota and around the country, I've found that many people are not even aware of the crisis afflicting rural America today. Even fewer have any idea to what extent market concentration and anti-competitive practices have substantially eliminated competition in agriculture. So let me just start by ticking off a few statistics that some of my colleagues may find surprising.

In the past decade and a half, an explosion of mergers, acquisitions, and anti-competitive practices has raised concentration in American agriculture to record levels.

The top four pork packers have increased their market share from 36 percent to 57 percent.

The top four beef packers have expanded their market share from 32 percent to 80 percent.

The top four flour millers have increased their market share from 40 percent to 62 percent.

The market share of the top four soybean crushers has jumped from 54 percent to 80 percent.

The top four turkey processors now control 42 percent of production.

49 percent of all chicken broilers are now slaughtered by the four largest firms.

The top four firms control 67 percent of ethanol production.

The top four sheep, poultry, wet corn, and dry corn processors now control 73 percent, 55 percent, 74 percent, and 57 percent of the market, respectively.

The four largest grain buyers control nearly 40 percent of elevator facilities.

By conventional measures, none of these markets is really competitive. According to the economic literature, markets are no longer competitive if the top four firms control over 40 percent. In all the markets I just listed, the market share of the top four firms is 40 percent or more. So there really is no effective competition in the processing markets for pork, beef, chicken, turkeys, ethanol, flour, soybean, wet corn, dry corn and grain.

This development is not entirely new. In some sectors of agriculture, there was already considerable horizontal concentration at the turn of the century. Pork and beef slaughtering and processing were dominated by Wilson, Armour and Swift. That's why Congress passed the Packers and Stockyards Act in 1921.

But now, with this explosion of mergers, acquisitions, joint ventures, marketing agreements, and anti-competitive behavior by the largest firms, these and other commodity markets are becoming more and more concentrated by the day.

Recently the Justice Department approved a modified merger between Cargill and Continental. Just a few weeks ago Smithfield Foods, a major meat processor, announced the acquisition of Murphy Family Farms, a giant hog producer. DuPont is buying Pioneer Hi-Bred International. ADM is buying more and more of IBP. Among seed companies and input suppliers, there has been more than $15 billion worth of combinations in the last three years.

In my hands I have a monthly listing of new mergers, acquisitions, and other agribusiness deals through March 1999. Let me just read a sample of some of the headlines to give you a sense of how rapidly this concentration is taking place. March 1999: Dupont to buy Pioneer. Farmland-Cenex to discuss combining grain operations. Smithfield to acquire Carroll's.

February 1999: Three California dairies preparing for merger. December 1998: Monsanto completes Dekalb purchase. Smithfield gains control of Schneider. Cargill buys Bunge's Venezuelan units. November 1998: Cargill buys out rival grain operation; deal boosts firm's hold on market. Dow Chemical completes purchase of Mycogen. IBP buys appetizer business in expansion move. And so on.

The effect of this surge of concentration is that agribusiness conglomerates have increased their bargaining power over farmers. When farmers have fewer buyers to choose from, they have less leverage to get a good price. Anybody who has been to an auction knows that you get a better price with more bidders. Moreover, when farmers have fewer buyers to choose from, agribusinesses can more easily dictate conditions that farmers have to meet. And fewer buyers means farmers often have to haul their production longer distances, driving up their transportation costs.

In addition to this horizontal concentration among firms in the same line of business, we are also seeing another kind of concentration. It's called vertical integration. Vertical integration is when one firm expands its control over the various stages of food production, from development of the animal or plant gene, to production of fertilizer and chemical inputs, to actual production, to processing, to marketing and distribution, to the supermarket shelf.

The poultry industry is already vertically integrated, by and large. 95 percent of all chicken broilers are produced under production contracts with fewer than 40 firms. Now the same process is occurring in the pork industry. Pork packers are buying up what's called captive supply—hogs that they own or have contracted for under marketing agreements. If these trends continue, grain and soybean production may soon be vertically integrated just like poultry.

The problem with this kind of vertical concentration is that it destroys competitive markets. Potential competitors often never know the sale price for goods at any point in the process. That's because there never is a sale price until the consumer makes the final purchase, since nothing is being sold outside the integrated firm. It's hard to have effective competition if prices are not publicly available. Today there is essentially no price discovery, and therefore no effective competition, for chicken feed, day old chicks, live chicken broilers, turkeys and eggs. If vertical integration of pork and dairy continues at the current pace, we can expect much the same in those industries.

Vertical concentration stacks the deck against farmers, as we can see clearly in the case of the rapidly consolidating hog industry. An April 1999 report by the Minnesota Land Stewardship Project found that:

> Packers' practice of acquiring captive supplies through contracts and direct ownership is reducing the number of opportunities for small- and medium-sized farmers to sell their hogs;
>
> With fewer buyers and more captive supply, there is less competition for independent farmers' hogs and insufficient market information regarding price; and
>
> Lower prices result.

Even the USDA's Western Corn Belt hog procurement study showed price discrimination against smaller farmers. Smaller farmers were paid lower base prices, lower premiums, and they were given little or no access to long-term marketing contracts.

The combined effect of these two different kinds of concentration is to put enormous market power in the hands of a handful of global agribusiness giants. Not only do these conglomerates dominate processing for all the major commodities, but the same firms appear among the top four or five processors for several different commodities. ConAgra, for example, is among the Top Four for beef, pork, turkeys, sheep, and seafood, and it's number five for chicken broilers. To make matters worse, many of these firms are vertically integrated. Cargill, for example, is among the Top Four firms trading grain, producing animal feed, feeding hogs and beef, and processing hogs and beef.

Farmers clearly see the connection between this concentration and lower farm prices. Leland Swensen, president of the National Farmers Union, recently testified that

> The increasing level of market concentration, with the resulting lack of competition in the marketplace, is one of the top concerns of farmers and ranchers. At most farm and ranch meetings, market concentration ranks as either the first or second in priority

of issues of concern. Farmers and ranchers believe that lack of competition is a key factor in the low commodity prices they are receiving.

Well, no wonder. How else can you explain the record profits that the large agribusiness conglomerates are racking up, at the same time low prices are causing a depression for family farmers? IBP's earnings in 1998, for example, were up 62 percent. In the second quarter of this year, they were up a whopping 126 percent. Packing plants, food processors and retailers are all reporting record profits.

While corporate agribusiness grows fat, farmers are facing lean times. The commodity price index is the lowest since 1987. Hog prices are at their lowest since 1972. Cotton and soybean prices are the lowest they've been since the early 1970s. Feed grain prices are the lowest they've been since the mid-1980s. Food grain prices are at the lowest levels since the early 1990s. Agricultural income in the mid-Western states is predicted to fall between 15 and 60 percent this year.

Current prices are so low that many family farmers are lucky to stay in business. Market prices are lower than their cost of production. The value of field crops is expected to be more than 24 percent lower in 1999 than it was in 1996—42 percent lower for wheat, 39 percent lower for corn, and 26 percent lower for soybeans. But farmers' expenses aren't falling by the same amount. In fact, they're not falling at all. Farmers can't cash flow if their selling prices are falling through the floor while their buying prices are shooting through the roof.

It all comes down to market power. Corporate agribusinesses are using their market power to lower prices, without passing those price savings on to consumers. The gap between what consumers pay for food and what farmers get paid is growing wider. According to the USDA, the so-called farm-to-retail price spread—the difference between the farm value and the retail price of food—rose 4.7 percent in 1997. From 1984 to 1998, prices paid to farmers fell 36 percent, while consumer food prices actually increased by 3 percent.

In other words, the farmer's share of farm profit is falling. The farmer share of every retail dollar has fallen from 50 percent in 1952 to 25 percent today. By the same token, the profit share of farm input, marketing, and processing companies is rising. The agribusiness conglomerates claim that this is because they're putting more ''added value'' into food products. Actually, it looks like they're taking additional value out.

Some people have blamed low farm prices on other factors, such as declining exports. That's a big debate that will have to wait for another day. But let me just say this. We can hardly expect export growth to translate into higher prices for American farmers if the multinational agribusinesses still have enough bargaining power to keep farm prices down.

As Jim Braun, a third-generation Iowa farmer, wrote recently, ''Unfortunately, increased exports do not necessarily mean more money for farmers. IBP has doubled exports since 1990 and quadrupled profits in 1998, while it destroyed family farmers by paying below Depression-era prices for hogs. If Cargill, ConAgra, or ADM, the three major grain processors and exporters, could sell corn overseas for $20 per bushel, they could still pay American farmers below the cost of production simply because they have the power to do so.''

What we do know for sure is that low farm prices are driving thousands of farmers into bankruptcy, and concentration is helping to depress prices. That's reason enough why we should take immediate action to address the problem of concentration. But there are plenty of other reasons why we should be concerned about concentration in agriculture.

First of all, concentration is bad for the environment. When large-scale corporate feedlots replace family-size farms, they create large amounts of waste in a relatively small space. That puts enormous strain on the local ecology. The lower prices resulting from unequal bargaining power also put pressure on farmers to abandon careful soil and water conservation practices.

There's another reason why we should be concerned about concentration in agriculture. The price effects of unequal bargaining power are tremendously destructive of community and family values. This connection was made explicit in an infamous 1962 report by the Committee for Economic Development, whose members included some of the biggest food companies.

Amazingly, the Committee had this to say about community and family values. They recommended investment ''in projects that break up village life by drawing people to centers of employment away from the village . . . because village life is a major source of opposition to change.'' They went on to say, ''Where there are religious obstacles to modern economic progress, the religion may have to be taken less seriously or its character changed.''

So the largest agribusinesses were afraid that ''village life'' and religion would stand in the way of modern economic progress. But what exactly did they mean by the term ''modern economic progress''? It turns out they meant the bankruptcy and forced emigration of two million farmers. That's what their report recommended. These agribusiness giants were advocating lower price supports for farmers in order to lower farm prices. And the primary benefits of lowering farm prices, they argued, would be to lower input prices for the food companies, to increase foreign trade, and to depress wage levels by putting two million farmers out of business and dumping them into the urban labor pool.

There's a third reason why we should be concerned about concentration in agriculture. As the Committee for Economic Development report makes clear, this concentration is harmful to the economic development of rural communities. It's been estimated that when a farm goes under, three to five jobs are destroyed. For every six farm failures, one rural business shuts down.

The reason is pretty simple. When production is controlled by more nonlocal corporations, profits don't get reinvested in the community. When family businesses operate local farms, elevators, and grocery stores, they plough profits right back into other local businesses. Those revenues circulate locally three or four times, creating what's called a multiplier effect. But there's no multiplier effect when nonlocal corporations drain profits out of the community. Rural communities become little more than a source of cheap labor inputs for agribusiness multinationals—to be purchased as cheaply as possible in competition with low-wage labor overseas.

Obviously, this kind of concentration is not good for the social and economic health of rural communities. According to the Nebraska Center for Rural Affairs, virtually all researchers have found that social conditions deteriorate in rural communities when farm size and absentee ownership increase. Studies have shown that communities surrounded by large corporate farms suffer from greater income polarization—with a few wealthy elites, a majority of poor laborers, and virtually no middle class. The tax base shrinks and the quantity and quality of their public services, public education, and local government declines.

John Crabtree of the Center for Rural Affairs sums it up this way: ''Replacing mid-size farms with big farms reduces middle-class entrepreneurial opportunities in farm communities, at best replacing them with wage labor. . . . A system of economically viable, owner-operated family farms contributed more to communities than systems characterized by inequality and large numbers of farm laborers with below-average incomes and little ownership or control of productive assets.'' He concludes that ''Societies in which income, wealth, and power are more equitably distributed are generally healthier than those in which they are highly concentrated.''

I think this last point is true not only of rural communities, but of our country as a whole. ''Societies in which income, wealth, and power are more equitably distributed are generally healthier than those in which they are highly concentrated.'' In other words, we all do better when we all do better. When we have a thriving middle class, including a thriving family farm sector, our economy performs better. Our democracy functions better.

The idea that concentrations of wealth, of economic power, and of political power are unhealthy for our democracy is a theme that runs throughout American history, from Thomas

Jefferson to Andrew Jackson to the Progressive Era to the New Deal. But this idea was perhaps most forcefully expressed by the People's Party of the late 1800s, sometimes called the Populists.

The People's Party embodied popular disgust with rampant monopolization and concentration of economic and political power. The Populist platform from the 1892 nominating convention in Omaha declared, ''The fruits of the toil of millions are boldly stolen to build up colossal fortunes for a few, unprecedented in the history of mankind.'' People's Party founder Tom Watson thundered, ''The People's Party is the protest of the plundered against the plunderers.''

In the Gilded Age of the late 1800s and the Progressive Era of the early 1900s, the danger of concentrated economic power was widely recognized and hotly debated. The Populists argued that a free and democratic society cannot prosper with such concentration of power and inequalities of wealth. As the great Supreme Court Justice Louis Brandeis said, ''We can have democracy in this country, or we can have wealth in the hands of a few. We can't have both.''

The Populists were reacting to a concentration of wealth, economic power, and political power that was remarkably similar to what we've experienced in the late 1900s. Today, despite wage gains for low-income workers over the past couple years, inequality in America has reached record levels.

According to reports by the Center on Budget and Policy Priorities and the Economic Policy Institute, the gap between rich and poor is greater today than at any time since the Great Depression. CBO data shows that after-tax income is more heavily concentrated among the richest one percent of the population than it has been since 1977. CBO projects that in 1999 the richest 1 percent of Americans (2.7 million people) will receive as much after-tax income as the poorest 38 percent (100 million people) put together.

At the same time, we are witnessing the biggest wave of mergers and economic concentration since the late 1800s. Not only in agriculture, but in media and communications, banking, health care, airlines, energy, hi-tech, defense, you name it. There were 4,728 reportable mergers in 1998, compared to 3,087 in 1993; 1,529 in 1991; and a mere 804 in 1980. And as Joel Klein, head of Justice Department's Antitrust Division, has pointed out, the value of last year's mergers equaled the combined value of all mergers from 1990 through 1996 put together.

Former Speaker Newt Gingrich, the political scientist E. J. Dionne, and the philosopher Michael Sandel, among others, have all drawn parallels between the conditions of today and the heyday of monopoly power in the 19th Century. In the Gilded Age, the welfare of farmers, rural communities, and small businesses was sacrificed for the economic interests of burgeoning bank, railroad, and grain monopolies. Today, the welfare and future of our family farmers and rural communities is being sacrificed to the economic interests of near-monopoly global agribusiness.

While the Sherman Act was written by a Republican senator and signed into law by a Republican president, in 1896 William McKinley and the Republicans openly sided with the titans of industry and decided to write off rural America. They felt that the ''social reformers, agrarian rebels, church leaders, and others who challenged the authority of the industrial giants'' were being hopelessly sentimental, as E.J. Dionne puts it. The McKinley Republicans presumed that monopoly interests were on the right side of history, of economic progress, and of civilization.

Interestingly enough, Populist demands were initially rebuffed with many of the same arguments that have become conventional wisdom today. The Populists were told that monopoly power was the legitimate outcome of free markets, that concentration was the inevitable result of technological progress, that concentration represented economic efficiency, and that there were no viable alternatives.

These arguments are no truer today than they were at the turn of the century. The current trend towards concentration in agriculture is not the product of the ''free market,'' nor of Adam Smith's invisible hand. For starters, with no effective competition in the major commodity markets, these can hardly be held up as models of free market competition. What they really stand for is market failure.

In any event, these near-monopolies were not created by the free market at all. They were created by government, just like the railroad monopolies of the 19th century. Instead of Adam Smith's invisible hand, we are seeing the hand of multinational food conglomerates, in the words of Iowa farmer Jim Braun, ''acting inside the glove of government.''

The role of government in creating and fostering these monopolies is probably most obvious in the context of intellectual property rights, such as patents and copyrights. These are monopolies by definition. The whole point of intellectual property protection is to prevent competition. Without that patent protection, there would be a lot more companies selling seed and other inputs to the farmer, there would be a lot more competition, and the farmer would pay much lower prices. And because of that protection, intellectual property rights generate outsized profits and market power.

My point is not that these patent protections are a good thing or a bad thing. The answer will probably depend on a lot of different factors in each particular case. My point is that they are not an example of the free market at work. On the contrary, these are monopolies formally granted by the government.

The issue here is not just competition for the patented goods, but barriers to competition for the entire agribusiness industry. If one of these conglomerates engages in high-handed behavior, new businesses could normally be expected to enter the market and steal its market share. But smaller competitors can't enter the market if the barriers to entry are too high. And intellectual property rights are a mighty high barrier.

In fact, one of the motors driving consolidation of agribusiness today is biotechnology. Soon biotech companies will be able to control the entire food production chain with their genetics. Already Monsanto, DuPont, and Novartis are gobbling up smaller biotech companies' market share, patent rights, and customer base. And biotech patent monopolies on plant and animal genomes will be a nearly insurmountable barrier to market entry in the future.

Professor Bill Heffernan, who was commissioned by the National Farmers Union to study these trends, projects that the entire agricultural sector will soon consolidate into a small number of ''food chain clusters,'' revolving around intellectual property firms. The number of these clusters will be limited by the small number of firms with intellectual property protection and by extremely high barriers to market entry.

A handful of vertically integrated food chain clusters are already poised to control food production from the gene to the supermarket shelf. Professor Heffernan identifies three existing food cluster chains: Cargill-Monsanto, ConAgra, and Novartis-ADM. He predicts that another two or three will eventually develop. Smaller seed firms, independent producers and other independent businesses will face a dilemma. Either they join one of alliances to obtain inputs and sell their production, or they go out of business.

The emergence of these titanic food conglomerates is not the inevitable outcome of technological progress, but of conscious policy choices. Our government-funded research programs, for example, have chosen to fund expensive technologies that generate greater sales for the largest agribusinesses and diminish the role of farmers in the production of food.

Government support for private-sector monopoly over the ''terminator gene'' is a good example of the bias inherent in these choices. The terminator gene is a gene that can be inserted in plants to make their seeds sterile. It forces farmers to buy new seeds every year instead of reusing their own.

This is not a neutral technology. It raises the income of the seed suppliers and intellectual property holders by forcing farmers to pay more for seed. As Lee Swenson of the National Farmers Union recently has testified, ''Biotechnology and the terminator gene have put the farmer at the mercy of

the food cluster for seed to plant crop. If the firms in the processing stage of the cluster require specific genetic material and the farmer cannot get that seed, the farmer has no market access.'' Yet this technology was developed with support from none other than the USDA.

While choosing to invest in technologies such as the terminator gene, the government has generally failed to invest in technology that would benefit the family farmer. Research dollars have not been directed towards technologies that would reduce farmers' costs for capital or inputs, for example, or help them produce higher value products. Dr. Neil Harl of Iowa State University also calls for more government support of cutting edge seed varieties that should be made available to smaller seed companies, helping them compete against the emerging food clusters.

Instead, Congress has chosen to cut funding for publicly available research in biotechnology. One seed company CEO, when asked what farmers could do to resist the growing vertical integration of agriculture, said, ''Absolutely nothing, because these are property rights owned by the companies, so the farmer is going to become more and more at the mercy of the few who own intellectual properties. Again, it goes back to the shortsightedness of funding basic research in such a parsimonious fashion. Without government funding, companies are going to fund research and control it.''

Economic concentration is not dictated by economic efficiencies any more than it is by free markets and technological progress. In the late 1800s, John D. Rockefeller made the classic argument for the economic efficiencies of monopoly power. He claimed that Standard Oil's monopoly was good for the public because it created efficiencies that could be passed along to the consumer in the form of lower oil prices. That argument wasn't compelling then, and it's not compelling today.

First of all, efficiency is not what's driving the trend towards concentration in agriculture. Research by Iowa State University economist Mike Duffy shows no further economies of scale beyond 600 acres of row crops and about 150 sows. But the most rapidly growing farming operations in Iowa are much larger than that, so economies of scale cannot be driving their expansion.

One Iowa farmer writes, ''Today efficiency and cost of production have nothing to do with determining which farmer will survive as a food producer.'' The most important factor is probably the special relationships the integrating firm has with other businesses. In industries undergoing vertical integration, especially, farmers who don't have special relationships with feed or slaughtering firms often have to pay more for inputs and have more problems selling their product. And smaller farmers are being forced to sign production contracts with input suppliers to obtain new technologies they need to stay competitive.

Another critical factor determining who survives in these non-competitive markets is deep pockets and market share. Conglomerates with multiple holdings can cross-subsidize one of their operations with profits from another operation, making it harder for smaller, less diversified firms to compete. They can also drive local non-diversified firms out of business by excess production or processing of a commodity, driving price down below the cost of production.

These cross-subsidies are increasingly taking place on a global scale. A firm like Cargill, which has operations in 70 countries, can absorb losses in one country so long as it can cross-subsidize with revenues from another country. Because they control supplies in more than one country, these multinationals can also drive prices down to the detriment of farmers in both countries.

Even if concentration did produce economic efficiencies, such efficiencies wouldn't concern us if they weren't passed on to the consumer. But we've already seen that the agribusinesses' price windfalls are not being passed on to the consumer. That's because they are able to exploit their economic power to increase profit share at the expense of farmers.

So it's simply not true that there are no viable alternatives to continued economic concentration. Concentration is not dictated by free markets, by technological progress, or by economic efficiency. It's occurring because of government-created monopolies, biased choices in technology policy, special relationships, and cross-subsidies. And it's occurring because our choices in farm and trade and antitrust policies. In the end, concentration is driven by policy choices that could be made differently.

Consider all the policy choices that have brought American agriculture to where it is today. When we paved the way for family farming with the Homestead Act and the defeat of slavery, that was a policy choice. When we enacted parity legislation in the 1940s, leading to an increase in the number of farmers, expansion of soil and water conservation practices, and a decline in farm debt, that also was a policy choice.

When we cut loan rates in the 1950s and 1960s to lower farm prices, that was a policy choice. When we interlinked domestic commodity markets with lower world prices through trade agreements, that was a policy choice. When we eliminated the safety net for farmers with the Freedom to Farm Act, that was a policy choice.

When we invest public resources in technology that tilts the scales against family farmers, that is a policy choice. When we fail to fund enough economists at GIPSA or enough antitrust staff at Justice and the FTC, that is a policy choice. And when we encourage global concentration through our trade policies while allowing corporate agribusiness to destroy competitive markets here at home, that too is a policy choice.

Now the policy choices before us are clear. We can take legislative action that will help preserve family-based agriculture. Or we can continue on our present course, which is leading unmistakably in the direction of contract farming, rural depopulation, and global oligopoly.

In August, the Omaha World Herald carried a story about one economist's projections for the future of American agriculture. ''Farmers who stubbornly insist on being their own boss will end up in the economic scrap heap,'' he said. This economist described a trend toward ''polarization of farms by size, with the number of large farms growing at a rapid pace''; ''separation of land ownership from land production, with more and more people owning land as an investment and leasing property for production''; and contract farming, which will change the role of farmers from that of an independent producer to skilled tradesman.''

Can any Senator honestly tell me this is the vision he or she supports? Do we really want a world of contract farming, in which farm laborers are stuck with one-sided contracts and inadequate price information and struggle to get out from under mountains of debt? Do we really want a world in which our rural areas become depopulated because family farmers have to leave the land? Do we really want a world in which vertical integration and contract farming shift ever more bargaining power to agribusinesses?

Do we really want a world in which management decisions are made by a small group of corporate executives, removed from the land thanks to new precision farming technologies? Do we really want a world in which titanic food chains face little pressure to pass on price savings to the consumer?

Do we have any say in this matter? I think we do. We don't have to accept this vision of the future if we don't want to. We can propose a different one, and we can fight for it. These are all policy choices.

These choices are made more difficult by the immense power of corporate agribusiness—not only economic power, but political power as well. As Lee Swenson of the NFU recently testified,

> The remaining firms are increasing market share and political power to the point of controlling the governments that once regulated the firms. Some of the biggest corporations have gotten tax breaks or other government incentives. . . . Corporate interests have also called on the government to weaken environmental standards and immigrant labor protections in order to allow them to reduce productions costs.

The bigger these agribusinesses get, the more influence they have over our public policy choices. The bigger they

get, the more money they have to spend on political campaigns. The bigger they get, the more lobbyists they can afford to amass on Capitol Hill. The bigger they get, the more likely they are to be named special U.S. trade representatives, like the CEO of Monsanto. The bigger they get, the more likely public officials will be to confuse their interests with the public interest, if they don't already do that. And the bigger they get, the more weight they will pull in the media.

It's a vicious circle. These agribusiness conglomerates used their political clout to shape public policies that helped them grow so big in the first place. Now their overwhelming size makes it easier for them to dictate policies that will help get even bigger.

This was just as much a problem at the turn of the century as it is now. American democracy suffered greatly as a result of concentration of economic power in the late 1800s. But the Populists and their successors showed us that there is a different path, that there are alternatives, and they proceeded to lay the groundwork for the Progressive Era.

Even before the founding of the People's Party, populists and labor and progressives began working to rein in the concentration of economic power. With the help of some forward-looking Republicans, they fought for and passed the Sherman Act and the Clayton Act and the Packers and Stockyards Act and the Federal Trade Commission Act. They also reined in the trusts through regulation of banks and railroads. And they demanded more and better democracy through the direct election of senators.

Judge Robert Bork notwithstanding, I don't believe the Sherman Act was motivated by concerns over economic efficiency and consumer welfare. In fact, during consideration of the Sherman Act, Congressman Mason directly responded to the efficiency arguments raised by John D. Rockefeller.

> If the price of oil, for instance, were reduced to one cent a barrel, it would not right the wrong done to the people of this country by the trusts which have destroyed legitimate competition and driven honest men from legitimate business enterprises.

As Richard Hofstadter has written, the Sherman Act was ''a ceremonial concession to an overwhelming public demand for some kind of reassuring action against the trusts.'' During debate on the Act, Senator John Sherman himself railed against the ''kingly prerogative'' of men with ''concentrated powers.'' He vowed that ''We will not long endure a king over production, transportation, and sale of any of the necessities of life.''

But the antitrust laws, in the words of Supreme Court Justice William O. Douglas, are now ''mere husks of what they were intended to be.'' In the last 20 years, the courts have been unduly influenced by the anti-antitrust views of Judge Bork and the Chicago School. Today tremendously unfair market power routinely goes unpunished, especially with regard to vertical integration.

Courts have limited the effectiveness of the antitrust laws by narrowing their focus to questions of economic efficiency and consumer welfare. The focus on consumer welfare is an obstacle to antitrust enforcement in agriculture, even though farmers were an integral part of the original antitrust movement. Conventional antitrust analysis focuses on the ability of dominant firms to charge higher prices to consumers; price declines are generally not regarded as a problem. But farmers today are drawing attention to the ability of dominant firms to abuse their market power to pay lower prices to producers, not consumers.

The Justice Department's recent approval of the Cargill-Continental merger raises troubling questions about the future of antitrust enforcement in agriculture. If DOJ can't stop the merger of Cargill and Continental, what merger will it ever stop? Will it ever be able to take any action at all to arrest the trend towards concentration in agriculture?

The Packers and Stockyards Act is a similar story. Enacted in 1921 to combat the market abuse of the top five meat packers, it has extremely broad and far-reaching language. Under the Packers and Stockyard Act, it is unlawful for any packer to ''engage in or use any unfair, unjustly discriminatory, or deceptive practice or device.'' It is unlawful to ''make or give any undue or unreasonable preference or advantage.''

However, some court decisions have limited its scope, and USDA is unwilling to test its regulatory authority in court. Meanwhile, concentration in the meat-packing industry today is higher than it was when the FTC issued its original report leading to enactment of the 1921 Act.

Clearly, we cannot simply rely on the current antitrust statutes and antitrust authorities to address the rapid consolidation of the agricultural sector. We must change our antitrust laws. Whether or not our antitrust agencies have authority that they are unwilling to exercise, we need to force their hand. And we must develop a new farm policy. Realistically, however, we know that doing these things may take some time. We must act now.

There is something we can do in the short term. I am offering legislation with Senator DORGAN that would impose a moratorium on mergers and acquisitions among agribusinesses that must already submit pre-merger filings under current law (annual net revenue or assets over $100 million for one party and $10 million for the other). This moratorium would remain in effect for 18 months, or until Congress enacts legislation to address the problem of concentration in agriculture, whichever comes first.

Over the longer term, however, we need to focus on equalizing the bargaining power between farmers and the global agribusiness giants. A growing disparity of economic power is shifting a larger share of farm income to agribusiness. We need to reverse that trend and level the playing field. Unless we ensure that farmers and ranchers receive a fair share of the profit of the food system, little else we do to maintain family-size farms is likely to succeed.

Of course, there's more than one way to attack the problem of unequal bargaining power. The antitrust statutes helped equalize bargaining power by increasing competition, thereby reducing the market power of monopolies. The formation of agricultural cooperatives under the Capper-Volstead Act helped equalize bargaining power from the opposite direction—by increasing the market power of farmers. Under either approach, farmers improve their bargaining position and are likely to obtain a greater share of farm income.

Yet there are some inherent disparities in market power that can only be remedied through farm policy. Because there are so many farmers, no single farmer can influence price on his or her own. On their own, farmers cannot limit production waiting for prices to rise or until they can shift crops. Farmers are unable to reduce supply without assistance from the government, which is where farm policy can play a role.

Farm policy can also remedy inherent disparities in market power by placing a floor on prices. Laws guaranteeing workers the right to bargain collectively and a minimum wage are based on the same idea. The minimum wage law recognizes that there is unequal bargaining power between employers and workers, and that wage negotiation would often lead to wages that are too low. The bargaining power between agribusiness conglomerates and farmers is similarly unequal, and it is resulting in farmer prices that are too low. Farmers today essentially need the equivalent of a minimum wage.

Of course, bolstering the market power of family farmers is inimical to the economic interests of corporate agribusiness, and it will be fiercely resisted. But in the past we have managed to tame concentrations of economic and political power, and I refuse to believe we cannot do so again. For this reason, the examples of the Populist movement and the Progressive Era are enormously instructive and encouraging.

Finally, I want to mention the fiery closing speech at the People's Party convention in 1892, which reads like it could have been written yesterday. It was delivered by a remarkable Minnesotan—an implacable foe of monopoly power named Ignatius Donnelly. Donnelly affirmed that ''the interests of rural and urban labor are the same,'' and he called for a return to America's egalitarian founding principles. ''We seek to restore the government of the

Republic to the hands of the 'plain people' with whom it originated,'' he said.

We should do no less. If we want to sustain a vibrant rural economy and a thriving democracy, we need urgent reform of our farm and antitrust laws. We must act now. We can start by passing an 18-month moratorium on the largest agribusiness mergers.

I yield the floor, and I reserve the remainder of our time for the minority.

Mr. COCHRAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

Mr. COCHRAN. Mr. President, I ask unanimous consent—and I do not intend to object—that the time consumed by the Senator be charged equally to all time under the order on the appropriations bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. The Senator is recognized.

Mr. INHOFE. Mr. President, I am not going to take much time. I certainly hope the Senator from Minnesota did not cut his remarks short because he certainly is articulating something in which we are all very interested. I would do what I could to protect his rights to get a vote if he needed a vote, the same as I ask my rights be protected to either get a vote or to object to a unanimous consent request, which I have been doing with regularity in the last few days.

Mr. WELLSTONE. Mr. President, I thank my colleague for his remarks.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Mr. INHOFE. Mr. President, I will take a few minutes to share with the Senate something that has not been mentioned yet in this whole CTBT debate.

First of all, let me respond to a couple of things that were said by the last speaker who spoke in favor of the Comprehensive Test Ban Treaty. I hate to be redundant, but I cannot let these things continue to go by. People will actually believe them when, in fact, they are not true.

The statement was made by one of the Senators that the Directors of the labs—the three energy labs—were in favor of this treaty. I listened to this, and yet we had them before our committee which I chair. They were very emphatic about their feelings. I am going to read to make sure the record reflects this.

Dr. Paul Robinson, one of the Directors, said:

> The Treaty bans any ''nuclear explosion,'' but unfortunately, compliance with a zero-yield requirement is unverifiable. The limitations of verifiability introduce the possibility of inconsistent observance of the ban under the threshold of detectability.

The threshold of detectability is something that is there. What that means is, no matter what equipment we use, we are unable to detect certain tests that are underground under certain yields. This is a zero-yield test.

We kept hearing from the same individual yesterday that they can get on-site inspections. Onsite inspections are not assured. Under this treaty, it is very specific. Going back to Paul Robinson, the Director of Sandia Lab:

> The decision to approve a request for an onsite inspection must be made by an affirmative vote of at least 30 of the 51 members of the treaty organization's Executive Council.

I know there is supposedly some informal agreement that we in the United States would be a member of that executive council. I do not see anything in this treaty that says we are. We are putting our fate in the hands of some 30 nations, and we do not know at this point who those 30 nations will be.

I will quote further to get my point across, although the Senator was well meaning yesterday in making the comment this was endorsed by the Directors of the labs. I will quote Dr. Paul Robinson again. He was referring to himself and the Directors of the other two labs. I am talking about all three labs:

> I and others who are or have been responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion many times in the past. To forego that validation through testing is, in short, to live with uncertainty.

He goes on to say:

> If the United States scrupulously restricts itself to zero yield while other nations may conduct experiments up to the threshold of international detectability—

The one I just talked about—

> we will be at an intolerable disadvantage.

We have to read that over and over because people are not getting that message.

The second thing he said was, what is the rush? This morning, I heard the President in his press conference of yesterday talk about the rush. Here is the President who has been saying over and over that he demands this come before this Senate and be acted upon by November of this year. Here it is. That is next month. We are doing exactly what he wanted. Yet now he wants to withdraw this treaty because he does not believe he has the votes for the ratification. I agree. He does not have the votes. It would shock me if he had the votes.

Yet we have had a chance for a very deliberative session. We have talked for hours and hours, some 22 hours of debate and committee activity on this subject. We are all very familiar with it.

I also suggest that any Member of the Senate who stands up now and says we should not be doing this and how unconscionable that we are considering something of this magnitude right now, any one of those Senators saying that had the opportunity, as the Senator from Illinois would have had the opportunity, to object to bringing it up because it was done so by unanimous consent.

The third thing they were talking about is how everyone is a strong supporter of this treaty. For the record, one more time, we have 6 former Secretaries of Defense and several former Directors of Central Intelligence, as well as some 13 former commanding generals, all of whom are in the RECORD right now, and I do not need to put it in again, I have already put that in the RECORD; also, the statement by Bill Cohen. There is no one for whom I have greater respect than my former colleague on the Senate Armed Services Committee, the former Senator Bill Cohen, now Secretary of Defense Bill Cohen.

But I had to remind him, during our committee meeting, that maybe now his attitude is different on some of these critical things because he is now working for the President. But what he said in September of 1992—and I remember when he said it when he was leading the fight to stop this type of a treaty; in fact, it is the same provisions—he said:

> . . . [W]hat remains relevant is the fact that many of these nuclear weapons which we intend to keep in our stockpile for the indefinite future are dangerously unsafe. Equally relevant is the fact that we can make these weapons much safer if limited testing is allowed to be conducted. So, when crafting our policy regarding nuclear testing, this should be our principal objective: To make the weapons we retain safe.
>
> . . . The amendment that was adopted last week . . .

This is back in 1992, but this is the same language we are talking about today—

> does not meet this test . . . [because] it would not permit the Department of Energy to conduct the necessary testing to make our weapons safe.

Here is the same Secretary of Defense, back when he was in the Senate, talking about the fact that our weapons are not safe. By the way, we had a chart that we showed of information that came from all three of the Energy labs which is in the Cloakroom right now, but we have used on the floor several times, showing specifically not one of the nine weapons in that arsenal meet the safety tests today. In other words, we have gone 7 years now without testing, and it has now taken its toll. We are having a problem. So anyway, that is very significant to remember those words of Secretary Cohen.

I have been asked the question by a number of people as to why I am so adamant about objecting to the unanimous consent request—and I do not care who makes it—to take this from the calendar and put it back into the Foreign Relations Committee.

I do so because there is something that has not even been discussed on

this floor yet; and that is, unless we kill it and actually reject this treaty by a formal action, the provisions of this treaty are going to remain somewhat in effect. In other words, we are going to have to comply with this treaty that has been signed—going back to a document of the Vienna Convention that was actually signed on May 23, 1969, but it did not become a part of the international law until January of 1980.

Article 18—and this is in effect today—says:

Obligation not to defeat the object and purpose of a treaty prior to its entry into force.

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty. . .

What that means is, we have this flawed treaty, this treaty that allows our adversaries to conduct underground tests. Yet while we cannot do it, we have to comply with this treaty, if we merely send it back to committee.

So I just want to make sure—I am going to read that again. This is from the Vienna Convention. This is something that we are a party to. It says—I will take out some of the other language—

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

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(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty . . .

How do you make your intentions clear? Under the Vienna Convention language, not to be a party to this treaty you have to vote it down. You have to bring this up for ratification and reject it formally on the floor of this Senate. To do anything other than that is to leave it alive and to force us to comply with this flawed treaty, which is a great threat to our safety in this country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I want to make a couple comments about the conference report on Agriculture appropriations. Before I do, I would like to make a comment or two about the presentation just offered by my friend from Oklahoma.

The Senator from Oklahoma, as he always does, makes a strong presentation for something he believes very strongly in. I believe very strongly that he is wrong. I believe very strongly in the other side of the issue. Let me describe why just for a few moments.

The Comprehensive Nuclear Test-Ban Treaty is a question presented to this country in this form: Will the United States of America assume the moral leadership that it must assume, in my judgment, to help stop the spread of nuclear weapons around the world? There are two nuclear weapons superpowers—the United States and Russia. Between us, we have roughly 30,000 nuclear weapons. Some other countries have them, and many other countries want them. There are many countries, there are rogue nations, and there are terrorist groups that want to have access to nuclear weapons.

The question of what kind of a future we will have in this world depends, in large part, upon the direction this country takes in assuming its responsibility to stop the spread of nuclear weapons.

We already decided 7 years ago, as a country, we will no longer test nuclear weapons. We made that decision unilaterally. Over 40 years ago, President Eisenhower said: We must have a Comprehensive Nuclear Test-Ban Treaty; we must do that. About 5 or 6 years ago, we began negotiating with other countries to develop such a treaty. Two years ago, President Clinton sent to the Senate a treaty that would provide a comprehensive nuclear test ban all around the world.

For 2 years, that treaty languished here without 1 day of hearings before the primary committee that it was sent to, the Foreign Relations Committee. I know there is disagreement on that, but I tell you, Senator BIDEN, who is the ranking Democrat of that committee, says there was not 1 day of hearings devoted to that treaty.

I understand some people want to kill it.

Mr. INHOFE. Will the Senator yield on that?

Mr. DORGAN. I am happy to yield.

Mr. INHOFE. I ask the Senator, if it should not have been brought up for the purpose he just articulated, why did this Senator not object to the unanimous consent request to have a vote on it?

Mr. DORGAN. Let me say this about the unanimous consent request. If you take a look at all the arms control treaties that have been offered to the Senate—the ABM Treaty, the START I treaty, the START II treaty, on down the line—and take a look at how many days of comprehensive hearings they had, No. 1, in the committee of jurisdiction and, No. 2, how many days they were debated on the floor of the Senate, what the Senator will discover is this treaty, that has been treated lightly, it is a serious matter—treated lightly by the fact that the majority leader said, even without comprehensive hearings, we will bring this treaty to the floor of the Senate and kill it.

It alone is the arms control treaty that has been treated in this manner. All other treaties were dealt with seriously with long, thoughtful, comprehensive hearings—day, after day, after day—and then a debate on the floor of the Senate—day after day—which involved the American people and public opinion; and then this country made decisions about those treaties.

I know there are some who have never supported an arms control treaty under any condition. They have not.

Mr. INHOFE. If the Senator will yield further?

Mr. DORGAN. Let me finish my statement.

They do not support arms control treaties. I respect that. I just think they are dead wrong. I have on my desk—I ask consent to show it again—a piece of a bomber. This is a piece of a Backfire bomber, a Russian bomber. Why is a Russian bomber in a circumstance where its wing was sawed off—not shot down, its wing sawed off? Because arms control agreements have reduced the number of delivery systems and nuclear weapons.

This part was sawed off a Russian bomber wing as part of the reduction of the threat under our arms control treaties. These treaties work. We know they work. That is why, without shooting down a bomber, I have a piece of a Russian Backfire bomber wing, just to remind us that arms control treaties work.

Mr. INHOFE. Will the Senator yield further?

Mr. DORGAN. Just for a moment.

Mr. INHOFE. I think it is very significant because this subject has come up during 14 hearings before the Senate Foreign Relations Committee. We have over 130 pages of testimony on this. We have discussed it for hours and hours over the last 2 days. Again, any Senator could have objected to this and apparently believed it was not necessary.

But I have to ask you this question. You talked about only two countries having these weapons.

Mr. DORGAN. I did not say that. Let me reclaim my time. I did not talk about ''only two countries.''

Mr. INHOFE. There was a time when that was true. During the cold war that was a valid argument. It is no longer true. Virtually every country has weapons of mass destruction. Now it is a matter of which countries have missiles that could deliver them, of which now we know of North Korea and Russia and China—and whoever else we don't know because they have been trading technology with countries like Iraq and Iran, and other countries.

Mr. DORGAN. I did not say that the United States and Russia are the only countries that have nuclear weapons. I said we have 30,000 between the two countries. Other countries have nuclear weapons as well, and many other countries aspire to have nuclear weapons.

The Senator from Oklahoma said something that is not the case. He said virtually every other country has weapons of mass destruction. That is not the case. The nuclear club, those countries that possess nuclear weapons, is still rather small, but the aspiration to get a hold of nuclear weapons is pretty large. A lot of countries—more than just countries, terrorist groups—want to lay their hands on nuclear weapons. What happens when they do? Then we will see significant threats to the rest of this world.

It is in our interest as a country to do everything we can possibly do to stop the spread of nuclear weapons. Do we want Bin Laden to have a nuclear weapon? Do we want Qadhafi to have a nuclear weapon? Do we want Saddam Hussein to acquire a nuclear weapon? I don't think so. Arms control agreements and the opportunities to prevent the spread of nuclear weapons are critical.

How do we best do that? Many of us believe one of the best ways to do that is to pass this treaty, the Comprehensive Nuclear Test-Ban Treaty.

We are going to have this treaty back on the floor, I think, for 3 hours today. I will make it a point to come and I will spend the entire 3 hours with the Senator from Oklahoma.

Mr. INHOFE. If the Senator will yield for a response.

Mr. DORGAN. I have not yielded, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. This treaty was brought to the floor for 14 hours of debate. Name another arms control treaty that came to the floor with only 14 hours of debate. The Senator asks: Why didn't someone object? The burden is on us. Because the majority leader treated a serious matter lightly, the burden is on someone else.

The Senator from Oklahoma knows we objected the first time the Senator from Mississippi proposed it. He knows an objection was raised. The second time the Senator from Mississippi proposed it, he linked it to a time. If that is the only basis on which we had the opportunity to consider this treaty, so be it. But it is not treating a serious matter seriously, in my judgment. Name another treaty that has come to the floor of the Senate dealing with arms control, the arms control issues embodied in this treaty, trying to prevent the spread of nuclear weapons, that has had this little debate and comes to the floor, despite what my colleague says, without having had 1 day of comprehensive hearings devoted to this treaty in the committee to which it was assigned? Those are the facts.

Mr. INHOFE. If the Senator will yield on that point.

Mr. DORGAN. Mr. President, I came to speak about the Agriculture appropriations bill. The only reason I made these comments is, the Senator from Oklahoma was, once again, making statements. He is good at it. He feels passionately about these things. But I think, with all due respect, he is wrong on this issue.

This country has a responsibility to treat these issues seriously. This country has a responsibility to lead in the area of preventing the spread of nuclear weapons. We don't lead in that regard by turning down or rejecting this treaty. There was a coup in Pakistan yesterday; we are told. We don't know the dimensions or consequences of it. Pakistan is a nuclear power. Pakistan and India are two countries that don't like each other. They exploded nuclear weapons, literally under each other's chin, within the last year. Is that a serious concern to the rest of the world? It is.

Mr. INHOFE. Absolutely, if the Senator will yield.

Mr. DORGAN. Are we going to lead and try to stop nuclear testing? Are we going to lead in trying to stop the spread of nuclear weapons? I hope so. I cast my vote to ratify this treaty, believing it is the best hope we have as a country to weigh in and be a leader, to say we want to stop the spread of nuclear weapons around the rest of the country.

Mr. President, I see my friend from Arizona has also joined us. I came to speak about this Agriculture bill. I know my colleague from Illinois is waiting to address these issues as well.

Mr. KYL. I wonder if I might prevail on the courtesy of the Senator for 30 seconds.

Mr. DORGAN. Thirty seconds.

Mr. KYL. The Senator asked a question which I think deserves an answer: Name one other treaty that had less time or more time than this. Here are the treaties: The Chemical Weapons Convention had 18 hours allotted for it.

Mr. DORGAN. Is that less than 14?

Mr. KYL. That includes amendments.

Mr. DORGAN. How many comprehensive hearings did that treaty have?

Mr. KYL. If I could complete my answer to the Senator, which is that this treaty, pursuant to a request by the minority, had 14 hours associated with it, plus 4 hours per amendment, if there were amendments offered. There was an amendment offered on the Democratic side. The Democratic side used 2 hours allotted to them for that. The Conventional Forces in Europe Treaty had 6 hours, compared to 14 for the CTBT. The START Treaty had 9½ hours, about 6 hours less. The START II Treaty had 6 hours, and the CFE Flank Agreement, 2 hours. So every one of these treaties ended up having less time than the CTBT allotted for debate on the floor.

All of last week was consumed by hearings in the Intelligence Committee, the Foreign Relations Committee, and the Senate Armed Services Committee; I don't know how many hours total. Prior to that time, the Government Operations Committee had three separate hearings. That is the specific answer to the Senator's question.

Mr. DORGAN. One thing I hate in politics is losing an argument I am not having. The Senator from Arizona cites the number of hours this treaty or that treaty was considered on the floor of the Senate. I will bring to the floor this afternoon the compendium of action by the Senate on the range of arms control treaties, START I, START II, ABM, so on. What I will show is that in the committee of jurisdiction, there were days and days and days of comprehensive hearings and the length of time those treaties were considered, in terms of number of days on the floor of the Senate, were extensive. It allows the American people to be involved in this discussion and this debate. This approach, which treats a very serious issue, in my judgment, too lightly, says, let us not hold comprehensive hearings. I remind the Senator that the request from the minority was of the majority leader to hold comprehensive hearings, allow consideration, and allow a vote on this treaty. That is not the course the majority leader chose.

Having said all that, I am happy to come back this afternoon. I feel passionately about this issue. We should talk about all the things the Senator from Oklahoma is raising. We haven't tested for 7 years, and we think this country is weaker because of it. I don't know how some people can sleep at night. North Korea is going to attack the Aleutian Islands with some missile. Our nuclear stockpile is unsafe, one Senator said the other day. The bombs in storage are unsafe. We have been storing nuclear weapons for over 40 years in this country. All of a sudden they are unsafe, on the eve of the Comprehensive Nuclear Test-Ban Treaty.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

Mr. DORGAN. Having said all that, let me turn to the question of the Agriculture Appropriations bill. Let me ask how much time I have remaining? I had sought 20 minutes.

The PRESIDING OFFICER. The minority has 136 minutes remaining.

Mr. DORGAN. I will take 5 minutes. My friend, the Senator from Illinois, is waiting and the Senator from Mississippi, who manages the bill, has the patience of Job. I will not spend a lot of additional time.

I want to run through a couple charts, if I might. I want people to think through if this were their income, what their situation would be. Every one of you have a job; you have an income. If you have a business, you have some profit or an expected profit. Ask yourself what your situation would be personally if your job was to raise corn. This is what has happened to the price of corn; it has dropped dramatically. Think of what that would mean if that happened to your income.

What about if you are a producer out there, a family farmer raising some children and trying to operate a farm? You are raising wheat. Here is what has happened to your income. It has plummeted?

What if you are raising some kids and trying to operate a family farm and doing well and you are producing soybeans? This is what happened to your income. Again, a drastic reduction.

Do you know of any other business in which prices have fallen as much as for wheat, corn, soybeans?

Likewise, what if somebody said that the product you raise, a bushel of wheat, for example, as a percentage of the cereal grain dollar, was going to shrink by over half?

Take another example. Say you were raising hogs and not too long ago you sold a 200-pound hog and got $20 for it. Then that hog was slaughtered and the meat from that hog went to the grocery store and was sold for $350. There is something wrong with that picture.

Is there something wrong with the stream of income that goes to the person who actually raised that hog versus the amount of income that goes to the middle people who process it? Absolutely.

We could go through chart after chart, those of us who represent farm States. All of us know what the story is. The story is, our family farmers are in crisis. We have a farm bill that has an inadequate safety net. We have the collapse of grain prices in this country in an almost unprecedented way. We have the weakening Asian economy, which means fewer exports. We have concentration and monopolies in every direction, which cuts the farmer's share of the food dollar.

When Continental and Cargill are allowed to get married, as they just did, two big companies gathering together under one umbrella, it demonstrates that our antitrust laws don't work. Every direction the farmer looks, he finds a monopoly. Want to raise some grain and ship it on a railroad? You are held up for prices that are outrageous in order to haul it by the railroad. The same is true with virtually every other commodity such as selling wheat into a grain trade that is highly concentrated. In every set of circumstances, farmers have been injured. And the result of all of these adverse circumstances coming together, especially the twin calamities of the collapse of commodity prices and weather-related crop disasters, means we have a full-scale emergency on our family farms.

This piece of legislation is not particularly good. I am going to vote for it, but with no great enthusiasm. I was one of the conferees. The conference met for a brief period of time. Senator DURBIN was a conferee, as well, and he will recall we met for a period of time, and one of the things we pushed for was to stop using food as a weapon. No more food embargoes. Guess what. That was our strong Senate position, but it is not in this report.

This report doesn't end the embargoes on food or end using food as a weapon. This report doesn't do that because the conference dumped it. We didn't do it because we were part of the conference, but the conference didn't meet. It adjourned in a pique and never got back together. We are told the Senate majority leader and the Speaker of the House cobbled together this bill, with some technical help. When we saw it again, it said we want to continue to use food as a weapon and keep embargoes on various countries around the world.

I am not happy with this bill. Let's provide income support to farmers, it says, after we pushed for that. But it says do it with something called AMTA payments. We are going to have people getting emergency payments who didn't lose any money because of collapsed prices; they weren't even farming. In fact, the payment limits have gone up. So it is conceivable that some landowners are going to get $460,000 without putting a hand to the plow. That is the new payment limit. Can you imagine telling a taxpayer in a city someplace that we want to help farmers in trouble, and they ask which farmers? Well, somebody is going to get a $460,000 payment whether or not they are actually farming. That is not helping America's family farmers. So there is a lot wrong with the payments provided by this bill.

Similarly, the disaster aid is only $1.2 billion and contains no specific line item for flooded lands. We know that amount shortchanges all the known needs. We know that is not going to cover the drought of the Northeast, the flooding from Hurricane Floyd and the prevented planting in the Upper Midwest—all of the disasters that need to be addressed across this country. But the combination of things in this legislation has put us in a position of asking if we are going to provide some help or no help.

We are in a situation where we have to say yes, we will vote for this package, but without great enthusiasm. This was done the wrong way. Most of us know that. We should have helped farmers who lost income because of collapsed prices and weather disasters, the people who really produce a crop. We ought not to have a $460,000 upper payment limit, and we ought not to have dropped the provision that says we are going to end embargoes on food and medicine forever. It was wrong to drop that. We know that.

I will have to vote for this conference report, without enthusiasm, because there is an emergency and a crisis, and some farmers will not be around if we don't extend a helping hand now. Never again should we do it this way. This is the wrong way to do it. It is not the right way to respond to the emergency that exists in farm country.

My friend, the Senator from Illinois, wants to speak. I thank him for his patience. I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Illinois is recognized.

THE COMPREHENSIVE TEST BAN TREATY

Mr. DURBIN. Mr. President, there are several issues that have been debated on the floor this morning, and it is typical of the Senate, which considers myriad issues, to consider some that are quite contrasting. To move from nuclear proliferation to help for soybean growers is about as much a contrast as you could ask for. But it reflects the workload that we face in the Senate, and it reflects the diversity of issues with which we have to deal.

I will speak very briefly to the issue of the nuclear nonproliferation treaty. This nuclear test ban treaty, which may be considered for a vote this afternoon, could be one of the most significant votes ever cast by many Members of the Senate. It appears the vote will be overwhelmingly in favor of the treaty on the Democratic side of the aisle, with a handful of Republican Senators joining us—not enough to enact this treaty into law and to ratify it so that it becomes virtually a law governing the United States. If that occurs, if we defeat this treaty this afternoon—as it appears we are headed to do—it could be one of the single most irresponsible acts ever by the Senate.

Let me give specifics. It was only a few hours ago, in Pakistan, that a military coup took place and replaced the administration of Mr. Sharif. Mr. Sharif had been elected. He was a man with whom we had dealt. He was a person who at least came out of the democratic process. But he was toppled. We have not had that experience in the United States, and I pray we never will. But the military leaders decided they had had enough of Mr. Sharif. They weren't going to wait for an election. They decided to take over. It appears from the press reports that the source of their anger was the fact that Mr. Sharif had not aggressively pursued the war against India, nor had he escalated the nuclear testing that took place just a few months ago.

You may remember, on the Fourth of July, the President of the United States of America stayed in the White House for a special meeting—a rare meeting on a very important national holiday with Mr. Sharif of Pakistan, where he laid down the rule to him that we didn't want to see the Pakistani army engaged in the militia tactics against the Indians in an escalated fight over their territory in Kashmir. He produced, I am told, satellite imagery that verified that the Pakistanis were involved, and he told Mr. Sharif to stop right then and there. If this escalated, two nascent nuclear powers could see this develop into a conflagration that could consume greater parts of Asia. The President was persuasive. Sharif went home and the tension seemed to decline—until yesterday when the military took over.

Why does that have any significance with our vote on a nuclear test ban treaty? How on God's Earth can the United States of America argue to India and Pakistan to stop this madness of testing nuclear weapons and escalating the struggle when we reject a treaty that would end nuclear testing once and for all? It is really talking out of both sides of your mouth.

This nuclear test ban treaty had been supported originally by Presidents Eisenhower and Kennedy, Democratic and Republican Presidents, over the years. It was President George Bush who unilaterally said we will stop nuclear testing in the United States. He did not believe that it compromised our national defense, and he certainly was a Republican.

If you listen to the arguments of my colleagues on the other side of the aisle, you would think this is just a cut and dried partisan issue, with Republicans on one side and Democrats on the other. The polling tells us that 82 percent of the American people want us to pass this test ban treaty. They understand full well that if more and more nations around the world acquire nuclear weapons, it doesn't make the United States any safer; it makes the world more dangerous. Leaders in some of these countries, who should not be entrusted with a cap gun, will end up with a nuclear weapon, and we will have to worry whether they have the delivery capability.

Why is a nuclear test an important part of it? You can't take this nuclear concept from a tiny little model on a bench and move it up to a bomb that can destroy millions of people without testing it. If you stop the testing, you stop the progress of these countries. Some say there will be rogue nations that will ignore that, that they don't care if you sign a treaty in the United States; they are going to go ahead and build their weapons.

I don't think any of us would suggest that we can guarantee a nuclear-free world or a nuclear-controlled world by a treaty. But ask yourself a basic question: Are we a safer world if we have a nuclear test ban treaty that puts sensing devices in 350 different locations so we can detect these tests that occur? Are we a safer world if we have a regime in place where one nation can challenge another and say, ''I think you have just engaged in the development of a nuclear weapon you are about to test, and under the terms of the treaty I have a right to send in an international inspection team to answer the question once and for all.''

Why, of course, we are a safer world if those two things occur. They will not occur if the Republicans beat down this treaty today, as they have promised they will. An old friend of mine—now passed away—from the city of Chicago, said, ''When it comes to politics, there is always a good reason and a real reason.''

The so-called good reason for opposing the treaty has to do with this belief that it doesn't cover every nation and every possible test.

The real reason, frankly, that a lot of them are nervous about going against this treaty is the fear that in a week or a month or a few months we will have another member of the nuclear club; in a week or a month or a few months we will have more testing between India and Pakistan; in a few weeks we may see what is happening in Pakistan disintegrating further and then having to worry about whether there will be nuclear weapons used in the process of their confrontation with India.

Those who vote to defeat the treaty will wear that collar, and they will know full well that they missed the signal opportunity for the United States to have the moral leadership to say our policy of no nuclear testing should be the world policy; it makes us safer. It makes the world safer.

Sadly, we have spent virtually no time in having committee hearings necessary for a treaty of this complexity, and a very limited time for floor debate. It is a rush to judgment. I am afraid the judgment has already been made. But ultimately the judgment will be made in November of the year 2000 when the American voters have their voice in this process. Our debates on the floor will be long forgotten. But the voters will have the final voice as to which was the moral, responsible course of action to enact a treaty supported by Presidents Eisenhower and Kennedy, and the Chairmen of the Joint Chiefs of Staff, a treaty that really gives us an opportunity for a safer world, or to turn our backs on it.

I sincerely hope that enough Republicans on that side of the aisle will muster the political courage to join us. The right thing to do is to pass this treaty.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1999—CONFERENCE REPORT—Continued

Mr. DURBIN. Mr. President, I want to address the second issue before us, and one which is of grave concern in my home State of Illinois. It is the Agriculture appropriations bill.

It has been my high honor to serve on the agriculture appropriations subcommittee in both the House and the Senate. I have been party to some 13 different conferences. That is where the House and Senate come together and try to work out their differences.

I want to say of my chairman of the subcommittee, Senator COCHRAN, that I respect him very much. When I served in the House and he was a conferee, I believe that we always had a constructive dialog. There are important issues involving American agriculture. I was honored to be appointed to the same committee in the Senate, and I have respected him again for the contribution he has made as chairman of the committee.

But what happened to Senator COCHRAN in this conference shouldn't happen to anyone in the Senate. He was moving along at a good pace, a constructive pace, to resolve differences between the House and the Senate. Unfortunately, the House leadership turned out the lights, ended the conference committee, and said we will meet no more. What was usually a bipartisan and open and fair process disintegrated before our eyes. That is no reflection on the Senator from Mississippi. I have no idea what led to that. It occurred. It was clear that the problem was on the House side. We were making progress. We were making bipartisan decisions. The process broke down.

But with that said, I will vote for this bill, and reluctantly. I believe it will provide some relief for struggling farmers in our fragile farm economy.

The Illinois Department of Agriculture estimates that $450 million from the $8.7 billion agricultural relief package will directly benefit Illinois producers through receipt of 100 percent of the 1999 AMTA payments. I agree with the Senator from North Dakota. Using an AMTA payment is fraught with danger. I think it is an open invitation for every one of these investigative television shows to have fun at the expense of this bill and this decision process. When they find people who haven't seen a tractor in decades but have ownership of a farm receiving payments upward of $.5 million, they are going to say: I thought you were trying to help struggling farmers, not somebody with a trust account who has never been near a farm.

That may occur because we have chosen these AMTA payments. We should have done this differently. I think we are going to rue the day these payments are made and the investigations

take place. But these AMTA payments will be in addition to the more than $450 million already received by Illinois farmers this year to help them through this crisis.

I voted for the Freedom to Farm Act. I have said repeatedly that I did not believe when I voted for that farm bill that I was voting for the Ten Commandants. I believed that we were dealing with an unpredictable process. Farming is unpredictable. Farm policy has to be flexible. We don't know what happens to weather or prices. We have to be able to respond.

You have to say in all candor as we complete this fiscal year and spend more in Federal farm payments than ever in our history that the Freedom to Farm Act, as we know, has failed. It is time for us, on a bipartisan basis, to revisit it, otherwise we will see year after weary and expensive year these emergency payments.

Look at the Illinois farm economy. My State is a lucky one. We usually aren't the first to feel the pain. God blessed us with great soil and talented farmers and a good climate. But we are in trouble.

Farm income in Illinois dropped 78 percent last year to just over $11,000 a year. That is barely a minimum wage that farmers will receive. That is the lowest net income on farms in two decades.

Incidentally, if you are going to gauge it by a minimum wage, as the Presiding Officer can tell you, farmers don't work 40-hour workweeks. When they are out in the fields late at night and early in the morning, they put in the hours that are necessary. Yet they end up receiving the minimum wage in my State of Illinois. That is down from $51,000 in 1997. That was the net farm income per family in that year. Lower commodity prices and record low hog prices in particular are primarily to blame for this net farm income free fall in my home State.

The Illinois Farm Development Authority recently noted that the financial stress faced by Illinois farmers today is higher than it has been for 10 years. Activity in the authority's Debt Restructuring Guarantee Program is four or five times higher than last year. They have approved 7 to 10 loans per month in 1998. In 1999, the authority has been approving 30 to 40 debt restructuring loans per month—a 300-percent increase. This is a record level unmatched since the 1986–1987 farm crisis.

The U.S. Department of Agriculture has predicted that prices for corn, soybeans, and wheat will remain well below normal, and that farm income may drop again next near. Nationally, farm income has declined 16 percent since 1996.

On Saturday night in Springfield, IL, I went to a wedding reception and sat next to a friend of mine. I said: What is a bushel of corn going for now? He said $1.51. If you follow this, as they do every day in farm country, that is a disaster—$1.51 a bushel.

I said: How is your yield this year?

He said: It is up a little, but I can't make up for that decline in price.

That is what is coming together. That is the disaster in Illinois and in many places around the Nation.

The USDA is facing the largest farm assistance expenditure in its history. The Department of Agriculture processed 2,181 loan deficiency payments in 1997, about 2.1 million in 1998—1,000 times more—and they will work through a projected 3 million this year. Unfortunately, it appears that this crisis is going to drag on in the foreseeable future further draining USDA's resources and reserves.

I am going to address separately the whole question of the Ashcroft-Dodd amendment because I think it is one that deserves special attention. But I want to say that though I did not sign this conference report because of the procedures that were followed, I hope that we don't repeat this process in the future. It really undermines the credibility of Congress and of the good Members such as the Senator from Mississippi and others who really do their best to produce a good bill when they turn out the lights and send us home, and then circulate a conference report that has never been seen until they put it before you for signature.

Once the Senate acts on the conference report, sends it to the President, our role in helping improve conditions in rural America does not end. We should explore other ways to help our farmers.

Let me say a word about the Ashcroft-Dodd amendment.

You may recall during the Carter administration when the Soviets invaded Afghanistan. President Carter announced an embargo on the Soviet Union—an embargo that became one of the single most unpopular things that he did. President Carter and the Democratic Party wore the collar for a decade or more that we were the party of food embargoes, of agricultural embargoes. Our opponents and critics beat it like a tin drum to remind us that it was our party that did that.

I think it should be a matter of record that a strong bipartisan suggestion from Republican Senator JOHN ASHCROFT of Missouri, and Senator CHRIS DODD, a Democrat of Connecticut, that we stop food embargoes once and for all passed the Senate with 70 votes and then was defeated in that very same conference committee to which I referred. The bill we now have before us continues food embargoes. The sticking point apparently was that of the countries exempted from embargoes on food and medicine, specifically Cuba was to be excluded.

There are some Americans, many Cuban-Americans, who hate Castro with a passion for what he did to their country, their family, and their business, and believe we should punish him. He has been in power for over 40 years, and we imposed embargoes on his nation for food and medicine.

I have said on the floor and I will repeat again, in the 40 years I have seen photographs of Mr. Castro since we have embargoed exports of food to Cuba, I have never seen a photo of Mr. Castro where he appeared malnourished or hungry. The bottom line is, somehow he is pretty well fed. I bet he has access to good medicine. The people who are suffering are the poor people in Cuba and a lot of other countries. The people are suffering because we don't have the trade for American farmers. It is a policy that has not worked.

How did we open up eastern Europe? We opened it up by exposing the people who were living under communism to the real world of the West—free markets and democracy. They fled Moscow and that Soviet control as fast as they could. We have always thought we could isolate Cuba. I think exactly the opposite would end Castro's totalitarian rule—when the people in Cuba get an appetite for what is only 90 miles away in the United States, through trade, through expanded opportunities.

The Governor of the State of Illinois, George Ryan, a Republican Governor, has said he will take a trade mission to Cuba. I support him. I think the idea of opening up that kind of trade is the best way to quickly bring down any control which Castro still holds in that country.

When that amendment to end the embargo on food and medicine in six countries went to conference, the Republican leadership in the House of Representatives stopped it in its tracks. After we had voted on a bipartisan basis on the Senate side to move it forward, they stopped it in its tracks.

That is a sad outcome not just for the poor people living in the countries affected but for the United States to still be using food as a weapon with these unilateral embargoes on food and medicine. Yes, in the case of Cuba and many other countries, it is a policy which does harm a lot of innocent people. In Cuba, it is very difficult to get the most basic medicines. Are we really bringing Castro down by not providing the medicines that an infant needs to survive? Is that what the U.S. foreign policy is all about? I hope not.

Senator ASHCROFT is right. Senator DODD is right. We have to revisit this. I am sorry this bill does not include that provision. It is one that I think is in the best interests of our foreign policy and our future.

I hope the President will sign this conference report quickly and work with Congress to submit a supplemental request, taking into account the devastating financial crisis that continues in rural America. To delay further action on this would be a great disservice to the men and women who have dedicated their lives to production agriculture, a sector of the economy in which I take great pride in my home State of Illinois, and I am sure we all do across the United States.

I am extremely disappointed that this conference agreement removed the Ashcroft amendment that would have allowed food and medicine to be exported to countries against which we have sanctions. This amendment passed the Senate overwhelmingly after language was worked out carefully and on a bipartisan basis. I am especially disturbed that, after the conference stalled on this issue, just a few decided to withdraw this provision behind closed doors.

The sticking point was the idea of selling food and medicine to the people of Cuba—not to Iran, Iraq, or Libya. Cuba remains a Communist country whose leaders repress their people and commit serious abuses of human and political rights. We all agree on the goal of peaceful change toward democracy and a free market economy in Cuba. But continuing the restrictions on sending food and medicine to Cuba is the wrong way to accomplish this goal.

The report issued 2 years ago by the American Association for World Health, Denial of Food and Medicine: The Impact of the U.S. Embargo on Health & Nutrition in Cuba concluded that ''the U.S. embargo of Cuba has dramatically harmed the health and nutrition of large numbers of ordinary Cubans.'' The report went on to say:

> The declining availability of foodstuffs, medicines and such basic medical supplies as replacement parts for 30-year-old X-ray machines is taking a tragic toll. . . . The embargo has closed so many windows that in some instances Cuban physicians have found it impossible to obtain lifesaving machines from any source, under any circumstances. Patients have died.

I would like to read part of a letter I got from Bishop William D. Persell from the Diocese of Chicago who relates his experiences in visiting villages outside of Havana. He says:

> I was especially struck by the impact of the American embargo on people's health. We saw huge boxes of expired pill samples in a hospital. Other than those, the shelves of the pharmacy were almost bare. We talked with patients waiting for surgeries who could not be operated upon because the X-ray machine from Germany had broken down. A woman at the Cathedral was chocking from asthma for lack of an inhaler. At an AIDS center, plastic gloves had been washed and hung on a line to dry for re-use. The examples of people directly suffering from the impact of our government's policy after all these years was sad and embarrassing to see.

Many religious groups in the United States have called for the end of these restrictions, which the U.S. Catholic Conference, for example, has termed ''morally unacceptable.'' During Pope John Paul II's visit to Cuba last year, he noted that it is the poorest and most vulnerable that bear the brunt of these policies.

Hurting everyday people is not what this country is about. Such suffering attributed to our great nation is unconscionable. Even in Iraq, where stringent international sanctions have been imposed, there is an international ''oil for food'' program, which aims to be sure the Iraqi people have adequate nutrition. That program has not always been as successful as I had hoped, but we have not even tried similar relief for the Cuban people.

The burdensome and complex licensing procedures that Americans have to go through to get food and medicine to Cuba essentially constitute a ban on such products because of the long delays and increased costs. I applaud and welcome the changes the Clinton administration made following Pope John Paul II's visit to streamline the licensing procedures for getting these products to Cuba, but I'm afraid these changes are not enough. Although agricultural and medical products eventually have been licensed to go to Cuba through this lengthy and cumbersome process, much of it has not been sent. The licensing procedure itself discourages many from even trying to use it.

I believe that the suffering of the Cuban people because of these restrictions on food and medicine is counterproductive to our shared goal of democratization in Cuba. Castro gets to blame the United States, and not his own failed Communist policies, for the suffering and hardships of the Cuban people. The policy encourages a ''rally 'round the flag'' mentally, where people who otherwise might oppose Castro's regime hunker down and support the government in such trying economic circumstances portrayed as the fault of the United States.

There seems to be a consensus developing that food and medicine should not be used as a weapon against governments with which we disagree. Congress has supported lifting such sanctions against India, Pakistan, and even Iran. The people of Cuba should be treated no differently.

Mr. COCHRAN. Mr. President, I yield such time as he may consume to the distinguished Senator from Nebraska.

Mr. HAGEL. Mr. President, I thank the distinguished senior Senator from Mississippi who has managed this Agriculture appropriations bill through the high winds and difficult seas over the last few weeks. Some of that was acknowledged this morning. We started out dealing with agriculture, and we have now been dealing with the Comprehensive Test Ban Treaty and other important things. I am grateful for his patience, leadership, and diligence to get to this point.

This is a very important conference report we take up today. I rise to support the Agriculture appropriations conference report.

As has been noted on the floor of the Senate this morning that American agriculture is in trouble. Our American agricultural producers are struggling. I think it is worthy that we examine briefly what has caused this difficulty.

Good weather over the last 3 years has led to worldwide record grain yields, which has created a large oversupply and significantly reduced grain prices. Other important causes for these difficult times facing our agricultural producers are: The 2-year Asian economic crisis which has spread throughout the world; the high value of the American dollar versus other currencies; export subsidies and unfair trade practices by our foreign competitors; the lack of meaningful trade and sanctions reform; the lack of real tax and regulatory reform; and, for the last 5 years, the lack of fast-track trade authority for the President. All of these and more are directly responsible for the current situation in American agriculture.

I might add, they have nothing to do with our current farm policy, which is known as Freedom to Farm. What I have just registered, what I have just cited—those unpredictables, those uncontrollables—would be here regardless of America's farm policy. It is important to point that out because I have heard some suggest it is America's Freedom to Farm policy that this Congress enacted and this President signed in 1996 that is at the root of this disastrous agricultural situation in which we find ourselves. In fact, it is not.

This $69.3 billion bill will assist agricultural producers by providing, among other things, short-term assistance. It includes an $8.7 billion emergency package, and it is important we work our way through this so the American people understand what is included in this package:

There is $5.5 billion in agricultural market transition assistance payments that are paid directly to our agricultural producers, to the farmers and the ranchers. This equates to a 100-percent increase from the producers' 1999 payment and puts the money directly in the hands of our producers and certainly does it much faster than supplemental loan deficiency payments.

There is $1.2 billion for disaster relief; $475 million in direct payments to soybean and minor oilseed producers; $325 million in livestock feeder assistance; $325 million for livestock producers; $200 million is in the form of assistance to producers due to drought or other natural disasters; $400 million to assist producers in purchasing additional insurance for crops coming up that they will plant early next year for fiscal year 2000; and mandatory price reporting to assist livestock producers in their marketing decisions.

While the Agriculture appropriations conference report and emergency assistance package are important and they are very helpful in the short term, we need to look at the long-term solutions: How do we fix this for the long term so we don't keep coming back to Congress year after year after year for more supplemental appropriations? That is what we must stay focused on. We find those long-term solutions in opening up more opportunities for our farmers and our ranchers to sell the products.

Our producers need more open markets. While we need to adjust parts of

Freedom to Farm and we need to do that to make it work better, the basic underlying principle of Freedom to Farm should be preserved. And the basic underlying principle of Freedom to Farm is plant to the market, let the market decide.

In order to become more efficient and to produce for a growing market, we must give the producers the flexibility to grow what they want when they want: Grow for the market, not what the Government dictates or what the Government manipulates.

We need to adjust transition payments to make them more useful in times when cash flows are tight, when they are needed, not just arbitrary: Another supplemental appropriation. Payment levels may need to be adjusted annually, that is the way it is, to take into account such things as the value of the U.S. dollar, export opportunities, natural disasters, actual production levels, and other factors.

Loan deficiency payments have proven a useful tool for farmers, but we need to build into that more flexibility so producers can quickly respond to changes in the market.

The Crop Insurance Program is critical to the future of our ag producers. The Crop Insurance Program needs to be expanded and reformed so producers can be more self-reliant during economic downturns. We need to focus on private-sector solutions rather than public-sector solutions.

The United States needs a relevant and a vital trade policy that addresses the challenges of the 21st century. We need WTO accession for China, trade and sanctions reform, and more international food assistance programs. WTO negotiations also need to address unfair manipulation and other trade barriers that hurt America's farmers and ranchers. We are currently working our way through the beef hormone issue. The WTO has consistently come down in favor of the American producer, yet we still find the Europeans throw up artificial trade barriers. These are big issues, important issues. Trade must be a constant. It must be elevated to a priority in the next administration. The next President must put trade on the agenda, and he must lead toward accomplishment of that agenda.

As my friend, the distinguished Senator from Illinois, noted earlier, I, too, am disappointed this conference report does not contain the Ashcroft-Hagel-Dodd sanctions reform language, which passed this body, as noted by the distinguished Senator from Illinois, 70 to 28—70 votes in favor of lifting unilateral sanctions on food and medicine. I am confident we can move forward on this legislation. We will come back to it when it soon comes, again, to the Senate floor for consideration. The Ashcroft-Hagel-Dodd bill would exempt food and medicine from unilateral sanctions and embargoes. It is supported by the American Farm Bureau and the entire American agricultural community.

This reform also strengthens the ties among peoples and nations and demonstrates the goodness and the humanitarianism of the American people. It sends a very strong, clear message to our customers and our competitors around the world that our agricultural producers will be consistent and reliable suppliers of quality products. The American agricultural producer can compete with anyone in the world. Passing sanctions reform legislation will open up new markets, and it will allow our agricultural producers to compete in markets around the globe. I am hopeful we will move forward on comprehensive sanctions and trade reform legislation early next year. This must be a priority. It should be a priority. It is a priority, and it is a bipartisan priority.

As Senator DURBIN mentioned earlier, if you look at those 70 Senators who voted in favor of lifting sanctions on food and medicine, they represented the majority of both the Republican and the Democratic Parties in this body. That is a very clear message that this is a bipartisan issue. We should capture the essence of that bipartisanship and let that lead us next year as we should, and we will, make considerable progress in trade and sanctions reform.

Regulations continue to add to the cost of production to farmers and ranchers. Regulatory reform is critical. We need to look at all the regulations currently on the books and make sure they are based on sound science and, lo and behold, common sense.

We need to look at tax reform. In 1996 when the Congress passed and the President signed Freedom to Farm, two promises were made by Congress to our agricultural producers: We would comprehensively deal with the important dynamics of tax reform and regulatory reform. We have failed to do so. We have failed to address comprehensive tax reform and regulatory reform, aside from what we have discussed, not dealing with sanctions and trade reform either. We need to look at tax reform. For example, farm and ranch risk management accounts, FARRM accounts, reduction in capital gains rates, elimination of estate taxes, income averaging, and other constructive actions are all measures that take us, move us, get us to where we want to be.

This conference report includes an important new provision we have not seen in past Agriculture appropriations bills, the mandatory price reporting provision. This is important for livestock producers. It allows for market transparency, it levels the playing field, and ensures fairness. We also need to look hard at other issues like industry concentration and meat labeling to ensure that markets remain free, fair, and competitive.

While we deal with short-term crises, we also need to work consistently, diligently on the long-term improvements focused on trade, and sanctions, and taxes, and regulatory reform, and agricultural policy.

This is important legislation we debate today and will vote on this afternoon. It provides much needed assistance at a very critical time in the agricultural community. I hope we will pass this conference report today and the President will sign it, so we can get our farmers and ranchers the assistance they need. Then this body can move on to do the important business of our Nation and the important business of our agricultural community, connected to the total of who we are, as a nation and as a global leader, and that is paying attention to the issues of trade and foreign policy, sanctions reform, and all that is connected to the future for our country and the world as we enter this next millennium.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I compliment and thank my good friend from Nebraska for his statement on this Agriculture conference report.

Nebraska is an agricultural State. As my colleague from Montana, the Presiding Officer, knows, Montana is also an agricultural State. I see on the floor the chairman, my good friend from Mississippi. Mississippi is also an agricultural State. Every State is an agricultural State—some more than others, of course.

But I must say about the statement the Senator made—in most respects I agree with him—it was a good one.

Essentially it comes down to this. A lot of farmers and ranchers are suffering very dire economic consequences because of low prices in the main but also because of bad weather, because of disaster, droughts, or in many cases floods. The hurricane, for example, that came up the east coast not too long ago has devastated a lot of eastern American farmers. Those States are not part of the farm program but, nevertheless, have heavy agricultural segments in their economy and have been damaged significantly. We have a conference report in front of us which provides about $8.7 billion in emergency aid. Most of that goes to Midwest farmers, western farmers, and not enough goes to the northeastern farmers. That is regrettable.

There is not enough in this conference report that takes care of Eastern and Northeastern agriculture. There should be. I hope we can figure out a way to provide for those in agriculture in the Eastern and Northeastern parts of the United States because they are not sufficiently provided for in this bill.

Nevertheless, for most of America, this bill does help. It just helps. It does not do much more, but it helps relieve a lot of the pain that farmers—when I say farmers, I mean grain producers and livestock producers—are facing.

It is an old story. It has not changed. Agriculture is in a special situation; namely, it suffers the vagaries of weather; it suffers the vagaries of the market price. Most businesses today do

not have that to worry about. Most businesses today can control the prices they pay for their products. To some degree, they can control the prices for which they sell their products. There is a lot more stability in most other industries compared to agriculture.

Because of the instability in agriculture, again because farmers and ranchers have virtually no control over the price they get for their products and because the costs they pay for all of their supplies and implements keep rising—and they have virtually no say about that—agriculture is getting squeezed more and more each year. That is the problem, particularly when there is a natural disaster on top of it.

This Senate has not done a very good job in addressing this problem. There are a lot of fancy speeches about we have to do this and we have to do that. I have made some of them. All Senators in this Chamber at the present time have made some of them. I am not blaming us all, but I am giving us all a little bit of a reminder that we have not followed up our speeches enough with action. It is hard. It is very hard to know what the solutions should be, but we still have not found the solutions. We are elected to find the solutions. That is why we run for these jobs, and that is theoretically why people elect us. They think we are going to do something about some of the problems our people face.

Why haven't we done more? I submit in large part because this place is so partisan. It has become very partisan in the last several years. I am not going to stand here and blame one side or the other. I am going to say it is a fact. Because it is so partisan, there is very little trust, and because there is very little trust not much gets accomplished. There is not much trust between the majority party and the White House. When that happens, not much gets accomplished.

Our Founding Fathers set up a form of government of divided powers. We are not a parliamentary form of government. We are a divided government. We have the executive branch and the legislative branch, the two Houses of Congress, and people have to get along if we are to get something accomplished; people have to work together if we are going to get something accomplished.

Too often, people in the House and the Senate, and probably the executive branch as well, run to the newspapers, they run to the press back home and they make all these high-sounding statements to make themselves look good and the other side to look bad. They are trying to claim credit for doing the good things and basically saying the other guys are doing the bad things.

That is where we are. There is not a person listening to my remarks who does not disagree with that. That is exactly where we are.

The question is, How do we get out of this? How do we start to regain some lost trust? How do we begin to regain, in some sense—some are going to dispute a little of this—those times in the older days when there was a little more cooperation? How are we going to do that?

Basically, it takes leadership. It takes leadership by Senators; it takes leadership by the leadership. It means standing above matters a little bit, standing back and getting a perspective, remembering why we are here, remembering what really counts. And what really counts is serving our people without a lot of fanfare rather than trying to make a lot of big fancy statements.

I am reminded of a former Senator from Montana, Mike Mansfield. Mike Mansfield, who was majority leader for 17 years —he was leader longer than any other Senator has ever been leader in this body—was the kind of person—and that is probably why he was leader for so long—who basically worked to get things done but did not crow about it and did not try to take a lot of credit for it. He was a guy who wanted to get things done to serve the people and to serve the right way, not play politics, not play partisan politics. In fact, there is a new book coming out about Mike Mansfield. If you page through it, you can get a sense of what he was about, and we can take a lesson from it.

I am going to list a couple of things I know we have to do in the hope that—knowing that most agree we have to do these things—we somehow get together and start doing something about them.

One is to get this conference report adopted. It is going to help. It is not going to solve all the problems, but it is going to help. As I mentioned, it does not do enough for the Northeastern United States or Eastern United States. I very much hope we can find the time and way to do that.

In addition, we do need to address the longer term; that is, some kind of a safety net. There has been a lot of debate—most of it has been ideological—over Freedom to Farm. It is basically an ideological debate. Most farmers and ranchers do not give two hoots about ideology. Most farmers and ranchers just want some basic program, structure, or something that addresses the bottom so there is some kind of a safety net.

We are not talking about a handout. Nobody is talking about a handout. We are not talking about some solution where farmers are given an absolute guarantee they are going to make money or absolute guarantee they are going to make a profit. But we know because of weather conditions—sometimes it rains too much, sometimes not enough, sometimes there are floods, sometimes droughts, sometimes the market falls to the bottom—we need a floor to basically prevent people from going out of business—not to make a profit but prevent them from going out of business because we know how important agriculture is to our country.

Let's get over the ideology of Freedom to Farm, the ''freedom to fail.'' Those are nice sounding words. All of us have heard them hundreds of times. I say let's forget the words and figure out a way to design a safety net. It is not going to happen this year because there is not enough time. I ask us all, when we are home during the recess, to be thinking about this and thinking about a way to get a square peg in a square hole or a round peg in a round hole and find a solution. I guarantee, the best politics is really the best policy; that is, if we enact something that makes sense, then all the Republicans and all the Democrats can say: Yes, we did something good. And the people at home are going to be very happy for that. They care much more about that than who is blaming whom for not getting the job done.

I do not know why I have to say that. It is so obvious. I guess I say it because it is still not done.

We, obviously, have to address crop insurance. We want a Crop Insurance Program essentially so farmers and ranchers can make their own decisions and know how much they should be insured. We want a program that works and covers a lot more than the current program does.

As you well know, Mr. President, because you and I have spent a lot of time on these issues, we have to have a much better international trade regime. American farmers and ranchers are being taken to the cleaners. They are being taken to the cleaners compared with farmers and ranchers worldwide.

One example is this beef hormone matter. The Europeans for 12 years have said they are not going to take a single ounce of American beef. Why? Because they say our feed lots with growth hormones cause disease and people who eat American beef—Americans eat it all the time and other people do, too—has an adverse health effect on European consumers. It is a totally bogus issue, totally. Europeans know it; we know it. But for 12 years, they still have not taken any beef.

What do we do? We bring an action before the World Trade Organization. What happens? The World Trade Organization agrees. They sent it to an international scientific panel which concluded the Americans are right and the Europeans are wrong. They sent it to a second scientific panel. It came to the same conclusion. All the scientific panels came to the same conclusion. Europe still says no.

The WTO says that we have a right, as Americans, to impose tariffs on European products, on the value of the beef that is not going into Europe, so we do. Europeans say: Fine, we will just pay; we still won't import any beef. That is one of many examples where we are getting stiffed because there is not a way, there is not leverage, there is not a regime for us to stand up for what is right for American farmers.

And take the state trading enterprises, the Canadian Wheat Board, the Australian Wheat Board. We still have not solved that problem.

We will face a huge problem, too, in the coming years with respect to Europe. Europeans are getting on their high horse about genetically modified organisms. It is going to be a huge problem with Europe. To make matters even worse, Europe is starting to feel its oats. I think it is kind of upset with the United States because they see the United States as this big country. I think the war in Yugoslavia has exacerbated things a little bit because the European defense establishment did not provide the sophisticated materiel that was needed there. So now they want to build up their defense establishment. It is wrapped up in an awful lot of issues.

And it is OK for Americans to criticize the Europeans for their failure to be straight and have a level agricultural playing field. I might add, for example, their export subsidies are out of this world. European export subsidies are about 60 times American export subsidies for agriculture—60 times. Our EEP is about $300 million, $200 million—I do not think it is ever used—whereas their export subsidies are gargantuan.

Do you think Europeans, out of the goodness of their heart, are going to lower their export subsidies? No way. No way. We know that no country altruistically, out of the goodness of its heart, is going to lower their trade barriers. The only way to lower trade barriers is when there is a little leverage. So we have to find leverage in the usual way.

What I am saying is we have a huge challenge ahead of us; that is, to try to figure out—hopefully, in a noncombative way —how to deal with Europe. There are many issues with Europe, and they are just getting more and more complicated—whether it is Airbus or whether it is air pollution rules. They will not take our planes now because they say our airplanes pollute Europe. They are just huge issues. Basically, they are economic issues. And the economic issues are also very heavily agricultural.

We have to figure out a way. It takes leadership from the President. It takes some cool-mindedness in the House and the Senate, on both sides of the aisle, to try to figure out some way to crack this nut. It is going to be a very difficult nut to crack, but it has to be if it is going to help our farmers because right now our farmers are being taken advantage of by the Europeans—pure and simple. Nobody disputes that.

It is up to us to try to figure out a way to solve that one. I know that the more we criticize Europe, the more it makes us feel good, but it probably causes Europeans to dig their heels in a little more, and I do not know how much it will get the problem solved. We have to find leverage and some commonsense way to go about it and deal with this issue.

The leverage I suggest is the WTO ''trigger,'' as I call it, the export subsidy trigger. This legislation I have introduced essentially provides that if the Europeans do not reduce their agricultural subsidies by 50 percent in a couple years, then the United States is directed to spend EEP dollars in a like amount. If they do not eliminate them in another year, then the United States is directed to spend several billion dollars in EEP directed and targeted exactly at European producers, the European countries. So that is one bit of leverage.

I am also going to introduce legislation soon. It is agricultural surge legislation, to prevent farmers from suffering so much from import surges from other countries to the United States. We need action such as that and then to sit down calmly and coolly to talk with the Europeans, talk with the Chinese and the Japanese and the Canadians, to find a solution.

There are a lot of other things we need to do to help our farmers. Many have talked about the concentration of the beef packing industry, and they are right; there is way too much concentration of the beef packing industry, which is hurting our producers. There is labeling in this bill that helps.

There is one big omission. Seventy Senators voted to end the unilateral sanctions on food and medicine. The conferees disregarded the views of 70 Senators. They took that out. I do not know why. It does not make any sense why the conferees took that out of this conference report, particularly when 70 Senators, on a bipartisan basis, said, hey, we should not have unilateral sanctions on medicine and food; it should not be there. I wish they had not done that. Clearly, we have to find a way to get that passed.

I will stop here, Mr. President, because I see a lot of other Senators on the floor who wish to speak. But I strongly urge a heavy vote for this conference report and in a deeper sense—because obviously it is going to pass—calling upon us to back off from the partisanship. Let's start to think as men and women, as people. We are supposed to be educated. We are supposed to be smart. We are supposed to be leaders in a certain sense. Let's do it. Let's act as grownups, adults, problem solvers. That is all I am asking. It is not a lot. Over the recess, I hope we think a little bit about that, so when we come back next year, we can start to solve some problems.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

Mr. BAUCUS. Mr. President, on one other matter, although I told the Senator from Mississippi I would not address this subject, I am going to do so very briefly. That is the other matter before the Senate today, the Comprehensive Nuclear Test-Ban Treaty.

This is a no-brainer. It is an absolute no-brainer. It makes no sense, no sense whatsoever, for the Senate to disregard the views of the President of the United States to bring up the Comprehensive Test Ban Treaty knowing it is going to fail. It makes no sense. It is irresponsible. It is tragic. I cannot believe the Senate will let that happen. I cannot believe it because of the obvious signal it is going to send around the world.

What is that signal? The signal is: The United States is abrogating its leadership. The United States is sticking its tail between its legs and running away. It is leaving the scene. It is not being a leader. I cannot believe the Senate will allow that treaty to come up knowing it is going to be a negative vote.

I do not know what planet I am on—Mars, Pluto, Jupiter—to think of what the Senate could possibly do today. It is outrageous.

While I am on that point, let me speak toward bipartisanship just briefly. It used to be when the President of the United States had a major foreign policy request of the Congress, politics would stop at the water's edge. Politics would stop because it would be such an important national issue, and the Congress—Republicans and Democrats—would work together on major foreign policy issues.

There is plenty of opportunity for politics in the United States. There is plenty of opportunity—too much. It is highly irresponsible for the Senate to stick its thumb in the eye of the President of the United States when the President of the United States requests that there not be a vote on the Comprehensive Test Ban Treaty, whatever his reasons might be, and say: We don't care what you think, Mr. President; we're going to vote anyway because we want to knock this thing down.

I just cannot believe it. It is just beyond belief.

I very much hope that later on today and in future days, Senators will think more calmly about this, exercise a little prudence, and do what Senators are elected to do; that is, be responsible and do what is right, not what is political.

Mr. President, I yield the floor.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Maryland.

Mr. SARBANES. Mr. President, I rise in opposition to the conference report on the fiscal year 2000 Agriculture appropriations bill. I regret very much having to do this because I appreciate the fact that all across our country, farmers are in need of assistance. I recognize that it is important to try to get some of these programs out to them. But I am very frank to tell the Senate that I think the conference

badly overlooked the pressing problems which the farmers in the Northeast and the Mid-Atlantic are facing. I can't, in good conscience, support a bill which simply fails to take into account the situation with which we are confronted, a situation which is unparalleled.

Steven Weber, President of the Maryland Farm Bureau, was recently quoted as saying:

> This is not just another crisis. This is the worst string of dry summers and the worst run of crop years since the 1930s. Talk to the old-timers. They haven't seen anything like it since they were young.
>
> Our farmers have been absolutely devastated by the weather we have experienced, not only over this past farming season but in previous ones leading up to it as well. We face a very pressing situation.''

In addition, I think this bill fails to address the needs of our dairy farmers. I will discuss that issue subsequently. First, I want to address the disaster assistance.

Most of the disaster assistance that is available under existing programs is in the form of low-interest loans for those who have been rejected twice by commercial lenders. What this approach fails to recognize is that our farmers have been hit with a double whammy. First of all, they had the low commodity prices which farmers all across the country have confronted; and in addition, in our particular situation, our farmers were confronted by severe drought problems, as I have indicated, unparalleled in the memory of those now farming for more than half a century. Low-interest loans simply won't work to address the collective and drastic impact of these factors.

Recognizing that, we sought substantially more and more direct disaster assistance in the Conference Agreement. And the response that the Conferees made to this request—the $1.2 billion that is in this bill—is clearly inadequate. The Secretary of Agriculture estimated that in the Northeast/Mid-Atlantic, we needed $1.5 to $2 billion just for those States alone. Never mind, of course, comparable damage, either drought or floods, that have occurred in other parts of the country which also need assistance. Indeed, it should not be our goal to identify an amount of funding where we have to take from one to give to the other. These states need assistance as well. What we are arguing is that this package ought to be comprehensive enough to meet the needs in the agricultural sector all across the country. I appreciate that other parts of the country have been hit with droughts and floods and that we must address these needs as well, but the amount provided in this conference report for disaster assistance is clearly inadequate to accomplish this goal. The amount that this legislation provides and that which will eventually make its way into the Northeast/Mid-Atlantic States will not enable us to confront the problem bleakly staring our farmers in the face.

We wrote to the conferees, a number of us from this region of the country, asking them to consider the following measures. I regret that very little weight was given to this request. All of them, I think, are exceedingly reasonable requests, and had they been addressed, it would have affected, obviously, the perspective I take on this legislation.

We asked the conference committee to consider the following measures: First, crop loss disaster assistance programs that provide direct payments to producers based on actual losses of 1999 plantings. These payments could be drawn from the Commodity Credit Corporation funds without an arbitrary limit. The arbitrary limit currently in the agreement precludes comprehensive assistance and delays the availability of the assistance. We asked that yield loss thresholds and payment levels be determined in advance so the payments can be made to producers as soon as they apply, rather than providing a fixed amount which would require all producers to apply before a payment factor can be determined and payments can be issued. We asked for this measure because these farmers need the help now. They need it quickly. They are under terrific pressure.

Secondly, we asked the committee to consider sufficient livestock feed assistance, which addresses losses in pasture and forage for livestock operations, provides direct payments to producers based on a percentage of their supplemental feed needs, determined in advance to speed payments and avoids prorating.

Thirdly, we requested the conference to consider credit assistance which addresses the needs of producers who have experienced natural and market loss disasters.

Fourthly, we asked the conference for adequate funding to employ additional staff for the Farm Service Agency and the National Resource Conservation Service so they could swiftly and expeditiously implement various assistance programs at the State and local level.

Finally, we requested cooperative and/or reimbursable agreements that would enable USDA to assist in cases where a State is providing State-funded disaster assistance.

All of these, had they been responded to as we sought, would have given us an opportunity to address the situation in our region, not only in a forthright manner but one that would accommodate the pressing crisis which we confront. As we indicated, this crisis has reached overwhelming proportions. We risk losing a substantial part of the region's critical agricultural sector. The measures in this conference report, I regret to say, are not sufficient, nor sufficiently focused on the needs of the Eastern States to address their problems. That is one major reason I oppose this conference report and will vote against it.

Secondly, this conference report deals with the dairy issue in a way that is harmful to our region. By failing to adopt option 1–A and disallowing the extension of the authorization of the Northeast Dairy Compact, the conference agreement has left our dairy farmers confronting a situation of instability. Milk prices have been moving up and down as if they were on a roller coaster. Our dairy farmers have been subjected to wide and frequent swings, which place our dairy producers in situations where they don't have the cash-flow to meet their costs in a given month. The price goes up; the price comes down. It takes an enormous toll on the industry in our State and elsewhere in the east.

As a result of these fluctuations, the number of dairy farmers in Maryland has been declining markedly over the last 2 decades. We fear that if this process continues, we are going to see the extinction of a critical component of our dairy industry and the farm economy; that is, the family-run dairy farm. Indeed, my concern is primarily focused on family farmers and on sustaining their presence as part of the dairy sector.

The Maryland General Assembly passed legislation to enable Maryland to join the Northeast Dairy Compact. They also took measures in that legislation to ensure that the interests of consumers, low-income households and processors, would be protected when a farm milk price was established. In fact, a representative from those groups would be on the compact commission, as well as from the dairy industry itself. Other states that are a part of the Compact or want to participate have taken the measures to protect same interests. And we believe this established a reasonable solution to provide stable income for those in the dairy industry, particularly family dairy farmers.

But the conference denied what I regard as a fair and reasoned approach—in refusing to extend the authorization of the compact, and therefore, committed our region's dairy industry to a continuance of this unstable and volatile environment.

Mr. President, agriculture is an important economic actor in the state of Maryland. It contributes significantly to our State's economy. It employs hundreds of thousands of people in one way or another. We really are seeking, I think, fair and equitable treatment. I don't think this legislation contains a fair and equitable solution for the crisis that faces farmers in the Northeast and Mid-Atlantic states. Indeed, it seems to ignore the fact that we have farmers as well. The only farmers in the country are not in sectors other than the Northeast and Mid-Atlantic and the needs of all of our farmers should have been addressed in this legislation.

The Farm Bureau has written me a letter urging a vote against adoption of the conference report. I ask unanimous consent that this letter be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. SARBANES. They write:

Maryland Farm Bureau believes that many of the provisions in the economic disaster relief package are important and necessary. We are concerned, however, that the adoption of the conference report as drafted will not meet Maryland's drought disaster needs. We also believe that the absence of the Option 1A dairy language will have long-term negative impacts on the State's dairy industry.

I agree with that. We should reject this package, go back to conference, and develop a package that addresses the dairy issue, allows us to develop the compact to give some stability and diminished volatility in the industry, and also increases the drought assistance package so it adequately and directly meets the needs of the farmers of our region.

The conference agreement should have done better by these very hard-working men and women, these small farm families. And because it has not—as much as I appreciate the pressing needs of agriculture elsewhere in the country, and as much as I, in the past, have been supportive of those needs—we in the region must take measures to have our farmers' needs addressed in the current context. We have experienced a very difficult and rough period for Maryland agriculture, and for agriculture generally in the Northeast and Mid-Atlantic. Because this crisis is not adequately addressed in this conference report, I intend to vote against it.

I yield the floor.

EXHIBIT 1

MARYLAND FARM BUREAU, INC.,
Randallstown, MD, October 12, 1999.

Hon. PAUL SARBANES,
U.S. Senate, Washington, DC.

DEAR SENATOR SARBANES: I am writing to urge you to vote against adoption of the conference report on Agricultural Appropriations when it is considered on the floor tomorrow.

Maryland Farm Bureau believes that many of the provisions in the economic disaster relief package are important and necessary. We are concerned, however, that the adoption of the conference report as drafted will not meet Maryland's drought disaster needs. We also believe that the absence of the Option 1A dairy language will have long-term negative impacts on the state's dairy industry.

I urge you to vote to send the agricultural appropriations conference report back to the conferees with instructions that they add the Option 1A dairy language and that they increase the drought assistance package to adequately meet the needs of mid-Atlantic farmers.

Sincerely,

STEPHEN L. WEBER,
President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, before the Senator leaves the floor, I commend my colleague for his comments. He could have easily been speaking on behalf of the State of Connecticut in talking about the particular concerns of his home State of Maryland. In a moment, I will explain why I also have serious reservations about this bill. But his point that the New England States, the Northeast, contribute significantly to the agricultural well-being of this country is well founded.

I know Secretary Glickman came to Maryland and he came to Connecticut during the drought this past summer. The exact number eludes me, but it was surprisingly high, the number of farmers and the significant portion of agricultural production that occurs east of the Mississippi and north of the Mason-Dixon line, or near north of the Mason-Dixon line.

So when we talk about these issues, it may seem as if it is more sort of hobby farms to people, but for many people in Maryland and for the 4,000 people in Connecticut who make a living in agriculture—these are not major agricultural centers, but in a State of 3.5 million people, where 4,000 families annually depend upon agriculture as a source of income, it is not insignificant.

So when you have a bill that virtually excludes people from Maryland, Connecticut, Rhode Island, Massachusetts, and Pennsylvania from receiving some help during a time of crisis, I hope our colleagues who come from the States that benefit from this bill, who I know have enjoyed the support of the Senator from Maryland, this Senator, and others during times of crisis, because we have seen a flood in the Midwest, or a drought in the Midwest, or cyclones and hurricanes that have devastated agriculture in other parts of our country—I never considered my voting to support people in those areas as somehow a regional vote. When I vote to support a farmer who has lost his livelihood because of a natural disaster, I think I am voting to strengthen my country, not to help out a particular farmer in a State that I don't represent.

So when we have a drought in the Northeast, as we did, a record drought this year that wiped out farmers, caused them to lose significant income, to lose farms and the like, and then to have a bill that comes before us that disregards this natural disaster—in my State, $41 million was lost as a result of the drought—I am disappointed. My colleagues may have stronger words to use. I am terribly disappointed, as someone who, year after year, has been supportive of particular agricultural needs, although I didn't directly represent them, that our colleagues in the House and Senate could not see fit to provide some financial help beyond, as my colleague from Maryland said, the loan program, which is not much help. We don't have crop insurance for my row croppers. The small farmers don't get crop insurance. When they get wiped out or lose income, they have to depend upon some direct payment. A loan program is of little or no assistance to them.

I am terribly disappointed that this bill excludes those farmers from the eastern part of the United States. It was the worst drought that has hit our region in decades. Congressional delegations throughout the region have consistently supported our colleagues in other regions when their States have suffered catastrophic floods, hurricanes, and earthquakes. We don't understand why it is so difficult for the eastern part of the country to convey to our colleagues how massive the devastation has been to our small farmers. As I have said, in my State alone, it is $41 million. In other States, the numbers may be higher. I represent a small State.

The dairy industry is one of the major agricultural interests in our region. It has gotten a double hit in this legislation—inadequate drought relief assistance and the exclusion of provisions that would have extended the Northeast Dairy Compact. On top of the drought losses, our farmers will lose an additional $100 million if the new milk marketing pricing goes forward.

While I am heartened by the recently issued court injunction postponing the implementation of the new pricing scheme, quite frankly, this is only a short-term solution and is no substitute for affirmative action taken by the Congress. Northeast dairy farmers are deserving of the same kinds of assistance we offer to the agricultural sectors in other parts of the country. I believe it is grossly unfair that this conference report has chosen to ignore their plight.

We should not be placing one part of the country against another. I don't want to see a midwestern farmer or a western farmer be adversely affected by votes we cast here. But, likewise, I don't want to see farming interests in my State or my region of the country be harmed as a result of our unwillingness to provide some relief when they absolutely need it to survive.

Inadequate drought relief and the exclusion of the Northeast Dairy Compact would be reason enough to vote against the legislation before us today. But I want to raise another issue that has caused a lot of consternation during the debate on this Agriculture appropriations bill. I am referring to the amendment offered by the distinguished Senator from Missouri, Mr. ASHCROFT, myself, and Senator HAGEL of Nebraska. The House leadership literally hijacked this piece of legislation and denied the normal democratic process to work when it came to this measure that was adopted overwhelmingly in the Senate by a margin of 70–28—by any measure, an overwhelming vote of bipartisanship. This measure would have ended unilateral sanctions on the sale of U.S. food and medicine to countries around the globe.

The amendment had broad-based support from farm organizations across the country which, time and time again, have been forced to pay the price of lost income when Congress has decided to ''get tough'' with dictators

and bar farm exports. Farmers, over the years, have rightfully noted that, although in some cases sanctions have been in place for 40 years, there is nothing in the way of positive foreign policy results to show for these sanctions.

On the other hand, the losses to our farmers are measurable and substantial—in the billions of dollars annually—as a result of these unilateral sanctions on food and medicine we have imposed for years.

Church groups and humanitarian organizations have joined farm organizations in strongly opposing use of food and medicine as sanctions weapons on moral grounds.

Ironically, U.S. sanctions—particularly ones on food and medicine—have been used as an instrument by hostile governments to shore up domestic support and retain power, the very power that we are allegedly trying to change through the use of sanctions actually having contributed to these dictators staying in power for as many years as some of them have. Whether or not the United States is fully responsible for the suffering of these men, women, and children in these targeted countries, it is hard to convince many of them that the United States means them no ill will when we deny them the access to foodstuffs, critical medicines, and medical equipment—the reason seventy of our colleagues decided to end this policy of unilateral sanctions on food and medicine.

Unfortunately, the House Republican leadership would not allow the process to work in conference. As a result, this bill was tied up for days over this single measure.

Again, I compliment my colleague from Missouri, Senator ASHCROFT, and Senator HAGEL, who are leaders on this, along with others in fighting for this provision.

This is not a provision that is designed to help dictators. It is a provision to, in fact, change these dictatorial governments and to provide needed relief and opportunity for millions of people who are the innocent victims of these dictators, and not deny our own farm community and business interests the opportunity to sell into these markets and make a difference. They are prepared, of course, to deny, in the case of the major opposition, by the way, which comes from some Members.

I want to emphasize that some members of the Cuban American community feel particularly strongly about the government in Cuba. I respect their feelings. I respect it very deeply. These families have lost their homes, jobs, and family members as a result of the government in Cuba under Fidel Castro. There is no way I can fully appreciate the depth of their feelings and passions about this. As I say, I respect that.

The exile community is not unfounded in its deep concerns about what has happened on the island of Cuba.

Before I make any comments about the island of Cuba and what goes on there, I want it to be as clear as I can possibly make it that my sympathies, my heartfelt sympathies go to the exiled community that lives in this country and elsewhere. Their passions, I understand and accept, and I am tremendously sympathetic.

But I must say as well that there are 11 million Cubans who live on that island 90 miles off our shores who are suffering and hurting badly. Arguably, the problem exists with the government there. I don't deny that. But to impose a sanction for 40 years on the same of food and medicine to 11 million people in this country also is not warranted.

While we may want to change the government in Cuba—and that may happen in time—we shouldn't be compounding the problem by denying the sale of food and medicine to these people.

Many people say they won't set foot on Cuban soil while Castro remains in power. I understand that as well. But don't deny the 11 million people in Cuba the opportunity to at least have basic food supplies and medicine. It seems to me that—in fact I believe—a majority of the Cuban American people in this country have similar feelings. Their voices are not heard as often as is oftentimes the case when a minority view is extremely vocal and can dominate. But I believe the vast majority of Cuban Americans feel strongly about Fidel Castro, want him out of power, and want democracy to come to their country but simultaneously believe the 11 million people with whom they share a common heritage ought not to be denied food and medicine by the United States.

To make my point, these Cuban Americans try on their own to do what they can by sending small packages to loved ones and family members and friends who live in Cuba. Others travel to deliver medicines. Some 150,000 Cuban Americans travel annually to go into Cuba to bring whatever they can to help out family members and friends. However, these gestures of generosity are no substitute for commercial sales of such products if the public health and nutritional need of 11 million people are going to be met.

Unfortunately, the antidemocratic forces have succeeded in stripping the Ashcroft-Dodd-Hagel amendment from this bill. I hope enough of my colleagues will vote against this legislation to prevent its adoption. We can delay a few days, send this measure back to conference, and reestablish this language that was supported overwhelmingly, and I think supported in the House of Representatives, the other body, as well, and bring the measure back.

If this measure goes forward without the inclusion of the Dodd-Hagel-Ashcroft amendment, rest assured we will be back on this floor offering similar amendments at every opportunity that presents itself, and we will continue to do so. The day is going to come when a majority of the Congress and the will of the American people, including the Cuban Americans, I strongly suggest, is going to prevail.

On that day, the United States will regain a moral high ground by ceasing forever to use food and medicine as a weapon against innocent people.

I argue, as Senators ASHCROFT, HAGEL, GRAMS, and others, that the adoption of amendments that would allow for the lifting of unilateral sanctions on food and medicines will also be a major contributing factor to changing governments in these countries.

Aside from helping out farmers and businesses that want to sell these products and the innocent people who can't have access to them in these countries, I believe the foreign policy implications of allowing the sale of food and medicine will be significant for our country and for the people who live under dictatorial governments.

For those reasons, and what is being denied our farmers and agricultural interests in the State of Connecticut and elsewhere in the Northeast, and the rejection of the Ashcroft-Hagel-Dodd amendment, I will oppose this conference report, and I urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, some of our colleagues have denounced the Agriculture appropriations conference report as inadequate. I must agree. Without a doubt this bill is deficient.

It fails to acknowledge the full impact of natural disasters that have been experienced by agricultural producers across the country.

It fails to include adequate funding for the drought that has hit the Northeast.

It fails to provide adequate funding for the hurricane damage to the Southeast and the Northeast.

It fails to include adequate funding for flooded farmland in my own part of the country.

This bill is also deficient in the way it got here because in the conference committee when it became clear that there were going to be steps to change the sanctions regime of this country, the minority, the Democrats, were simply shut out. That is wrong. That should not happen. But it did happen.

So we are left with that result. As a result partly of that lockout, this bill fails to provide the kind of sanctions reform that ought to have occurred.

In 1996 when we passed the last farm bill, the Republican leadership promised American farmers that what they lost in domestic supports they would make up through expanded export opportunities. That was a hollow promise. The harsh reality is that now the prices have collapsed, farmers are in desperate trouble, and there must be a Federal response.

I wish this bill were better. I wish it contained adequate assistance for

those who have been hit by hurricanes. I wish it had adequate assistance for farmers who have had their acreage flooded. I wish it had sanctions reform.

Food should not be used as a weapon. It is immoral; It is ineffective; and it is inhumane. But the harsh reality is we are where we are. We have a conference report that is flawed. Indeed, it is badly flawed.

The easy thing to do would be to vote against this conference report. But it would not be the right thing to do. This bill is not just about responding to natural disasters. It also responds to the price collapse that has occurred and threatens the livelihood of tens of thousands of farmers in my State and across the country.

The need for emergency income assistance could not be more clear.

I can say that in my State many farmers are relying on this bill as their only chance for financial survival. I don't say that lightly. It is the reality.

If this assistance is not passed and distributed immediately, literally thousands of farmers in my State are going to go out of business. It is that simple. A way of life and the tradition of farming will be lost in dozens of communities across my State. The funding in this bill only meets the most basic needs of our producers. Make no mistake, it is absolutely essential. Prices for agricultural commodities are at their lowest levels in 50 years in real terms. Wheat and barley are the lowest they have been in real terms in over 50 years. Farm bankruptcies are rising; auctions are being held on an unending basis. If nothing further is done, thousands of our farmers will go out of the business. That is the stark reality in farm country.

If we fail to pass this bill, we are going to mortgage the future of literally thousands of farm families. I think we should keep in mind this is not our last chance to get something done for those who have been so badly hurt, whether it is my farmers who have flooded acres, whether it is people in the Northeast and the Southeast hit by hurricanes, whether it is farmers in the Northeast hit by drought. There is another chance this year to get additional assistance. I sympathize with my colleagues from the Northeastern and Mid-Atlantic States. They are not alone. In my State this year, we have been hit by severe storms, flooding, extreme snow and ice, ground saturation, mud slides, tornadoes, hail, insects, and disease. It is unbelievable what has happened in my State.

Growing up in North Dakota I always thought of my State as dry. I now fly over much of North Dakota and it looks similar to a Louisiana rice paddy. There is water everywhere. Millions of acres are inundated and were never planted this year. Our farmers planted the lowest level of spring wheat since 1988, the year of intense drought. Yet prices remain very low—in fact, record lows. Barley production in North Dakota is down 42 percent. Yet prices remain very low.

Things have gone from bad to worse this fall. Farmers were anxious to get into the field for harvest but were forced to stay at home and watch the rain. North Dakota farmers suffered through 2 weeks of rain at the end of August and early September, the key time for harvest. As a result, the completion of harvest has been delayed. Damage resulting from a delayed harvest is deducted from prices farmers receive for their crops. At this point, there is absolutely no way some farmers will come anywhere close to matching their expenses for this year. We simply must pass this bill to allow entire communities to survive.

I was called by a very dear friend of mine 2 weeks ago describing what had happened to him. He was just beginning harvest when the rains once again resumed in our State. He had just cut his grain. It was on the ground and the rains came and continued day after day after day. As a result, that grain that was on the ground sprouted. He had 30-percent sprout in his fields. He took a sample into the elevator and the elevator said: Don't even bother trucking that in; we aren't going to buy it at any price.

That happened all over my State. I know it has happened in other States, as well.

Passing this bill and releasing this funding is absolutely critical for those farmers who have been so hard hit. Remember, passing this bill does not bar Congress from doing more in the future. We have other opportunities this year to help those who have been hit by a hurricane. There is other legislation moving through this body that has funds for those hit by hurricanes. That package can be improved upon. When we passed the emergency supplemental bill last May, we agreed to revisit agricultural emergency spending once the extent of the price disaster was known. We have done that. We can pass this bill now and assess future needs in response to natural disasters while this assistance is distributed.

The statement of the managers on this bill made several references to the need for additional Federal spending for 1999 disasters. They have recognized the reality. I hope colleagues on the floor will understand there are additional opportunities to achieve the result they seek. The answer is not to kill this bill. This bill, however flawed, is a step in the right direction. It would be a profound mistake to defeat it.

I close by urging my colleagues to support this conference report. We had an overwhelming vote in the Senate yesterday. It was an important vote to send the signal that this legislation ought to pass.

My colleagues in the Northeast are not alone. In many ways, we are in the same circumstance. We desperately need those farmers who have flooded acres to have legislation that addresses their needs. We will have another chance. We will have another opportunity. That is the great thing about the Senate; there is always another chance.

I close by looking at a picture that shows what is happening in my State. This is several sections of land in North Dakota. Everywhere you look is water, water, water—water everywhere. I have flown all over my State. It is truly remarkable; places that were dry for 30 years are now saturated.

I talked about the price collapse. I want to visually show what it is farmers are contending with. This chart shows clearly what has happened to spring wheat and barley prices over the last 53 years. The blue line is spring wheat; the red line is barley. These are two of the dominant crops of my State. Today the prices in inflation-adjusted terms, in real terms, are the lowest they have been in 53 years. That is the reality.

This chart shows the cost of wheat production with the green line; the red line shows what prices are. Prices have been below the cost of production the last 3 years. This is a disaster scenario of its own. This is the reality of what is happening in my State. This threatens the economic future of virtually every farmer in my State. The price is far below the cost of production. There are not many businesses that survive when it costs more to produce the product than is being received—not for a few months but for 3 years.

The next chart shows a comparison of the prices farmers paid for their inputs—the green line that keeps going on—versus the prices that farmers received. We can see there is a gap and it is a widening gap. In fact, the closest we came to having these two on the same line was back at the time of the passage of the 1996 farm bill. Since that time, the prices farmers pay have gone up. Thank goodness they have stabilized somewhat in the last couple of years, but the prices they have received have collapsed. That is the hard reality of what our farmers confront. These are, by the way, statistics from the U.S. Department of Agriculture.

I want to conclude by saying we ought to pass this bill. It is not perfect. In fact, in many ways it is deeply flawed. But it is far better than the alternative of nothing. It is far better than to take the risk of sending this bill back to conference and having it come back in much worse shape. At least we can take this and put it in the bank because this does address the question of price collapse. It does not do a good enough job on the disaster side, but we have other opportunities that will come our way before this session of the Congress concludes.

I will end by thanking the Senator from Mississippi, the chairman of the subcommittee, and Senator KOHL, his counterpart, for the good job they have done under very difficult circumstances. Make no mistake, there are 100 Senators and there are probably 100 different opinions of what agricultural policy should be and what an Agriculture appropriations bill should

look like. But we do respect and admire the work they have done. We again thank them for their patience and perseverance bringing this bill to the floor. It deserves our support.

I yield the floor.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from South Dakota.

Mr. JOHNSON. Mr. President, agriculture across most of America is in a state of crisis. We are facing incredibly low livestock and grain prices, coupled with weather disasters in many parts of the country, all simultaneously. The legislation before us, as my colleague has noted so ably, is imperfect. Some have referred to it as throwing a leaking liferaft to a drowning person, and there is some truth to that. But it is urgent legislation. It is legislation we need to move forward because the need is immense and the urgency is critical. There is certainly no assurance, if we were to vote this particular bill down, that it would be back to us anytime soon or that it would come back to us in a better situation than it is now.

I think we need to recognize the inadequacies of the legislation, but at the same time that we move forward, we do so with a commitment to do better, still this Congress and in the coming year, to address the underlying problems that at least contributed to the crisis we have in rural America. Faulty agricultural policy brought to us by Freedom to Farm, combined with low prices, natural disasters, and weak export markets, resulted in an inadequate safety net—for family producers, in any event—across this country.

We have seen net farm income absolutely plummet from $53 billion in 1996 to $43.8 billion in 1999. Off-farm income in many of our States, including mine, South Dakota, is responsible for 80 to 90 percent of our family producers being able to stay on the farm. If it were not for off-farm income, there would be an even more massive exodus off the farm and ranch than we are seeing.

Are there inadequacies in the bill? Certainly. I commend our colleagues, Senator COCHRAN, Senator STEVENS, Senator KOHL, and many others, for hard work on this legislation under circumstances that surely were trying, where the level of resources would certainly not permit what they would prefer to see happen. Nonetheless, I think we have to acknowledge we need a recommitment in this body and from our friends on the other side of the Capitol to address the underlying structural problems ag faces today. I believe that involves revisiting the Freedom to Farm legislation. I believe that involves strengthening our marketing loan capabilities.

I would like to see us pass my country-of-origin meat labeling legislation. I am still working with a bipartisan group of colleagues this week to put together legislation addressing vertical integration in the packing industry, so we do not turn our livestock producers into low-wage employees on their own land. I fear that is the road we are going down.

We have to address issues of trade, value-added agriculture, farmer-owned cooperatives, and crop insurance reform. All of these are issues that cry out for attention, above and beyond anything done in this legislation.

I do applaud the effort in this bill to include mandatory price reporting on the livestock side. I do applaud some modest funding, at least, for my school breakfast pilot project that is included in this bill. I am concerned, however, the process led us to legislation that involves a distribution process that may not be as equitable as what I think the American public deserves. I will quote briefly from an analysis by the Associated Press, Philip Brasher, where he observes:

> Some of the largest, most profitable farms in the country would be among the biggest beneficiaries of Congress' $8.7 billion agricultural assistance package because it loosens rules that wee intended to target government payments to family-size operations.
>
> An individual farm could claim up to $460,000 in subsidies a year—double the current restriction—and the legislation creates a new way for producers to get around even that limit.
>
> The payment limits apply to two different programs: crop subsidies that vary according to fluctuations in commodity prices; and annual ''market transition'' payments, which were guaranteed to producers under the 1996 farm law.
>
> Farmers are technically allowed to receive no more than $75,000 in crop subsidies and $40,000 a year in market transition payments under current law. But many farms, legally claim twice that much because they are divided into different entities. A husband and a wife, for example, can claim separate payments on the same farm.
>
> The aid package would double those caps, so farms could get up to $300,000 in crop subsidies and $160,000 in market transition payments this year.
>
> Last year, about 550 farmers nationwide claimed the maximum amount in crop subsidies, USDA officials said.
>
> Critics of the looser payment rules fear they will encourage the consolidation of farms and hasten the demise of smaller-scale operations. ''Big farms will use the extra cash to buy up land from the neighbors, driving up land prices in the process,'' said Chuck Hassebrook, program director of the Center for Rural Affairs in Walthill, NE.
>
> ''What is the purpose of these farm programs? Is it to help very wealthy, very large landowners get bigger and get richer?''

These are the kinds of questions and concerns many of us have. I think they are profound questions, having to do with the very nature of agriculture, the very nature of rural America. What road we are going down, in terms of ag and rural policy in America, policy responsible for feeding so efficiently and so effectively and in such an extraordinary manner the people of our Nation?

But for all its failings and shortcomings, many of which I briefly raised this morning, the fact is there is absolute urgency this legislation go forward, that we address the problems of income collapse, disaster all over America, with this legislation; and, hopefully, upon passage of this legislation, we recommit ourselves to going expeditiously forward to address the remainder of these other issues I have raised, and others of my colleagues have raised, reflecting upon the inadequacies and inefficiencies and the shortcomings of this legislation. They are many. But to stop this legislation now would only hasten the demise of still more family producers all across America. It would not guarantee a return to a better policy anytime very soon. We need to pass this bill, then go forward with additional legislation to redress these inadequacies.

I urge my colleagues to vote yes on passage of this legislation and to work with us in a bipartisan fashion on the remainder of these agricultural issues and budget issues before the country.

I yield.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield 8 minutes to the distinguished Senator from Alaska.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, the conference report for the fiscal year 2000 Agriculture appropriations bill addresses one of the most beleaguered fisheries in the United States. The Norton Sound region of Alaska has suffered chronically poor salmon returns in recent years. Norton Sound is an arm of the Bering Sea off the west coast of Alaska. It lies to the north of the Yukon-Kuskokwim Delta, which has also seen very poor salmon returns in recent years.

Both of these regions are extremely rural and heavily dependent on commercial and subsistence salmon fishing for survival.

The provision in the conference report addresses the Norton Sound problem in several ways. First, it will make the Norton Sound region eligible for the Federal disaster assistance made available to the Yukon-Kuskokwim delta region last year.

Second, it changes the income eligibility standard from the Federal poverty level to that for the temporary assistance to needy families program.

The standard of living in many of these fish-dependent communities is well below the poverty line. This was one of the chief complaints voiced to my staff and several Commerce Department officials when they visited western Alaska last summer. This provision will allow more needy families to qualify for 1999 disaster assistance, much of which has gone unallocated.

Additionally, this bill will provide $10 million in grants through the Economic Development Administration for infrastructure improvements in the Norton Sound region.

The conference report included is $5 million in disaster assistance under the Magnuson-Stevens Fishery Conservation and Management Act to determine

the cause of the decline and to identify ways to improve the area's fisheries in the future. These funds will be available in 2001.

The main reason these communities are unable to ride out cyclical fishery failures is the lack of commercial infrastructure in rural fisheries. The EDA grants will help provide ice machines and other equipment to help these communities modernize their processing capabilities and extract more value from the resources they harvest.

I was also pleased to work with my colleagues from New England on their request for fishery disaster assistance. New England will receive $15 million in 2001 for cooperative research and management activities in the New England fisheries. These funds will provide New England fishermen with an important role in working to solve the problems of their own fisheries.

Within this conference report, I have also asked that the Agricultural Marketing Service—the AMS—convene two national meetings to begin development of organic standards with respect to seafoods. One of these meetings will be held in Alaska and the other meeting will be held on the Gulf of Mexico coastal area.

The AMS will use the information gathered at these meetings to develop draft regulations establishing national organic standards for seafood to be published in fiscal year 2000.

It is estimated that the sales of organic foods will reach $6.6 billion by the year 2000. The organic industry has been growing at a rate of 20 to 24 percent for the last 9 consecutive years.

Ocean-harvested seafood should be at the same level with other qualifying protein commodities, such as beef, pork, and chicken. I hope that these protein sources will be included in the proposed U.S. Department of Agriculture rules to be finalized by June 2000. Ocean-harvested seafood should not be excluded as an organically-produced product when USDA issues its final rule.

This issue is very important to Alaska, as the harvesting of seafood is an industry that employs more Alaskans than any other industry. In particular, I am concerned about the inclusion of wild salmon within USDA's final rule for the National Organic Program. Wild salmon is an organic product.

This past summer, two private certifying firms for organic food products visited two Alaska seafood processors to determine whether the wild, ocean-harvested salmon processed at these facilities could be certified as organic. One of the certifiers, farm verified organic, inspected capilliano seafoods. Their report is very positive. In fact, their approval allowed capalliano's salmon to be admitted to natural products east, which is a large organic food show in Boston, Massachusetts. In order to be admitted to this trade show, a product must be verified as organic.

I, frankly do not know what the dispute is about. Natural fish, wild fish should certainly be verified as organic.

I am confident that the AMS will find Alaskan wild salmon a very heart-healthy protein source, to be of high quality and organic, for the purposes of USDA's national organic program.

I thank my friend from Mississippi and yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I will be very brief. I know a number of Members are waiting to speak.

The Governors and legislators in the six New England States had five goals in mind when they enacted the Northeast Interstate Dairy Compact into law in each of their States.

They wanted to assure fresh, local supplies of milk to consumers. In fact, they wanted to do it at lower prices than found in most other parts of the Nation. They wanted to keep dairy farmers in business, they wanted to protect New England's rural environment, and they wanted to do this without burdening Federal taxpayers.

It turned out the Northeast Interstate Dairy Compact was a stirring success on every one of these points. But it also had an added benefit. It increased interstate trade into the region as neighboring farmers took advantage of the compact. Not only did prices come down, but the number of farmers going out of business has declined throughout New England for the first time in many years. We find there are still some who favor having Federal bureaucrats run this farm program, at a cost to the taxpayers, instead of the States themselves, with no cost to the taxpayers.

Because it has been so successful, half the Governors in the Nation, half the State legislatures in the Nation, asked that the Congress allow their States to set their own dairy policies, within certain limits, through interstate compacts that, again, cost taxpayers nothing. The dairy compact legislation passed in these States overwhelmingly.

Perhaps most significant, and I mention this because we have heard those from Minnesota and Wisconsin attack this, what they do not tell us is that the retail milk prices in New England not only average lower than the rest of the Nation, but they are much lower than the milk prices in Minnesota and Wisconsin. So those in these parts of the country who are attacking the Northeast Dairy Compact say they are concerned about consumers and ignore the fact that consumers pay a lot more in their States than they do in New England.

One has to ask, Why does anybody oppose the Dairy Compact? GAO and OMB report that consumer prices are lower and farm income is higher than the average for the rest of the country, without increased cost to the taxpayers. Why would anybody oppose it?

One of the things I learned long ago is to follow the money, and there is one group making a whole lot of money on this issue. They are the huge milk manufacturers, such as Suiza, or Kraft which is owned by Philip Morris, or other processors represented by the International Dairy Foods Association. They oppose the compact not because they care for the consumers, not because they care for the farmers, but because they care for their own huge, bloated profits.

Indeed, they sent around corporate front organizations to speak for them. One was the Public Voice for Food and Health Policy. When it finally became clear that Public Voice was going around fronting for these organizations, and that their policies were determined not by what was best for everybody but by corporate dollars, they finally went out of business.

I've talked about the close alliances between a lead executive who handled compact issues for Public Voice who negotiated a job to represent the huge processors.

I will give the press another lead on the next public interest group whose funding should be investigated, the Consumer Federation of America. One of their officers, formerly from Public Voice, has been going around Capitol Hill offices with lobbyists representing dairy processors.

One might ask why would Philip Morris want to use these organizations instead of going directly to the editorial boards of the New York Times or the Washington Post to bad mouth the compact? Why not have somebody who appears to be representing the consumers rather than Philip Morris coming in and talking about it?

The consumer representative, being paid by the big processors, could come in and say: Editorial board members, milk prices are higher for children in the School Lunch Program under this compact.

We ought to compare those prices. Let's compare the retail milk prices in New England against retail milk prices in the upper Midwest. A gallon of whole milk in Augusta, ME, was $2.47. The price was up to 50 cents more in Minneapolis, MN, the area opponents used as an example of how to save money.

I think we ought to take a look at these issues because when we hear some of the big companies, such as Philip Morris and Kraft and Suiza, saying, well, it's not the money. But you know, of course, it is the money. When they say ''we are here because we're concerned about the consumers,'' you know—with their track record—that the consumer is the last thing on their mind. And when these processor groups say they want to protect the farmer . . . oh, Lordy, don't ever, ever believe that, because there is not a farmer in this country who would.

Lastly, if anybody tells you the dairy compact will cost you money, I point out, not only does it not cost taxpayers any money, but the cost of milk is much lower than in States without a compact.

Mr. President, the Governors and legislators in the six New England states had five goals in mind when they enacted the Compact into law in each of their states.

They wanted to assure fresh, local supplies of milk to consumers—at lower prices than found in most of the nation—they wanted to keep dairy farmers in business, they wanted to protect the New England's rural environment from sprawl and destructive development, and they wanted to do this without burdening federal taxpayers.

The Northeast Interstate Dairy Compact has delivered beyond the expectations of those Governors and state legislators.

The Compact provided an added benefit—it has also increased interstate trade into the region as neighboring farmers took advantage of the Compact.

This great idea—coming from those six New England states—has created a successful and enduring partnership between dairy farmers and consumers throughout New England.

Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England—for the first time in many years.

It is unfortunate that most still favor federal bureaucrats running the farm programs—I think Congress should look at more zero-cost state-initiated programs rather than turning a deaf ear to the pleas of state legislators.

Indeed, half the Governors in the nation, and half the state legislatures in the nation, asked that the Congress allow their states to set their own dairy policies—within federally mandated limits—through interstate compacts that cost taxpayers nothing.

And the dairy compact legislation passed with overwhelming support in almost all these states.

One of the most difficult challenges posed by the New England Governors is that the Compact had to cost nothing—yet deliver a benefit to farmers. The Compact is scored by CBO as having no costs to the Federal treasury.

Major environmental groups have endorsed the Northeast Dairy Compact because they know it helps preserve farmland and prevent urban sprawl. Indeed, a New York Times and a National Geographic article that I mentioned yesterday discuss the importance of keeping dairy farmers in business from an environmental standpoint.

Perhaps most significantly, retail milk prices in New England average lower than the rest of the nation and much lower than milk prices in Minnesota and Wisconsin, according to GAO.

The question is: why does anyone in America oppose the dairy compact? Since GAO and OMB report that consumer prices are lower and farm income is higher than the average for the rest of the country, without increased costs to taxpayers, why does anyone oppose the Compact?

The answer is simple, huge milk manufacturers—such as Suiza, headquartered in Texas, Kraft which is owned by the tobacco giant Philip Morris, other processors represented by the International Dairy Foods Association—oppose the Compact.

Even the most junior investigative reporter could figure out the answer to my question with the above information. All anyone has to do is look up the donations made by these, and other, giant processors. All the negative news stories about the compact have their genesis in efforts by these giant processors and their front organizations.

I have explained the details of this on the Senate floor so scholars who want to know what really happened can check the public records and the lobby registration forms.

Indeed, one of the corporate front organizations—Public Voice for Food and Health Policy—apparently could not continue to exist when it was so obvious that their policies where determined by corporate dollars rather than good policy.

A simple glance at the list of corporations who funded and attended their functions could be easily researched by any reporter. It will demonstrate that sad and disturbing relationship—now ended as Public Voice had to close up shop because it lost its conscience.

I have detailed the close alliances between their lead executive who handled compact issues for them and the job he negotiated to represent the huge processors a couple of times on the Senate floor.

I will give the press another lead on the next public interest group whose funding should be investigated—the Consumer Federation of America. Indeed, one of their officers—formerly from Public Voice—is being taken around Capitol Hill offices by lobbyists representing processors. A glance at who funds their functions and efforts will be as instruction as investigations of Public Voice.

Why should Philip Morris or Kraft want to use these organizations instead of directly going to the editorial boards of the New York Times or the Washington Post to badmouth the compact? The question does not need me to provide the answer.

What would be the best attack—whether true or not—on the Compact that might swing public opinion?

It might be to simply allege that milk prices are higher for children in the school lunch program. Who would the editorial boards more likely listen to regarding school children: a public interest group or a tobacco company?

By the way, I would be happy to compare milk prices after the Compact was fully implemented.

I would be pleased to compare retail milk prices in New England against retail milk prices in the Upper Midwest.

A GAO report, dated October, 1998, compared retail milk prices for various U.S. cities both inside and outside the Northeast compact region for various time periods.

For example, in February 1998, the average price of a gallon of whole milk in Augusta, ME, was $2.47. The price in Milwaukee, Wisconsin, was $2.63 per gallon. Prices in Minneapolis, Minnesota, were much higher—they were $2.94 per gallon.

Let's pick another New England city—Boston. In February 1998, the price of a gallon of milk was $2.54 as compared to Minneapolis which where the price on average was $2.94/gallon.

Let's look at the cost of 1% milk for November 1997, for another example.

In Augusta, Maine, it was $2.37 per gallon, the same average-price as for Boston and for New Hampshire and Rhode Island. In Minnesota, the price was $2.82/gallon. It was 45 cents more per gallon in Minnesota.

I could go on and on comparing lower New England retail prices with higher prices in other cities for many different months. I invite anyone to review this GAO report. It is clear that our Compact is working perfectly by benefitting consumers, local economies and farmers.

I urge my colleague to vote against this bill because, as I mentioned yesterday, it does not provide enough disaster assistance to the East and it does not provide enough disaster assistance to the nation.

Also, I cannot vote for it because it does not extend the Northeast dairy compact and does not allow neighboring states to also participate.

It also ignores the pleas of Southern Governors who wanted to be able to protect their farmers without burdening U.S. taxpayers.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from West Virginia.

Mr. BYRD. Mr. President, this afternoon the Senate is scheduled to vote on final passage of the fiscal year 2000 Department of Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations bill. It is critical that we complete action on this bill today to speed assistance to American farmers in need. Therefore, I shall vote for the bill and urge my colleagues to support it also.

The severe drought that has gripped the Eastern United States this year is, by all accounts, the most damaging and prolonged such occurrence since the early 1930s. Just like that period nearly 70 years ago, springs have gone dry, streams have ceased to flow, pastureland and crops have broiled in the relentless Sun until all possible benefits to livestock or man have burned away. In the 1930s the drought turned much of our Nation's farmlands into a veritable dust bowl. Modern conservation practices today may have helped to reduce the erosion by wind,

but the soil is just as dry, and farmers in West Virginia and all along the East Coast are suffering from the natural disaster of a generation. Some farmers have had to make the painful decision to sell off their livestock or to give up farms that have been in their families for generations. This is what has been happening in West Virginia. This is nothing short of an emergency. It demands our attention and response.

This bill provides funding for many ongoing and long running programs as well as much needed assistance to farmers who suffered at the hands of Mother Nature this year. The $8.7 billion emergency package that is attached to this appropriations bill contains $1.2 billion specifically for 1999 natural disasters, including drought. In all, more than $1.2 billion will be available for direct payments for farmers suffering crop and livestock losses from natural disasters this year, up significantly from the $50 million in the version that first passed the Senate in August. That may not be enough to fully cover the still-mounting losses to farmers, but it is a good start. These emergency funds will be able to be distributed upon enactment of this legislation to farmers who have been waiting and waiting for the Federal Government to deliver. American farmers cannot afford to wait any longer for Federal assistance, and the Senate cannot afford to delay final passage of this fiscal year 2000 Agriculture Appropriations Conference Report.

Unfortunately, once this measure reached the conference committee, the process that we follow yearly as routine in conferences was sidelined. When difficult issues came before the conference, after only an evening and a morning of debate, the conference committee adjourned for lunch, and never returned. For several days, the conference was ''out to lunch,'' until deals could be reached behind closed doors guided by invisible hands, and our tried and true procedure was circumvented. I believe that this selective bargaining is why some Members have expressed their dissatisfaction with the final bill. The best work of the Congress is demonstrated when, as a body, we cooperate and allow ourselves to be guided by the rules and the traditions that have allowed our Government to flourish under the Constitution now for over 200 years.

I have stood before this body on numerous occasions since visiting West Virginia with the Secretary of Agriculture on August 2 of this year to impress upon my fellow Members what a significant impact the drought has had in West Virginia, and, of course, in other Mid-Atlantic and Northeastern States. Many of these States received a secretarial emergency declaration that has provided some limited USDA assistance to farmers who have experienced losses as a result of the drought. But, unfortunately, much of the assistance came in the form of loans to farmers who were already deep in debt. The recent losses caused by Hurricane Floyd make clear that more emergency assistance will be needed. We can do better for farmers, so I supported the Statement of Managers language directing the administration to conduct full estimates of the remaining need, and to submit to the Congress a supplemental budget request as soon as possible for both hurricane and additional drought assistance.

When we consider all of the natural disasters that have affected farmers this year, from frosts that killed citrus trees, to devastating drought, to States ravaged by storms, and by the hurricane, I feel that it is highly appropriate that the Senate act now because it seems a certainty that the $1.2 billion will be insufficient to help farmers who have been harmed by nature. But the current emergency package attached to the conference report is essential to begin addressing the crisis in rural America that has only been compounded by the weather disasters of 1999. Failure to pass this measure will only allow the suffering of struggling farmers to continue without relief.

The House of Representatives passed this measure on October 1, 1999. It is now time for the Senate to pass this measure.

I want to thank Senator COCHRAN in particular for his study and consideration and for the skill with which he has brought this bill to its present status. I want to thank him also for supporting some of my requests in the bill.

I requested that there be grants to farmers, livestock farmers in particular, in the amount of $200 million and also that there be provisions whereby farmers could restore their land, where there could be new vegetation planted so that they could have a chance of starting over again. It was in that conference that the chairman, in particular, supported my effort.

I was one of the three Democrats on this side who signed the conference report, and did so in particular because of the funding which had been provided, at my request, for the livestock farmers. There are livestock farmers in my State who were selling out their entire herds, not just for this year but for good. Some of those livestock farmers have been in the farming business for years, and the farm indeed has come down to them after one or more generations. It is important not only from the standpoint, I think, of helping these people who are so in need and who have to work every day, 365 days a year, who can never be sure what the weather is going to be, and who are at the mercy, in many instances, of Mother Nature—it is important that we come to their aid—it is also important for our country that we continue to sustain the small farmer.

In the Roman Republic, the small farmers left their farms in the Apennine Mountains and went into the cities and joined with the mob. When those farmers, those peasants of the land in Italy, left the land and migrated into the cities, the Roman republic began to collapse. It was in the homes of the Roman farmers that family values and the Roman spiritual values flourished. When those peasants left the land, the spiritual values of the Romans began to deteriorate because it was in the homes that they venerated their ancestors and worshipped their gods. They were pagan gods, but the Romans worshipped those gods.

Those family values, which included respect for authority and order—there is where the stern Roman discipline had its beginning. It was because of that stern Roman discipline that came out of the homes of the peasants—it was because of that stern Roman discipline that the Roman legions were able to conquer the various other nations around the Mediterranean basin.

It was the same way in our own country in colonial days. Most of the people in this country were from farming stock. There was a time when over 90 percent of the people in this country were from the farms. That day has long gone, as the corporate farms have largely taken over, just as in the Roman Republic, the latifundia—large corporate farms—which were owned mostly by Roman senators, pushed the small farmers off the land.

I suppose Oliver Goldsmith had that in mind when he wrote ''The Deserted Village.'' In his lines, he told the story of the Roman farmers as well as our own people.

Ill fares the land, to hast'ning ills a prey,
Where wealth accumulates, and men decay:
Princes and lords may flourish, or may fade;
A breath can make them, as a breath has made:
But a bold peasantry, their country's pride,
When once destroy'd, can never be supplied.

I thank all Senators for listening. I hope Senators will soon vote for this important bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from West Virginia for his kind comments about the handling of the legislation. I thank him for his valuable assistance in the crafting of the language of our disaster assistance provisions and other provisions as well.

I yield 8 minutes to the distinguished Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. I thank the Chair.

Mr. President, I rise today in opposition to the conference report on the fiscal year 2000 Agriculture appropriations bill. I do so with considerable reluctance because the distinguished senior Senator from Mississippi, the subcommittee chairman, has always been so responsive to the needs of rural Maine. And the Senator, in his capacity as chairman, has provided valuable assistance to the State of Maine, particularly in the area of agricultural research, which is very important to my State.

Unfortunately, circumstances largely beyond the control of my good friend from Mississippi have brought this measure before us without a component that is absolutely critical to the survival of Maine's dairy farmers. The lack of provisions reauthorizing the Northeast Dairy Compact creates a serious regional inequity and places an unfair burden on Maine's dairy farmers.

While this measure contains $5.4 billion in payments for farmers harmed by low commodity prices, it ignores a mechanism that provides stability in pricing for dairy farmers in the Northeast. The Northeast Dairy Compact is a proven success, and it is absolutely critical to the survival of dairy farmers in Maine and throughout the Northeast.

First approved by Congress as part of the 1996 farm bill, the Northeast Dairy Compact has a proven track record of benefits for both consumers and farmers. The compact works by simply evening out the peaks and valleys in the fluid milk prices, providing stability to the cost of milk, and ensuring a supply of fresh, wholesome local milk.

The compact works with market forces to help both the farmer and the consumer. As prices climb and farmers begin to receive a sustainable price for their milk, the compact turns off. When prices drop to unsustainable levels, the compact is triggered on. The compact simply softens the blow to farmers of an abrupt and dramatic drop in the volatile fluid milk market.

It is important to reiterate that consumers also benefit from the compact. Not only does the compact stabilize prices, thus avoiding dramatic fluctuations in the retail cost of milk, but also it guarantees that the consumer is assured of the availability of a supply of fresh local milk. Let us remember that the proof is in the prices.

Under the compact, New England consumers have enjoyed lower retail fluid milk prices than many other regions operating without a dairy compact. Moreover, the compact, while providing clear benefits to dairy producers and consumers in the Northeast, has proven that it does not harm farmers or taxpayers in other regions of the country. Indeed, a 1998 report by the Office of Management and Budget showed that during its first 6 months of operation, the compact did not adversely affect farmers outside the compact region and added no Federal cost to nutrition programs. In fact, the compact specifically exempts WIC, the Women, Infants, and Children's Program, from any costs resulting or related to the compact.

The reauthorization of the Northeast Dairy Compact is also important as a matter of States rights. We often hear criticism of the inside-the-beltway mentality that tells States that we here in Washington know better than they do, even on issues that traditionally fall under State and local control.

That is simply wrong. In the Northeast Dairy Compact, we have a solution that was devised by our dairy farmers, that was approved by the legislators and Governors of the New England States, that is supported by every State agricultural commissioner in the region and overwhelmingly, if not unanimously, by the dairy farmers of the region. We in Congress should not be an obstacle to this practical local solution.

It is not too late. There are a variety of ways that Congress can allow dairy farmers in the Northeast to help themselves. All we need to do is to reauthorize the compact and take advantage of those opportunities. I am very disappointed, however, that Congress is missing the logical opportunity to renew this important measure through the Agriculture appropriations bill. Therefore, I must oppose this conference report. But I look forward to working with my colleagues to resolve this matter before we adjourn.

Again, I thank the Senator from Mississippi. He has been extremely responsive to the needs of agricultural producers in my State. I know that he shares my commitment to resolving this matter and coming to a solution that will help our dairy farmers survive before we adjourn this session of the Senate.

Thank you, Mr. President. I yield back to the chairman any remaining time I might have.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I thank the distinguished Senator from Maine for her kind comments. We will certainly continue to do everything possible to be responsive to the needs of agricultural producers both in New England and elsewhere in the country.

I yield such time as he may consume to the distinguished Senator from Vermont, Mr. JEFFORDS.

Mr. JEFFORDS. Mr. President, I rise in opposition to the FY 2000 Agriculture Appropriations bill. I oppose the Agriculture funding bill not because of what's in the bill, but because of what has been left out.

I have listened to several of my colleagues speak in support of the disaster aid in this bill. They have spoken passionately on how we need to help our family farms. I, too, support providing relief to farmers and ranchers across the nation who have suffered from weather and market related disasters.

However, this bill has ignored one of this nation's most important agriculture sectors—our dairy farmers. The bill, which provides $8.7 billion in aid to farmers, in large part as direct payments, has neglected dairy farmers, not only in my home state of Vermont, but the dairy farm families in the entire country.

Unlike the commodity farmers throughout the country, dairy farmers have not asked for assistance in the form of federal dollars. Instead, they have asked for relief from a promised government disaster in the form of a fair pricing structure from the Secretary of Agriculture and the extension of the very successful Northeast Dairy Compact, at no cost to the federal government.

Mr. President, I would like to remind my colleagues from the states and regions of the country that will be receiving billions of tax payer dollars in aid for their farmers, that the Northeast Dairy Compact has no cost to the federal government and has no adverse impact on any farmer outside the compact region.

If my colleagues who have opposed our efforts to bring fairness to all dairy farmers truly supported family farms across this country they would support my efforts to help protect the dairy farmers in my state as well as the dairy farmers in the rest of the nation.

While Congress is providing needed government assistance to commodity farmers across the nation, I would like to remind my colleagues on just how well the Dairy Compact helps dairy farmers protect against sudden drops in the price of their products.

This no cost initiative has given farmers and consumers hope. In large part based on the success of the Northeast Compact, which includes the six New England states, no less than nineteen additional states have adopted dairy compacts.

In total, twenty-five of the states in the country have passed compact legislation. During the past year Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Oklahoma, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Georgia, Kansas, and Missouri have all passed legislation to form a southern dairy compact. Texas is also considering joining the Southern Compact.

The Oregon legislature is in the process of developing a Pacific Northwest Dairy Compact. In addition, New Jersey, Maryland, Delaware, New York and Pennsylvania have passed state legislation enabling them to join the Northeast Dairy Compact.

The Northeast Dairy Compact, which was authorized by the 1996 farm bill as a three-year pilot program, has been extremely successful. The Compact has been studied, audited, and sued—but has always come through with a clean bill of health. Because of the success of the Compact it has served as a model for the entire country.

One look at the votes cast by each state legislature, and you can see that there is little controversy over what is in the best interest for the consumers and farmers in each respected state. For example, in Alabama and Arkansas, both legislative chambers passed compact legislation unanimously. It passed unanimously in the North Carolina House. In the Oklahoma State Senate, it passed by a vote of 44–1 and unanimously in the Oklahoma House. It passed unanimously in the Virginia State Senate and by a vote of 90–6 in the Virginia House. In Kansas, the bill

passed in the Senate by a vote of 39–1 and an impressive 122–1 in the Kansas House.

The Northeast Dairy Compact was also approved on overwhelming votes in each of the New England state's legislative bodies.

Mr. President, given its broad support among the states, we all know that the issue of regional pricing is one that will continue to be debated. I am pleased with the tremendous progress the Southern states and other Northeastern states have made to move their compacts forward.

Thanks to the leadership of Chairman COCHRAN, Senator SPECTER and others progress has been made.

While the debate continues, we must allow the Northeast Compact to continue as the pilot project for the concept of regional pricing.

I am, of course, aware that some of my colleagues oppose our efforts to bring fairness to our states and farmers by continuation of the Northeast Dairy Compact pilot project. However, why do Members who share my admiration and respect for family farms oppose an initiative that has no cost to the federal government and has no adverse impact on farmers outside the region?

Unfortunately, Congress has been bombarded with misinformation from an army of lobbyists representing the national milk processors, led by the International Dairy Foods Association (IDFA) and the Milk Industry Foundation. These two groups, backed by the likes of Philip Morris, have funded several front groups such as Public Voice and the Campaign for Fair Milk Prices to lobby against the Dairy Compact and other important dairy provisions.

The real fight over dairy compacts should not come from Members of the Senate that support protecting small farms and consumers, but from the National Milk Processors who work against all farmers to the benefit of their bottom line, because they control the price now, and that gives them higher profits. All we want is a fair price.

It is crucial that Congress debate the issues presented on dairy compacts on the merits, rather than based on misinformation. When properly armed with the facts, I believe you will conclude that the Northeast Dairy Compact has already proven to be a successful experiment and that the other states which have now adopted dairy compacts should be given the opportunity to determine whether dairy compacts will in fact work for them as well.

Mr. President, federal dairy policy is difficult to explain at best. As a Member of the House of Representatives, I served as the ranking member of the Dairy and Livestock Subcommittee. During my years in the House, I worked very closely with the programs that impacted dairy farmers and consumers. I know the industry, I know the policies, and the compact is a raving success.

Of all the programs and efforts by the federal government to help our nation's dairy farmers and protect the interests of consumers, the most effective and promising solution I have seen thus far is the creation and operation of the Dairy Compact.

Unfortunately, many of my colleagues have not yet seen the benefit of compacts and may be basing their reasons on misinformation.

In addition to being sound public policy, the Dairy Compact represents a state's right to do all it can under the law to protect its farmers and consumers.

The courts agree that the Compact is legally sound. Last January, a federal appeals court rejected a challenge to the Dairy Compact by the Milk Industry Foundation. The Court found that the Compact was constitutional and the U.S. Agriculture Secretary's approval of the Compact was justified.

In November of 1998, a Federal district court judge also ruled in favor of the Compact Commission in a challenge brought by five New York-based milk processors. The court found that the Commission had the authority to regulate milk that is produced or processed outside of the region but distributed within the Compact region. In each case, the courts found that the work of the Commission is of firm and legal grounds.

Mr. President, in recent weeks Governors from throughout the Northeast and Southeast sent a letter to the Majority Leader of the Senate and House, urging Congress to consider and support the Dairy Compact legislation.

The Governors of the Compact regions speak not only for their farmers and consumers but for the rights of the States. The message to Congress from Governors nationwide has been clear. ''Increase the flexibility of states and support legislation that promotes state and regional policy initiatives.''

Governors from the twenty-five Compact states represent diverse constituents. They have all considered the benefits and potential impacts by compacts on all those in their states. In the state of Rhode Island for example, there are nearly six million consumers and only 32 dairy farmers. Yet, the dairy compact passed overwhelmingly in the Rhode Island State legislature and is supported by the entire Rhode Island delegation. A similar story is true for Massachusetts.

As I mentioned previously in my statement, nearly all the states supported the Dairy Compacts overwhelmingly.

The success of the three year pilot program of the Northeast Dairy Compact, has created an opportunity for a partnership between Congress and the States, to help strengthen the fundamental federalism movement.

The New England states by joining together as one are doing what any large state can do under the law such as California. A large State can do it. We can't because of the commerce clause. We have to join together and get a compact. We did that.

The reauthorization of the successful experimentation of the Northeast Compact and the creation of a Southern Compact as a pilot program will help maintain that the States' constitutional authority, resources, and competence of the people to govern is recognized and protected.

Mr. President, the Compact also stands on firm constitutional grounds. Does Congress possess the authority to approve the Northeast Interstate and Southern Dairy Compacts?

The answer to this question is clear, simple, and affirmative. Under the Compact Clause of the United States Constitution, states are expressly authorized to seek congressional approval of interstate compacts, even states in the Upper Midwest. And congressional approval, once given, endows interstate compacts with the force of federal law. The Compact Clause, and the Compacts that Congress may license under it, are important devices of constitutional federalism.

Despite what some of my colleagues have said, the Northeast Dairy Compact is working as it was intended to. Instead of trying to destroy an initiative that works to help dairy farmers with cost to the federal government, I urge my colleagues to respect the states' interest and initiative to help protect their farmers and encourage that other regions of the country to explore the possibility of forming their own interstate dairy compact.

For many farmers in Vermont and New England, the Compact payments have meant the difference between keeping the farm and calling the auctioneer.

Dairy farming in Vermont represents over seventy percent of the agricultural receipts in the state. No other state relies on one sector of agriculture more than Vermont depends on dairy.

What we were trying to accomplish in the Agriculture Appropriations bill was about helping farmers and protecting consumers. Farmers deserve our support and recognition. It is sometimes easy to forget just how fortunate we are in this country to have the world's least expensive and safest food supply.

Dairy farmers work harder than many of us realize. The cows have to be milked at least two times a day, 365 days a year; farmers work on the average 90 hours per week, an average of 13 hours a day; farm owners receive an average hourly wage of $3.65, take few if any vacations or holidays and have no sick leave. That is why they are so sensitive to something which may destroy or reduce the prices.

Prices received by farmers in the month of October will be lower than the prices received over 20 years ago. Can you imagine maintaining your livelihood or business with salaries of 20 years ago? Think about what that means to consumers also. The price of milk, if you look on an inflationary scale, is well below what it would be for softdrinks or anything else.

I am certain that my colleagues will agree with me that dairy farmers deserve a fair price for their product. What does it say about our values when some of the hardest working people, our farmers, are underpaid and unappreciated? Mandating option 1–A and continuing the dairy compact ensures that dairy farmers will have the needed tools to help face the challenges of the future.

In Vermont, dairy farmers help define the character of the state. I am proud to work to protect them to protect the traditions and special qualities of the state. Dairy is not just a farming operation for Vermont and other states in New England, it is symbol of our culture, history and way of life. Its survival is a highly emotional subject.

Vermonters take pride in their heritage as a state committed to the ideals of freedom and unity. That heritage goes hand and hand with a unique quality of life and the desire to grow and develop while maintaining Vermont's beauty and character. Ethan Allan and his Green Mountain Boys and countless other independent driven Vermonters helped shape the nation's fourteenth state while making outstanding contributions to the independence of this country.

Today, that independence still persists in the hills and valleys of Vermont. Vermonters have worked hard over the years to maintain local control over issues that impact the charm and quality of the state. Vermont's decision to enhance and protect its wonderful scenic vistas by prohibiting bill boards along its highways and roads was a local, statewide decision. Because of the vision Vermonters many years ago had, driving throughout Vermont enjoying the beautiful landscapes and nature beauty is a pleasurable experience. And it would not be without cows on the hillside. Vermonters choose to control their state's destiny. They should, as any other state have the right to protect their consumers, farmers and way of life.

Most Americans know Vermont as a tiny state in the Northeast that has good skiing, great maple syrup, and beautiful fall foliage—a charming place where the trees are close together and the people are far apart—far from the problems that plague many communities across the country. It is nearly impossible to drive down any country road in Vermont and not pass a farm with a herd of cows. Dairy farms still define the nooks and crannies of the rolling hills. Maybe there's a small pond nearby and a few horses or sheep. Or maybe there's a pasture with bales of hay and cows lining up at the barn waiting for milking time.

The look of Vermont distinguishes it as a throwback to a bygone, simpler time. Vermont is the home of stone fences, covered bridges, and red farmhouses. Vermonters have a special place in their hearts and lives for farmers.

Vermonters of today are struggling to keep step with the modern world while holding onto the state's classic rural charm and agriculture base. It's a difficult task requiring much thought and work. But then again, overcoming difficulties through hard work is what the native Vermonter is all about. Farm families know all about hard work.

Mr. President, dairy farmers did not ask Congress for billions of dollars in disaster aid? Instead, and most appropriately, they asked Congress to provide them with a fair pricing structure and the right of the states to work together at no cost to provide a structure that would help them receive a fair price for their product—not a bail out from the federal government.

Therefore, I must oppose the Agriculture Appropriations bill and suggest that Members whose farmers will be getting federal dollars in disaster assistance take a close look at how the Northeast Dairy Compact helps protect farmers and consumers with no cost to the federal government or any adverse impact on farmers outside the compact region.

I urge my friends to watch closely what is happening to dairy and to give us the opportunity to continue to live in a beautiful State with cows on the hillside.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise today to express my deep disappointment with the agriculture conference report that we in the Senate will vote on today. This agriculture appropriations bill falls well short of helping the Connecticut farmers whose very livelihood was badly hurt by this summer's record drought, and who are depending on our assistance to recover from the devastating losses they have suffered. Instead, this plan simply leaves farmers throughout the Northeast even higher and drier, and leaves me no choice but to vote against this bill.

In August, I joined with Agriculture Secretary Dan Glickman in visiting a family farm in Northford to inspect the drought damage done in Connecticut this year. On that day, the Secretary declared the entire state a drought disaster area. Since then, it has been estimated that farmers in our state have incurred losses of $41 million; together, the 13 Northeast and Mid-Atlantic states estimate their losses at $2.5 billion.

Sadly, despite strong bipartisan pleas for support, the agriculture appropriations bill shortchanges our state as well as the entire Northeast region. Of the $8.7 billion in ''emergency'' farm relief this bill provides, only $1.2 billion is available for natural disaster aid. This smaller allocation of money must be distributed, in turn, to farmers nationwide for drought, flood, and other natural disaster damage. It is likely that the drought-stricken farmers of the Northeast and Mid-Atlantic states would receive only about $300 million—less than one-eighth of their estimated recovery costs.

Historically, hard working Connecticut farmers benefit from very little federal assistance. During the last fiscal year, for example, Connecticut farmers received less than one-tenth of one percent of the $10.6 billion paid out by the government-funded Commodity Credit Corporation. It is only fair that when they need emergency recovery assistance, the government come through for Connecticut farmers too. Sadly, this bill is not fair.

This agriculture spending plan is regionally inequitable, offers insufficient disaster assistance for Connecticut farmers, and represents unacceptable public policy. In times of legitimate farm crises, Congress has repeatedly provided a helping hand to farmers in the Midwest and South. We owe nothing less to the farmers in Connecticut and throughout the Northeast who make a critical contribution to our economy. They deserve real help, not a bill of goods.

I am also concerned by the disappearance during conference of the Northeast Dairy Compact, which had been approved by the House of Representatives. Because the usual conference committee proceedings were circumvented this year, it is impossible to know why the Dairy Compact is missing in action. Regardless of the answer to this question, the subversion of the conference committee process disturbs me and represents a bad precedent for our legislative process.

Because this bill does not provide real, equitable relief for Connecticut farmers and does not include reauthorization of the Northeast Dairy Compact, I will join my colleagues from the Northeast in voting against it. I thank the chair, and I yield the floor.

Mr. KYL. Mr. President, I rise to discuss a matter that will severely affect milk producers and processors in my state of Arizona and impede their ability to compete effectively in the state of Nevada. Under the Secretary's final rule, Arizona and Clark County, Nevada, make up one of the 11 consolidated Federal Milk Marketing Order Areas. During consideration of the Agriculture Appropriations bill, a provision was agreed to in the Senate by voice vote that attempted to remove Clark County, Nevada from this proposed order. I say attempted because the drafting of this language was fatally flawed. It would not have achieved its intended goal of allowing Nevada to remove itself from the system. Of course, the Nevada Senators realized this mistake and moved to amend the language in conference. I notified the committee, both in writing and orally, that I objected to any attempt to amend or modify the Senate-passed language. Unfortunately, the language change sought by the Nevada Senators was approved, and is now found in Section 760 of the Agriculture Appropriations bill of FY 2000.

Section 760 creates, for the first time in nearly 75 years of federal milk-price

regulation, a category of milk handler which is statutorily exempt from milk-price regulation. Anderson Dairy—the sole processor in Clark County—will gain a tremendous competitive advantage from this exemption at the expense of the Arizona dairy industry. Allowing Anderson to be removed from the Arizona/Nevada order will make it the only milk processor with sales in Clark County that enjoys a regulatory exemption. But its competitors—such as the Arizona processors—will continue to be regulated on all Clark County sales, which make up approximately 20 percent of their market. In other words, Anderson will be able to price its milk well below that of the Arizona processors who remain subject to the pricing structure of the milk-order system.

Moreover, this statutory exemption will extend to Anderson Dairy sales outside of Clark County. Anderson Dairy would, therefore, enjoy a commercial advantage in its sales in Arizona while its competitors would continue to be regulated on all such sales.

A good argument can be made in support of a milk industry that is free from pricing regulations; however, that is not the case today. Competitive equity has been the foundation of Federal Milk Orders for over one-half century. Under 7 U.S.C. 608(c)(5)(A), handlers are subject to the same uniform classified prices as their competitors, and under § 608(c)(5)(B)(ii), revenue from handlers is pooled and blended so that producers may benefit from ''uniform prices'' irrespective of handler use of milk.

Section 760 of the FY 2000 Agriculture Appropriations bill strikes at the heart of each component of regulatory equity by exempting the Clark County handler from the uniform price and economic standards applicable to competitors within the order, and by excluding from the producer-revenue pool all revenue from milk sales to the plant. For the plant operators in Arizona who continue to operate under price regulation, competing against an exempt plant such as Anderson is like fencing with your sword arm tied behind your back. Anderson can exploit its commercial advantage by expanding sales to current or prospective customers of nonexempt handlers. Such expansion would, in the end, severely harm Arizona producers.

Mr. President, legislative exemption for Clark County plants should greatly enhance Anderson's asset value for acquisition purposes. Several national and international dairy companies have aggressively expanded their operations in the United States during the past few years. These include Dean, Suiza, and Parmalat. A price-exempt plant in the nation's fastest growing major metropolitan area would be very attractive to any expanding dairy enterprise. Should this occur, the producers and processors in Arizona would be negatively impacted.

Having one state subject to the pricing structure of the milk-order system and another, contiguous state free to set its own price creates an uneven playing field. When Anderson is granted the right of removal from a system created to maintain stability and equity within that region, we have effectively undermined the intent of that system.

Some 56 years ago, U.S. Appellate Judge Frank lamented that ''the domestication of milk has not been accompanied by a successful domestication of some of the meaner impulses in all those engaged in the milk industry.'' Queensboro v. Wickard, 137 F. 2d 969 (1943). Regional preferences and exemptions will only fuel these cynical impulses. I hope we can find a way to rectify this egregious situation and maintain a level playing field for the Arizona milk industry.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report. The East Coast suffered through months of drought this summer, causing enormous crop losses to our farmers. Then Hurricane Floyd arrived with severe rains, further affecting farmers with widespread floods.

These two acts of nature are serious emergencies affecting millions of people, yet this conference report does not do nearly enough for farmers on the East Coast.

In my state of New Jersey, agriculture is a $1 billion a year business involving 830,000 acres on over 8,000 farms. While in some more rural states these statistics may not be significant on a relative basis. But in a densely populated place like N.J. they are overpowering.

This summer's drought caused losses on 406,000 acres affecting 7,000 of those farms. All 21 counties in my state were declared drought disaster areas. It has taken a truly devastating toll on our farm community.

According to Secretary Glickman, the drought alone resulted in a total of $1.5 to $2 billion in damages throughout the Northeast and Mid-Atlantic regions.

And now, we have the devastation of Hurricane Floyd on top of the drought disaster. If any state has suffered a true farm disaster this year—it's New Jersey as well as our neighbors in the northeast.

Unfortunately, although this conference report contains $8.7 billion in emergency assistance for farmers, only $1.2 billion of that is for weather related disasters. And this $1.2 billion is spread out over the 50 states. That will not leave a fair share for New Jersey and other northeastern states that actually suffered a disaster this year.

Numerous New Jersey farmers have been left with no hay, no crops and no livestock worth taking to market.

Without our help, the result of these disasters may force some farmers to end decades of family farming and to give up the way of life that they love.

This Congress must do more. The situation facing East Coast farmers is a true emergency, in every sense of the word. At a time when we are watching entirely predictable activities like the census being declared emergencies, we are doing little to assist those who face true acts of God.

I cannot support this conference report until the farmers in New Jersey and up and down the East Coast receive the help they need.

Mr. DURBIN. Mr. President, today I plan to cast my vote in favor of the fiscal year 2000 Agriculture appropriations conference report. I do so, however, with great disappointment in the final package crafted by the Republican leadership. In short, I believe the conference report inadequately addresses the needs of our Nation's farmers, falls short on lifting economically dangerous embargos, and has turned a usually bipartisan, open, and fair process into a backroom operation.

With that said, Mr. President, I cannot stand in the way of at least some relief for to our struggling farmers and our fragile farm economy. The Illinois Department of Agriculture estimates that $450 million from the $8.7 billion agriculture relief package will directly benefit Illinois producers through receipt of 100 percent of their 1999 Agriculture Market Transition Act (AMTA) payments. This is in addition to the more than $450 million already received by Illinois farmers this year to help them through this crisis.

The Illinois farm economy is in trouble. Farm income in Illinois dropped 78 percent last year to just over $11,000, the lowest in two decades and down significantly from the $51,000 figure in 1997. Lower commodity prices and record low hog prices, in particular, are primarily to blame for this net farm income free fall in my home State.

The Illinois Farm Development Authority recently noted that the financial stress faced by Illinois farmers today is higher than it has been for 10 years. Activity in the Authority's Debt Restructuring Guarantee Program is four or five times higher today than last year. The Authority approved 7 to 10 loans per month in 1998. In 1999, the Authority has been approving 30–40 Debt Restructuring loans per month–a 300-percent increase. This is a record level, unmatched since the 1986–87 farm crisis.

The U.S. Department of Agriculture has predicted that prices for corn, soybeans, and wheat will remain well below normal and that farm income will again drop this year. Nationally, farm income has declined more than 16 percent since 1996.

USDA is facing the largest farm assistance expenditure in its history. USDA processed 2,181 Loan Deficiency Payments LDPs in 1997, about 2.1 million in 1998—a thousand times more, and will work through a projected three million LDPs this year. Unfortunately, it appears that this crisis will drag on for the foreseeable future, further draining USDA's resources and reserves.

I served as a conferee on this bill. However, I never had the opportunity

to fully debate the disaster provisions or bring up important matters such as producer-owned livestock processing and marketing cooperatives. Also, I find it unacceptable that the conference report excludes Cuba from the list of countries exempted from embargoes and sanctions for food and medicine. The Senate voted overwhelmingly in August to include the Ashcroft-Dodd provision in this bill. And Senate conferees insisted on this important language. When it became clear that the House conferees were on the verge of agreeing to a food and medicine exemption for Cuba, the House Republican leadership shut down the conference and completed the outstanding issues behind closed doors.

I did not sign the conference report because I believe the process was tainted—conferees were excluded from important final decisions. I hope this is never repeated. It undermines the credibility of the entire Congress.

Once the Senate acts on the conference report and sends it to the President, our role in helping to improve conditions in rural America does not end. We should vigorously explore other ways to help our Nation's farmers and our rural economy. We should work on short-term remedies like additional targeted disaster assistance as well as long-term solutions such as expanded trade opportunities—including ensuring that agriculture has an equal seat at the table for the upcoming round of WTO talks, promotion of renewable fuels like ethanol, and tax fairness.

I hope the president will sign this bill quickly and then work with the Congress to submit a supplemental request taking into account the devastating financial crisis that continues in rural America. To delay further action on this matter would be a great disservice to the men and women who dedicate their lives to production agriculture.

Mr. ROCKFELLER. Mr. President, I take this opportunity to comment on the conference report and the crisis in agriculture that came to pass in my State of West Virginia during the historic drought of 1999.

I am happy that after seeming to be a forgotten issue for so long, the necessity of emergency assistance for the victims of weather-related disasters has been included in the final bill that will be sent to the President. I commend the diligence of my colleague, the senior Senator from West Virginia, in working to ensure that this funding made it, and for working to include a specific mention of West Virginia's horrible statewide drought in the final report language.

Earlier this year, I saw the devastation visited on my State by this drought, and I vowed to do whatever I could to help West Virginia farmers and producers. I probably have written or signed onto more letters about agriculture funding this year than in all my years in the Senate. I invited the Secretary of Agriculture to come out and see the damage first-hand, and I walked along with him and Senator BYRD through the parched fields of Mr. Terry Dunn, near Charles Town, West Virginia. Farmers from around West Virginia told us how terribly the drought was hurting them. Many of these people work their farms and another full-time job, in hopes of keeping viable family farms that have passed down through four, five, and six generations.

I voted today to approve the conference report, although I believe the amount of emergency assistance should have been much higher. I voted for cloture because this money is needed, wherever it will eventually go, as soon as it can be dispersed. I made the decision that ''too little right now'' was better than ''too little, too late.''

I also realize that other, more divisive, issues have bogged down the conferees much more so than the prospect of providing a helping hand to struggling agricultural producers in the Northeastern, Mid-Atlantic, and Southeastern states. Actually, I am led to believe that some level of drought funding was among the least contentious issues, and that the conferees ultimately based their number on estimates provided by the Secretary of Agriculture.

Still, I remain troubled that the amount appropriated seems so low, and that emergency funding took so long to become a sure thing. I am mindful of the severe budget constraints under which they are operating, and the tense debates that have accompanied any attempt to appropriate emergency funding. But if the drought of 1999 was not a valid emergency, when will we see one?

Another thing that I will never understand is how the U.S. Senate—including Senators whose own states have suffered the worst drought damage since records were kept—could have voted down emergency funding when we originally debated this bill. I voted for the Democratic package which lost, and now finds its way into the final report. Another thing that troubles me is that while the conferees used Secretary Glickman's preliminary estimate of drought losses, they grouped those losses together with losses incurred during the devastation wrought by Hurricane Floyd, estimates of which exceed the emergency assistance in this bill by many billions of dollars, and did not appropriate a more realistic sum.

Once again, I know the conferees have attempted to give guidance to USDA in how this money should be distributed, and I look forward to an emergency supplemental appropriation that will allow for meaningful rehabilitation of the flood-ravaged agricultural areas of the Southeast and New Jersey. I hope, Mr. President, that if any such supplemental assistance is proposed, that there be included with it sufficient additional funds for our many drought survivors as well.

I hope for this, because this drought might be the last straw that ends the farming life as last for as many as ten percent of my state's small- and medium-sized farmers. Because of this terrible drought, it is estimated that West Virginia will suffer truly horrendous losses: As much as $89 million in cattle; half of our annual apple crop—for the worst yield since 1945; half of our corn; almost half of our soybeans; and nearly 90 percent of our new Christmas trees, a relatively new crop for West Virginia farmers, but one that has allowed many family farms to remain in the family.

In closing, Mr. President, I once again applaud the efforts of my colleague Senator BYRD for doing all that he could to see that our farmers weather this crisis. And I call upon the rest of my colleagues to recognize that most farmers in the drought- and flood-ravaged portions of the eastern United States will need much more help, as soon as it can get to them.

Mrs. MURRAY. Mr. President, I rise today to express my deep frustration with the fiscal year 2000 Agriculture Appropriations conference report before us today.

Two weeks ago, the Republican leadership pulled the plug on conference negotiations—and killed our prospect for comprehensive sanctions reform and additional assistance for agricultural communities hit by economic and natural disasters. When we look back at this first session of the 106th Congress, I believe we will see that decision as an enormous missed opportunity.

Mr. President, Washington State is the most trade-dependent State in the nation. And agriculture is one of its top exports. The growers in my State need open markets. Many times, market access is closed or limited because of the actions of foreign countries. We can and must fight to break down barriers erected by other nations.

We must also fight to break down the barriers to foreign markets created by our own government. Sanctions that include food and medicine do not serve the interest of the United States, and they certainly do not serve the interests of American producers. Oftentimes with the best of intentions, we have cut off all trade with states that sponsor terrorism, fail to live up to critical agreements, or refuse to share our principles of democracy.

Mr. President, we cannot and must not tolerate reprehensible actions by rogue states. But it is clear to me, and to 69 other Senators who voted for sanctions reform, that we do not act in the best interests of American foreign policy or American agricultural producers when we impose unilateral food and medicine sanctions. The people in the world we hurt most with unilateral sanctions are American growers.

The Senate sanctions reform package was a huge step in the right direction. It deserves to become law. Wheat growers in my State deserve access to Iran,

which was once our largest export market for soft white wheat. And pea and lentil growers deserve access to Cuba, a market valued at more than $17 million. In both of these cases, our foreign competitors have stepped into the market vacuum created by U.S. sanctions policy.

The Administration started sanctions reform earlier this year. I applaud those efforts—belated as they were. I also applaud those in the Senate who worked so hard for passage of the Ashcroft-Dodd amendment. But now the Republican leadership has sent the message to our foreign competitors that they can continue to conduct business as usual—that U.S. growers will not soon be players in markets like Iran and Cuba.

After hearing for years from some Republicans that the Administration lacked the will to reform our nation's outdated and ineffective sanctions policies, the Republican leadership proved it could not lead American agriculture into the 21st century. Too many of our producers already have empty wallets and empty bank accounts, and—in response—Congress delivered empty rhetoric on sanctions reform.

In September, I met with representatives of the Washington Association of Wheat Growers, the Washington State Farm Bureau, and the Washington Growers Clearing House. I expressed my strong support for the sanctions reform package and my hope that some agreement could be reached between the Senate and House. I did not count on the procedural maneuvering that doomed the sanctions package. Our growers deserved a better process and a better outcome.

Mr. President, in a perfect world this bill would include sanctions reform. Its emergency provisions would include more money for specialty crops, additional funding for the Market Access Program, and increased Section 32 money for USDA purchases of fruits and vegetables. It would include more resources for farm worker housing and Natural Resource Conservation Service conservation operations.

On the subject of minor crops, I would like to discuss the plight of apple growers in my state. The apple industry in particular is in the throes of the economic conditions as bad as anyone can remember. Poor weather has played a role, but more important are the economic factors.

Apple juice dumping by China has removed the floor price for apples. Chinese apple juice concentrate imports increased by more than 1,200 percent between 1995 and 1998. I was pleased to sponsor a letter with Senator GORTON, signed by a total of 21 Senators, to Commerce Secretary Daley urging the administration to find that Chinese dumping is destroying our growers and to impose stiff retroactive duties. Weak Asian markets and high levels of world production have contributed greatly to the terrible economic situation in central Washington State.

As a result, many small family farms that grow some of the best fruit produced in the world are going out of business. Many of these are not marginal producers. They are efficient growers whose families have been growing high quality apples and pears and other commodities for generations.

As in other parts of rural America, the communities that rely on tree fruit production for their economic base are reeling. It is hard to diversify when your economic foundation is crumbling. It is estimated approximately 20 percent of Washington apple growers will lose their farms in the next three years. And that is a conservative estimate. Over the August recess, I met with community leaders in north central Washington State. Okanogan County alone has experienced $70 million in losses in the tree fruit industry leading the county to declare an economic disaster.

Language in the conference report directs the Farm Service Agency to review all programs that assist apple producers, and review the limits set on operating loan programs used by apple growers to determine whether the current limits are insufficient to cover operating expenses. I urge FSA to complete this review as soon as possible so that those of us who represent apple producing states can improve the Federal Government's assistance to our growers.

The conference bill before us provides $1.2 billion in disaster assistance. The report language for that section of the bill mentions the plight of apple growers and urges the USDA to address the problem. However, let's be clear that it will be very difficult for my state's apple producers to get meaningful assistance through this bill. Simply put, this bill is not a victory for apple growers or their communities.

In the future, some of my colleagues may criticize the Secretary of Agriculture for not recognizing the critical need in apple country and failing to deliver assistance. Earlier this year, August Schumacher, Under Secretary for Farm and Foreign Agricultural Services, came to Washington State to hear from apple growers. I know the administration understands the needs of growers in my State. But the administration can't realistically address the needs of growers all over the country with only $1.2 billion. Nevertheless, I look forward to working with my colleagues to direct aid to apple growers in Washington State.

I believe this Congress needs to accept responsibility for the shortcomings in the bill. The Republican leadership certainly bears complete responsibility for the unacceptable manner in which this bill was taken out of the hands of congressional appropriators in the middle of conference negotiations.

Mr. President, while this bill is flawed, it is still a step in the right direction. I intend to vote for the conference report. Although we didn't do it two weeks ago, we must send the message this week that Congress will try to reestablish opportunity in rural America.

I will vote for this bill because it provides emergency assistance to many of our farmers and ranchers. It funds research, including new positions for potato and temperate fruit fly research that are critical to minor crop producers in my state. It delivers a nearly $52 million increase for programs in President Clinton's Food Safety Initiative, including $600,000 for research into listeriosis, sheep scrapie, and ovine progressive pneumonia virus (OPPV) at ARS facilities in Pullman, Washington and in DuBois, ID. It provides critical funding for WIC and other feeding programs, and for P.L. 480.

Mr. President, I was tempted to vote ''no'' on this conference report. But just as I believe the Republican leadership should have embraced responsibility on sanctions reform, I believe voting to pass this conference report is the most responsible approach. It is my sincere hope the Senate will pass sanctions reform and other legislation to provide greater economic security to communities that rely on agriculture before the end of this session.

Mr. HUTCHINSON. Mr. President, I rise to express my support for a provision by Senator ASHCROFT included in the Senate version of the Agricultural Appropriations Act for FY2000. This provision passed with 70 votes in the Senate but it was subsequently stripped out of the conference report after the conference stalled and never reconvened.

The Ashcroft provision is simple. It substantially curtails the use of unilateral sanctions of food and medicines without removing them absolutely from the palette of foreign policy options. If the President decided to include food and medicine in future sanctions, he would have to receive the approval of Congress, through an expedited procedure.

Mr. President, American farmers have spoken and they want help. In the past year, cotton prices have tumbled 46 percent and wheat is down more than 60 percent. Corn sells for as low as $1.50 for a bushel in some places. It is not surprising that net farm income dropped almost one billion dollars between 1996 and 1998. Storms and drought have destroyed our Nation's crops. We must help our struggling farmers out of this crisis.

The farmers in my home State of Arkansas have made it clear to me that one measure needed to help them out of the current crisis is an expansion of export markets. Indeed, our farmers are missing out on millions of dollars in exports each year. It is estimated that agricultural sanctions have robbed U.S. farmers out of an estimated ten percent of the world wheat market and half a billion dollars in sales. Before agricultural sanctions were placed on Cuba in 1963, that country was the largest U.S. export market

for rice, taking more than 50 percent of total rice exports. Even today, American farmers are losing out to farmers in Canada, Europe, and Asia who sell $600 million worth of food products to Cuba.

While President Clinton issued an executive order in April of this year allowing food and medicine sales to Sudan, Libya, and Iran, these sales would still face significant restrictions. Sales would be licensed on a case-by-case basis and made only to non-governmental entities. In some cases, where there are no non-governmental entities buying food for the people, no sales could be made.

It is true that the regimes that are sanctioned from food and medicine, including the governments of the Sudan, Libya, Iran, Iraq, and Cuba, are reprehensible. But we must also consider the populations of the these countries—people with whom we have no argument, people who are starving, people who are sick because they do not have enough food or medicine. While governments may intentionally withhold food and medicine from their populations, both to foster anti-American sentiment and to keep the people under subjection, we benefit no one by denying our farmers the opportunity to sell their crops. If we allow these sales—if we rein back our food and medicine sanctions, then we leave these regimes without an excuse for not providing their people with food. We close off a channel of resentment and make clear to people living under repression that their government is solely responsible for leaving them hungry. And we leave these governments with less money for weapons. Senator ASHCROFT's provision accomplishes all of these things.

Mr. President, I am not arguing for a provision that has been defeated and will never reappear. Let me say again that the Senate passed this provision with 70 votes. I am confident that it will advance this legislation favorably again.

Mr. BURNS. Mr. President, Chairman COCHRAN and his staff have done a highly commendable job of crafting a bill to help agriculture in these tough times. Important funding is included in the bill for agricultural research, nutrition programs, natural resource programs, food safety, export enhancement, rural development, and marketing and regulatory programs. I am exceptionally pleased with the funding that will go to Montana to carry out important agricultural research and promote rural development.

Times are tough in agriculture. In Montana, thousands of farmers and ranchers are experiencing a severe price crunch. Commodities simply are not bringing the prices agricultural producers need to break even. Now is an essential time to provide producers opportunities for diversification and increased marketing opportunities. Times are tough and times are changing.

The Federal Government has the opportunity to provide agricultural producers with enhanced options for marketing. We can do that through funding for agricultural research and rural development and policy changes for sanctions reform, country-of-origin labeling, rescission of the USDA grade, balance of trade laws, and price reporting.

I am extremely pleased with the inclusion, at my request, of reporting in this bill. Mandatory price reporting is a milestone for livestock producers. For too long there has been too much mistrust between agricultural producers and meat packers. Four major packers control 79 percent of the meat-packing industry. Many producers raising and feeding livestock feel that packers can control the market by not providing data on either the number of cattle they buy or the prices they pay for it. The USDA collects the information voluntarily. This legislation mandates that packers will provide that data twice daily and make it easily accessible to ranchers.

Mandatory price reporting provides Montana producers with all the pertinent information they need to make the best possible marketing decision. It means that a Montana rancher can check the daily markets. They will have the necessary data to make the decision to sell their livestock immediately or hold out for a better price. A five cent increase in the market can mean an extra $30 per animal. On a 300-head operation that means an extra $9,000. To those experiencing the best economic times in years, $9,000 doesn't seem like much. I can tell you—to a rancher who hasn't met the cost-of-production in three or four years, any amount of money in the black looks pretty good.

Lately ranchers have not had the money even to buy necessities for operating expenses. Due to the nature of the business and risks involved, farmers and ranchers are used to utilizing credit and operating loans. However, this economic crisis has bankers and rural business worried. Main Street Rural America is hurting too. Producers making knowledge-based marketing decisions helps everybody. It helps agricultural producers—and it helps rural communities who depend on agriculture for their livelihood.

Kent and Sarah Hereim own a 300-head operation between Harlowton and Judith Gap, MT. Nine thousand dollars means to them a new computer. That gives them even more accessibility to marketing information and the ability to make better marketing decisions. A computer provides access to the Chicago Mercantile Exchange or the Chicago Board of Trade for futures marketing options. It provides an updated mechanism to pay bills and keep spreadsheets on operating expenses. A computer can be a valuable tool for ranchers to keep production records, carcass data, grazing plans, and other management information. These records allow producers to be better managers and increase profits.

Nine thousand dollars can mean a new bull in addition to the computer. Buying better seedstock increases genetic capability and produces better animals. Increase in quality increases profit. More and more emphasis is being placed on paying producers on a grid. Paying on a grid means ranchers are paid on the quality of their animals not merely the number of pounds. This gives producers who strive for better genetics and meat quality a clear advantage.

Rural communities win too. An extra $9,000 helped the local computer store and it helped others in the industry. That new bull Kent and Sarah bought helps the seedstock (bull) producer who now has extra money to buy fencing supplies from the local agricultural supply store. The owner of that ag supply store now has extra money for Christmas gifts at the local clothing store. That clothing store owner puts extra money in a CD at the bank. In a rural community a dollar turning over makes a world of difference.

This example is why it is so important to put control back in the hands of the livestock producer. It is exceedingly important to producers to have an assurance that they are receiving timely and accurate data. It doesn't make sense for those raising the commodity to be a passive price-taker. Having the information readily accessible puts the rancher in a position to make good marketing decisions and not be left fully at the mercy of the buyer.

In Montana, livestock outnumber people by at least twice. These are less than a million people in Montana and over 2.5 million head of livestock. Sixty-four percent of the land in Montana is used for agricultural production. Livestock producers depend on the livestock markets for their livelihood. Mandatory price reporting gives them that data and the controls to use it.

Also important to livestock producers is the Sheep Industry Improvement Center. This center, which is located at USDA, has a $30 million budget to assist the sheep and goat industries in research and education.

I realize that no long-term solution will work until this current economic crisis is taken care of. This bill goes a long way in getting producers back on their feet and on the way to a better agricultural sector. Immediate funding needs of farmers and ranchers are addressed in a manner that will give them an opportunity to get back on track.

The $8.7 billion package contains important funding for Agricultural Marketing Transition Act (AMTA) payments for wheat and barley producers in Montana, as well as $322 million for livestock producers and $650 million in crop insurance.

I am pleased that important language for durum wheat producers was included in the bill. Before this change, the method for calculating loan deficiency payments (LDP) repayments unfairly presumed a high quality for

durum, which resulted in a lower repayment rate for their crop. However, as a result of this language, the USDA has agreed to correct inequities in the current loan deficiency program (LDP) program for durum wheat.

The crop insurance portion of the bill will provide $400 million to provide agricultural producers with a premium discount toward the purchase of crop insurance for the 2000 crop year. Currently, farmers would pay a higher premium for the year 2000 than for 1999 or 2001. With the lowest prices in years, agricultural producers cannot afford higher premiums.

I am disappointed that sanctions reform was taken out of the bill. I believe these concerns must be addressed as soon as possible. I will support Senator ASHCROFT in his efforts to exempt food and medicine from sanctioned countries. American farmers and ranchers stand much to lose by not having all viable markets open to them.

Imposing trade sanctions hurts American farmers and ranchers. Sanctions have effectively shut out American agricultural producers from 11 percent of the world market, with sanctions imposed on various products of over 60 countries. They allow our competitors an open door to those markets where sanctions are imposed by the United States. In times like these our producers need every available marketing option open to them. We cannot afford lost market share.

Trade sanctions are immoral. Innocent people are denied commodities while our farmers and ranchers are denied the sale to that particular country. It is my sincere hope that my colleagues will see fit to open up more markets by supporting Senator ASHCROFT.

Farmers and ranchers must be provided a fighting chance in the world market, and the people of sanctioned countries must be allowed access to agricultural commodities.

Again, I thank the fine chairman Mr. COCHRAN, and his staff, for all their work on this bill. I will continue to fight for Montana farmers and ranchers and provide a voice for agriculture.

Mr. WELLSTONE. Mr. President, I am disappointed that the conference committee on H.R. 1906, the Agricultural appropriations bill for FY 2000 included a legislative rider sponsored by Senator MCCONNELL that would fundamentally change the H–2A temporary foreign agricultural worker program.

I am concerned that the McConnell rider would be harmful to both foreign and domestic farm workers. The McConnell rider would essentially allow agribusinesses to import as many H–2A foreign guest workers as they want, regardless of whether there are workers here in America who want those jobs.

That would be harmful to the U.S. farm workers who want the jobs, obviously. But it would also be harmful to other farm workers, who would then have to compete with more easily exploitable foreign labor. And I believe it would not be good for the guest workers themselves, who would have few of the protections and benefits to which Americans are entitled.

The Administration opposes the McConnell rider. So does the U.S. Catholic Conference, the National Council of La Raza, the Farmworker Justice Fund, and the United Farm Workers. The McConnell rider also flatly contradicts the recommendations of the General Accounting Office.

Let me take a moment to describe how the H–2A foreign guest worker program works, and maybe that will help explain what the McConnell rider does. The H–2A program allows agricultural employers to import foreign workers on a temporary basis, but only when there is a shortage locally of available U.S. workers. The Labor Department has to issue a labor certification that there is a shortage of available U.S. workers. But before employers can get that certification from the Labor Department, they have to recruit U.S. workers during a period of 28 to 33 days.

The McConnell rider would substantially shorten the period during which agricultural employers have to recruit U.S. workers. Under current law, the recruitment period is 28 days, though it can be extended to 33 days if employers have to refile their application. The McConnell rider would shorten the recruitment period to 3 days, with a 5-day extension for refiling. The recruitment period would shrink from 28 days to three days.

Three days! Does anyone think any kind of meaningful recruitment is going to take place in a period of three days? Of course not. Shortening the recruitment period to three days would turn the labor certification process into a sham and a charade. The result would be that U.S. farmworkers who want those jobs wouldn't be able to get them, and employers would have almost automatic access to cheap, exploitable foreign guest workers.

GAO agrees that shortening the recruitment period to three days would undermine the labor certification process. A December 1997 GAO report looked at this very proposal and found that ''employers will not have sufficient time to meet their duties as required by the program and domestic workers will not have ample opportunity to compete for agricultural employment.''

The issue here is whether we should make the deplorable working conditions of farmworkers in this country even worse, because that would be the effect of the McConnell rider. I don't think my colleagues really want to do that.

Given the—frankly—miserable working conditions that many farm workers have to endure, I think it would be unconscionable for us to add to their burdens. Farm workers don't have a lot of power. They don't have a lot of economic power, and they don't have a lot of political power. They don't have a lot of money to contribute to political campaigns. You don't see a lot of farm worker faces among the lobbying groups that visit our offices.

Yes, there are some people who advocate on their behalf—groups like the U.S. Catholic Conference, National Council of La Raza, the Farmworker Justice Fund, the UFW. But farmworkers are largely disenfranchised and disempowered. Ultimately, they are dependent on our good will. I hope we can show a little good will towards people who don't have much leverage over us, but people who are very decent and hardworking and deserve better.

Mr. DEWINE. Mr. President, I rise today to discuss the agriculture appropriations conference report. First, I thank the Chairman and Ranking Member of the Agriculture Appropriations Subcommittee, Senator COCHRAN and Senator KOHL, for their hard work on this legislation. They faced multiple challenges in trying to find funds for so many different and critical areas within agriculture.

I support this bill, Mr. President. I support it because it will help provide some immediate relief to our farmers, who, in many states, are facing a twin blow from drought and low commodity prices. I know that in my home state of Ohio—where agriculture is the number one industry—many of our farmers are in serious financial trouble. When you're getting hit from both drought and low commodity prices, it really hurts.

I am pleased that the bill we will send to the President today will take an important step toward helping agriculture producers overcome some of the current problems resulting from this summer's drought and low commodity prices. For example, the conference report includes $5.54 billion in emergency assistance for Agricultural Market Transition Act payments (AMTA). This amount will double producers' AMTA payments for 1999 crops. Also, the bill enables farmers to receive AMTA payments at the beginning of the fiscal year rather than in two installments. This is very important for many of Ohio's farmers who are struggling right now to make ends meet. The Senate should get this bill to the President as quickly as possible. Our farmers need relief now—not later.

This summer has brought with it one of the most prolonged periods of drought in this century. I have talked to many farmers back home and have driven along the highways and back roads in Ohio—you can see how this summer's drought has severely stunted the growth of corn and other key crops. It's devastating. And this devastation is widespread. Secretary of Agriculture Dan Glickman has designated all but one of Ohio's eighty-eight (88) counties as natural disaster areas. Of those, Secretary Glickman designated sixty-six (66) counties as primary disaster areas.

According to the Governor of Ohio, our state's farmers are expected to lose

$600 million in income due to the drought. Let me repeat that, Mr. President. In Ohio, our farmers stand to lose $600 million. When combined with the current low commodity prices, it is no wonder that many farmers in Ohio are asking themselves—and us—how they and their families are going to make it.

In response, the bill we will send to the President today provides approximately $1.2 billion—to assist farmers plagued by the drought. It's a decent start. But, while this assistance will surely help lessen the immediate financial worries of many of our drought-stricken farmers, it doesn't address a fundamental issue here—and that is that our farmers aren't equipped to withstand cyclical economic downturns and natural disasters over which they have no control. As I see it, we have failed to give agriculture producers the tools they need, over the long-term, to manage risks—whether those risks come from the market or nature. There are things that we, in Congress, are trying to do to help get to the root of the challenges facing our farmers today. Let me explain.

The United States is the most open market in the world. While our farmers are the most productive in the world, market barriers against the free and fair trade of our agriculture products exist. Dismantling these barriers must be a top priority. Congress can help by giving the President fast track authority to negotiate trade agreements. Fast track authority would allow the Administration to enter into trade agreements with other countries, where we are the most competitive and to negotiate with specific regions of the globe.

Failure to pass fast track puts our farmers at a serious disadvantage with global competitors. For instance, the Latin America and Carribean region offers great opportunities for increased agriculture exports. It is one of the fastest growing markets for U.S. exports and will exceed the European Union as a destination for U.S. exports by next year. This market is expected to exceed both Japan and the European Union combined by the year 2010. Other nations already are working to break down barriers in this region. The United States cannot afford to sit on the sidelines—just watching—much longer. We need to get into the game. That would help our farmers.

When our foreign trading partners are not trading by international rules, and doing so to the detriment of our farmers, our trade authorities should use all the tools available to them. For example, I introduced bipartisan legislation, the ''Carousel Retaliation Act,'' which would increase pressure on our trading partners to comply with World Trade Organization rules by requiring the U.S. government to rotate targets every six months.

What's happening is that our nation—and especially our farmers—are being injured by the refusal of some foreign countries to comply with World Trading Organization (WTO) Dispute Settlement rulings. Noncompliance with Dispute Settlement rulings severely undermines open and fair trade. As many of our farmers, cattle ranchers, and large and small business owners know firsthand, this is having a devastating impact on their efforts to maintain or gain access to important international markets.

The ''Carousel Retaliation Act'' would help ensure the integrity of the WTO Dispute Settlement by rotating—or carouseling—the retaliation list of goods to affect other goods 120 days from the date the list is made and every 180 days, thereafter. Currently, the U.S. Trade Representative has the authority to carousel retaliation lists, but is not required to do so.

The Carousel bill requires the U.S. Trade Representative to rotate and revise the retaliation list so that countries violating WTO Dispute Settlements cannot merely subsidize the affected industries to recover from retaliation penalties. American farmers are the most efficient and competitive in the world. When given the opportunity to compete on equal footing, they will be the most successful, as well.

Besides opening new markets abroad, there are things we can do here at home to help our farmers prosper under the Freedom to Farm Act we passed three years ago. I cosponsored legislation that would allow farmers to open savings accounts into which they can place—tax free—a certain percentage of their profits during good economic times. These funds can remain in their accounts for up to five years. If hard times come along—as we know they do—farmers can withdraw funds from their accounts. The only time these funds would be taxed is when they are withdrawn from the account or after five years.

This bill, the Farm and Ranch Risk Management (FARRM) Act, was included in the $792 billion tax-relief package that I supported and Congress passed. That tax relief package had many other provisions helpful to farmers. Besides the FARRM provision, the bill included the elimination of estate taxes, broad-based tax relief, the elimination of the marriage penalty, and the full deductibility of health insurance for the self-employed. Unfortunately, President Clinton vetoed this reasonable tax relief package—that doesn't help our farmers.

Most important, we should get the federal government off the backs of our farmers so they can have the freedom to do what they do better than any other country—and that's produce. I have cosponsored the Regulatory Fairness and Openness Act, which would require the Environmental Protection Agency base pesticide use decisions on sound science rather than worst-case scenarios. Also, I have cosponsored legislation that would require the Occupational Safety and Health Administration (OSHA) to base any ergonomic standards on sound science.

Mr. President, our farmers need assistance—the kind that is provided through the agriculture appropriations bill and the kind of assistance that comes from pursuing trade and tax policies that would further the economic strength and freedom of American agriculture.

I urge the President to sign the appropriations bill immediately so that farmers in Ohio—and throughout the country—can receive short-term relief as quickly as possible. I also urge the President to take a long, hard look at how we can give our farmers the kind of lasting relief they need to stay in business not just this year, but for generations to come.

Mr. CHAFEE. Mr President, I rise today to bring to the attention of my colleagues the plight of our nation's farmers. Now, one might ask, what is a Senator from Rhode Island doing speaking about farming? Isn't that usually handled by Members from the Midwest? Well, Mr. President, that is not the case. Farming is alive at our nearly 700 farms in Rhode Island. However, these same family farmers in Rhode Island and those across the nation are looking to Congress for some much needed help in the wake of this summer's horrible weather conditions.

Today, the Senate will be asked to vote on final passage of the conference report on the Fiscal Year 2000 Department of Agriculture and related agencies appropriations bill. This bill is just one of the thirteen spending bills which Congress must approve and the President must sign before the beginning of the new fiscal year. This is a major bill which funds many important farming and environmental programs. However, I must reluctantly vote against final passage of this report for two reasons.

During the debate on the bill earlier this year, farmers in the Northeast and Mid-Atlantic were in the middle of what would become one of the worst droughts in the history of this region. In fact, the National Oceanic and Atmospheric Administration reported that Rhode Island experienced its driest growing season in 105 years of recordkeeping. As a result, crop damages were widespread. According to the Farm Service Agency in my state, crop losses ranged from 35 percent to an astounding 100 percent. These losses created a terrible financial burden on the farmers in Rhode Island, as well as the entire state economy.

In response to these problems, as well as those experienced by farmers across the country, the Senate approved a $7.4 billion emergency relief package, and I was glad to support it. In the House, no such funding existed. However, as the difficulties worsened and the need for additional funding was necessary, I was committed to making sure that our family farms in Rhode Island would not be left out of the pot. To that end, I pressed for direct assistance to specifically address drought damage in the Northeast and Mid-Atlantic. As everyone knows the 1999 drought knew no state barriers or boundaries. Senators from both sides of the aisle knew that

making this a partisan issue would not make federal assistance for our farmers come any quicker. We needed to help our farmers and farming families to start the process of rebuilding for new crops and a new season.

In the end, an additional $1.2 billion was allocated for assistance to farmers across the country who have incurred losses for crops harvested or intended to be planted or harvested in 1999. The key word in that sentence is ''across the country.'' In the Northeast and Mid-Atlantic alone, damage assessments range from $2 to $2.5 billion. However, this additional money will not go directly to those farmers in the Northeast and Mid-Atlantic that need it the most. Instead, the money will be available to all farmers who have suffered from flooding, Hurricane Floyd, and the drought. This certainly is not sufficient funding for our region's family farmers.

I also must vote against this conference report because of its failure to include language that extends the Northeast Interstate Dairy Compact. This is an issue that has the support of a majority of the Senators in this body. In fact, during debate on the agriculture spending bill, a majority of Senators—53 to be exact—voted to end a filibuster on the dairy compact issue.

As many of my colleagues know, the Compact was a state-generated response to the decline in the New England dairy industry over the last decade. In the early 1990s, all six New England states approved identical legislation to enter into the Compact. Congress approved the Compact as part of the 1996 Freedom to Farm bill.

Due to the unique nature of fluid milk, it must be worked quickly through the processing chain and get to store shelves within days of its production. Due to these conditions, dairy farmers are at a distinct disadvantage when bargaining for a price for their product. As a result, the minimum farm price fluctuated wildly over time. The Compact corrected this problem and leveled the playing field at no cost to the American taxpayer. How can one be against that?

I am heartened by the consistent efforts of my colleagues Senators JEFFORDS, SPECTER, and LEAHY among others to keep these dairy farmers in mind throughout the debate on the bill and in conference. Although we were not successful, the issue will not go away. The dairy compact issue will be revisited and the voice of the majority of Senators will be heard.

I thank the chair for this time, and I yield the floor.

Mr. LEAHY. Mr. President, I rise to join my colleagues today in opposition to the Fiscal Year 2000 Agriculture Appropriations Conference bill. Usually, it's a testimony to someone's power when they can ''kill two birds with one stone.'' Well, amazingly the managers of this bill were able to kill three birds with one stone - - the Northeast Dairy Compact, drought relief and agricultural sanctions.

Unfortunately, the impact felt by small farmers in the Northeast will be meteoric. I have heard from many of my colleagues about the price drops their farmers have experienced this year. Well, dairy farmers witnessed a 40 percent price drop in one month. If it was not for the Northeast Dairy Compact, this drop could have crushed Vermont dairy farmers.

They have also suffered through one of the worst droughts this century. And how does this Conference bill respond? It doesn't.

Instead, the Conference Committee blocked Senator SPECTER from even raising his amendment to extend the Northeast Dairy Compact and denied any targeted disaster relief for farmers in the Northeast and Mid-Atlantic who suffered through fifteen months of drought.

However, we are yet again sending disaster payments and price supports to the Midwest and Southeast. I guess the Conference committee decided to ignore the old adage that you should not hit someone when they are down. Why not continue to prop up grain prices so that when Vermont farmers have lost all their livestock feed to the drought they can pay even more for feed from other states?

When we passed the Freedom to Farm bill, one of the premises its success was based on was that farmers would also have the freedom to market. By expanding our markets overseas, our farmers would not have to depend on subsidies from the federal government. Yet, after the Senate overwhelmingly passed an amendment to update our sanctions policy and allow our farmers access to more markets, the Conference committee decided to continue with the old system of guaranteeing farmers the price they want through artificial means and expect taxpayers to go along with it.

Now, I am sure that many of these crops did suffer significant price or market losses and may deserve assistance. But, farmers in the Northeast and Mid-Atlantic are just as worthy. In Vermont alone, we have witnessed over $40 million in drought damage. Without some assistance many of our farmers are not going to make it through the winter. In the last two years they have suffered through an ice storm, flooding, and two summers of drought.

What is so galling to me is that although Congress authorized $10.6 billion in disaster payments in Fiscal Year 1999, the Northeast and Mid-Atlantic have only received 2.5 percent of that assistance. Today, we will likely pass $8.7 billion in disaster assistance and our farmers will probably only receive 2 cents out of every dollar.

Adding salt to our wounds, the Conference Committee also saw fit to block any extension of the Northeast Dairy Compact. Our region developed and implemented a system to help our dairy farmers at no cost to the federal government.

I cannot understand how it made sense to the Conferees to stop a program that is supported by farmers and consumers alike because it does not increase retail price and does not cost the taxpayers money while continuing programs that do cost the taxpayers money. In fact, retail milk prices within the Compact region are lower on average than in the rest of the nation.

I could go on for hours about the ironies contained in this Conference bill. Although I am tempted to run through the virtues of Vermont dairy products like my colleague from Wisconsin did last week, I will let the ''Best Cheddar'' award won by Vermont's Cabot Creamery at the U.S. Championship Cheese Contest in Green Bay, Wisconsin speak for itself.

However, I do want to take just a few more minutes to reiterate the importance of the Northeast Interstate Dairy Compact. Thanks to the Northeast Compact, the number of farmers going out of business has declined throughout New England—for the first time in many years.

If you are a proponent of states' rights, regional dairy compacts are the answer. Compacts are state-initiated, state-ratified and state-supported programs that assure a safe supply of milk for consumers. Half the Governors in the nation and half the state legislatures asked Congress to allow their states to set their own dairy policies—within federally mandated limits—through compacts.

When it was clear that federal policies were not working to keep dairy farmers in business, states took the matter into their own hands to insure that dairy farmers stay in business and to assure consumers fresh, local supplies of milk. It saddens me that Congress is now standing in their way.

The Northeast Compact has done exactly what it was established to do: stabilize fluctuating dairy prices, insure a fair price for dairy farmers, keep them in business, and protect consumers' supplies of fresh milk. Many of our friends in the South saw how the Compact provided a modest but crucial safety net for struggling farmers. They, too, want the same for their farmers, and their farmers deserve that same opportunity.

Unfortunately, opponents of dairy compacts—large and wealthy milk manufacturers, represented by groups such as the International Dairy Foods Association—have thrown millions of dollars into an all-out campaign to stop compacts. These processor groups are opposed to dairy compacts simply because they want milk as cheap as they can get it to boost their enormous profits to record levels, regardless of the impact on farmers.

Mr. President, it is time for Congress to go back to worrying about small farmers in this country. That is why this Conference bill is such a disappointment to so many of us. The triple whammy of blocking the Northeast Dairy Compact, providing no drought relief and closing the door to new markets will jeopardize the future of small farmers in my region.

These farmers do not usually come to Congress asking for help and they have rarely received it. Now, when they are facing one of their bleakest moments Congress has said ''no.'' I expected better.

Mr. SMITH of Oregon. Mr. President, I rise today to speak on the passage of this very important bill for American agriculture. I want to thank Senator COCHRAN and his staff for all of their hard work to produce this legislation under very difficult circumstances. Although I feel much more needs to be done to address the problems in the farm sector in my state, I will be supporting this conference report today in the hopes that it will provide immediate help to agriculture producers across the country still reeling from the combination of low prices and poor weather this year.

Although the underlying bill provides some $60 billion for domestic nutrition programs, food safety, agriculture research and extension, and other important programs administered by the Department of Agriculture, I would like to speak specifically to the farm relief package component of this conference report. This bill contains $8.7 billion in emergency farm assistance for producers hard hit by recent plunges in commodity prices and, in many parts of this country, weather disasters. Of this total, nearly $5.5 billion will go to program commodity producers in the form of increased AMTA payments to help compensate for lost markets. In Oregon, we produce a considerable amount of wheat for export to Asia, especially in the Pendleton area where I am from. For many Oregon wheat producers reeling from collapsed markets and prices, I know these increased AMTA payments may make the difference between keeping land in production and having to sell the farm. Since the beginning of this farm crisis, we have used this mechanism to deliver ad-hoc market loss payments to keep program commodity farmers afloat, and it may be the best and most efficient tool available to us in the short term. However, I believe the only long-term solution is to expand overseas market opportunities for our commodities. Although unilateral sanctions reform was taken out of this bill in conference, I hope we will have an opportunity to revisit this issue before the end of this session so that we may begin to address some of the root causes of our commodity price problems.

This farm aid package also provides $1.2 billion for weather-related disaster assistance. Severe droughts, both in the Mid-Atlantic States and in parts of my state, have caused tremendous agricultural losses this year. In addition, as we all know, flooding in the aftermath of Hurricane Floyd brought severe farm losses to the Carolinas this fall. Rising waters are also a problem for the second consecutive year in the Malheur-Harney Lakes Basin of Southeastern Oregon, an issue which the conferees have noted in this conference report. Certainly Mother Nature has not been kind to many of our farmers this year, and I am concerned that the $1.2 billion set aside in this conference report to address these weather-related losses may be inadequate. Should this turn out to be the case, I hope that my colleagues and the Administration will be willing to provide the resources to address these needs in a future supplemental appropriations vehicle.

Perhaps the biggest reservation I have with this farm assistance package is that it does not provide any funding to address the problems of the so-called minor crops. When the bill passed the Senate last August, it contained a $50 million earmark for fruit and vegetable producers. While these farmers have persevered with virtually no federal assistance in the past, they have not been immune to the Asian financial crisis and the historic downturn in the agriculture sector that we have seen in recent years. Nursery and potato producers are just as much a part of Oregon agriculture as wheat and cattle, yet they are not represented in this relief package. I am especially concerned about the future of Oregon's tree fruit industry. A number of producers in my state may be forced to tear out apple and pear orchards due to the deadly combination of international market collapse, frost and other weather problems, and mounting domestic regulatory and labor costs. I did note that the conferees made fruit and vegetable producers eligible for the $1.2 billion in weather-related disaster assistance money. However, I am afraid that none of this funding will reach Oregon tree fruit producers, considering that this same pot of money will be stretched to the limit to assist producers impacted by weather problems this year. I believe specialty crop farmers deserve a place at the table alongside our program commodity producers, and I hope we will better address their needs in future appropriations legislation.

Mr. President, despite the reservations I have about this conference agreement, I find that the few negatives are, in the end, outweighed by the many positive aspects of this bill for the Oregon farm sector. While I look forward to the opportunity to work with my colleagues on the pressing farm issues that have not been spoken to in this conference report, I will be casting a vote in favor of the bill. I hope that we will act affirmatively on this legislation today and not further delay the delivery of this needed relief to family farmers across the country.

Mrs. LINCOLN. Mr. President, I plan to vote for the Agriculture Appropriations Bill today, and I would like to thank those who have helped move the ball down the field. But I'd like to state for the record my opposition to the Conference Committee's decision to remove language previously approved by the Senate that would have removed barriers to trade for domestic producers.

I am extremely disappointed and disheartened that this year's Agriculture Appropriations bill will not take steps to open up additional trade markets to domestic producers, especially after this body voted 70–28 to pass legislation that would exempt agricultural products from unilateral economic sanctions.

In short, Mr. President, a small handful of people have overturned the will of the majority by strong-arming Congress with decisions made behind closed doors. The Members who removed sanctions language from the Conference Report are the very same members who promoted the Freedom to Farm Act. It's beyond me how they expect Freedom to Farm to work when they remove the best chance for our farmers to compete in a global economy.

For months our farmers have been left hanging when it comes to disaster relief payments, loan guarantees and crop insurance reform. Producers in Arkansas should not be let down by Congress again. They should be looking forward to sending 300,000 metric tons of rice to Cuba next year. Arkansas producers have been particularly affected by trade sanctions with countries such as Cuba, Iran and Iraq.

According to Riceland executive Richard Bell, who testified before the Senate Agriculture Committee in May, ''Probably no domestic commodity or product has suffered more from these trade sanctions than rice. The sanctions towards Cuba in particular were a major blow to our industry, especially to growers in the South who produce long-grain rice.''

There is bipartisan support for changes in the way this country considers economic and trade sanctions. So, in light of the conferees' decision to remove sanctions language, I hope my colleagues will take a serious look at cosponsoring S. 566, the Agricultural Trade Freedom Act, which would exempt exports of food and other agricultural products from any current or future U.S. unilateral sanctions imposed against a foreign government. I also encourage my colleagues to consider supporting S. 1523, The HOPE Act, which will require the President to justify how economic sanctions serve our national interests and to report to Congress on an annual basis the costs and benefits of food sanctions.

It's foolish to let our foreign policy objectives cloud common sense. Without access to foreign markets, we cannot expect the agricultural community to survive. Without a better long-term farm policy, it most certainly will not.

While this bill provides some relief, it doesn't go far enough. What we must do is give our farmers a consistent, workable agriculture policy. We must give them some idea of what they can count on from their government in terms of consistent farm policy. Repeatedly passing emergency disaster relief bills isn't the answer. And it is clear that Freedom to Farm has not

worked. According to today's Washington Post, ''Congress has now spent $19 billion more in the first four years of Freedom to Farm than it was supposed to spend during the bill's entire seven-year life-span.''

This relief package will hopefully get several of our nation's producers through this growing season, but it does nothing to ease the minds of our agriculture community for next year. We've taken care of the short term needs of our agriculture community, I hope that my colleagues will soon take care of the long term.

Ms. SNOWE. Mr. President, I would like to once again reiterate my support for the reauthorization of the very successful Northeast Interstate Dairy Compact, and I must vote against the FY2000 Agriculture appropriations conference report without its reauthorization. This past Thursday night, I came to the Senate floor to urge my colleagues to consider certain points that should prove that support of the Compact is justified and I would like to briefly reiterate them again today.

The Northeast Dairy Compact has addressed the needs of states in New England who compacted together within their region to determine fair prices for locally produced supplies of fresh milk. All of their legislatures and the governors approved the Compact and all that is required is the sanction of Congress to reauthorize it.

The Compact has proven to be an effective approach to address farm insecurity. The Compact has protected New England farmers against the loss of their small family dairy farms and the consumers against a decrease in the fresh local supply of milk. The Compact has stabilized the dairy industry in this entire region and protected farmers and consumers against volatile price swings.

Mr. President, over ninety seven percent of the fluid milk market in New England is self contained within the area, and fluid milk markets are local due to the demand for freshness and because of high transportation costs, so any complaints raised in other areas about unfair competition are quite disingenuous.

All we are asking, Mr. President, is the continuation of the Northeast Dairy Compact, the existence of which does not threaten or financially harm any other dairy farmer in the country.

Only the consumers and the processors in the New England region pay to support the minimum price to provide for a fairer return to the area's family dairy farmers and to protect a way of life important to the people of the Northeast.

Under the Compact, New England retail milk prices have been among the lowest and the most stable in the country. The opposition has tried to make the argument that interstate dairy compacts increase milk prices. This is just not so as milk prices around the U.S. have shown time and time again that prices elsewhere are higher and experience much wider price shifts than in the Northeast Compact states.

Also, where is the consumer outrage from the Compact states for spending a few extra pennies for fresh fluid milk so as to ensure a safety net for dairy farmers so that they can continue an important way of life? I have not heard any swell of outrage of consumer complaints over the last three years. Why, because the consumers also realize this initial pilot project has been a huge success.

Mr. President, there is almost $8 billion in the Agriculture Appropriations Conference Report for farm disasters partially created by competition in the global marketplace and because of a series of weather-related problems. The funding will be paid for by the federal government. Now, some of my colleagues want to create a disaster situation for Northeast dairy farmers by taking away a program that has not cost the federal government one cent. There has been no expense to the federal government—not one penny—for the Northeast Interstate Dairy Compact. The costs to operate the Dairy Compact are borne entirely by the farmers and processors of the Compact region. And, when there has been a rise in the federal milk marketing prices for Class I fluid milk, the Compact has automatically shut itself off from the pricing process.

In addition, the Compact requires the compact commission to take such action as necessary to ensure that a minimum price set by the commission for the region does not create an incentive for producers to generate additional supplies of milk. There has been no rush to increase milk production in the Northeast as has been stated here today. There are compensation procedures that are implemented by the New England Dairy Commission specifically to protect against increased production of fresh milk. No other region should feel threatened by our Northeast Dairy Compact for fluid milk produced and sold mainly at home.

There is no evidence that prices Northeast dairy farmers receive for their milk encourages overproduction of milk that spills over into other regions and affects dairy farmers in other areas. I ask unanimous consent to have printed in the RECORD, a table from the Daily Market News showing USDA Commodity Credit Corporation purchases of surplus dairy products with the total and percentage by regions for the last three fiscal years.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

USDA COMMODITY CREDIT CORPORATION PURCHASES OF SURPLUS DAIRY PRODUCTS TOTAL, AND PERCENTAGE BY REGIONS FY 1996/97, FY 1997/98 AND FY 1998/99 TO DATE

	1996/97	1997/98	1998/99 [1]
Total estimated milk volume (million)	390	1,412	2.090
Percentage:			
Midwest	56.8	9.6	9.5
West	43.2	90.2	90.5
East	0.0	0.2	0.0
U.S.	100.0	100.0	100.0

[1] October 1, 1998–September 3, 1999.

Notes: The eastern region from Maine to Florida has sold no surplus dairy products to USDA this fiscal year. All CCC purchases have been nonfat dry milk with 164 million pounds (90.5%) coming from the western states and 15 million pounds (9.5%) coming from the Midwest states for a total of more than 179 million pounds.

Sources: Dairy Market News, USDS–AMS: Vol. 65—Report 39 (Oct. 2, 1998) and Vol. 66—Report 35 (September 3, 1999).

Ms. SNOWE. An important point here, Mr. President, is that, despite what has been said on the Senate floor today, the Eastern region of the country from Maine to Florida—the very states that wish to compact—sold no surplus dairy products to the USDA this past fiscal year. All Commodity Credit Corporation purchases came from the Western and Midwest states.

And, despite what has been stated by the opposition, there are no added costs to the federal nutrition program. There has been no adverse price impact on the WIC program—the Women's Infants and Children's program—or the Federal school lunch and breakfast programs. In fact, the advocates of these programs support the Compact and serve on its commission.

So, I ask for the support of my colleagues today for my dairy farmers in Maine and to vote against the Agriculture Appropriations Conference Report because it does not include the reauthorization of the Northeast Interstate Dairy Compact as the State of Maine and every other New England state legislature, governor and its citizens have requested, and I thank the Chair.

Mr. TORRICELLI. Mr. President, I rise in strong opposition to this legislation. It does not provide adequate relief to farmers across this country. It fails to address issues which will decide the fate of tens of thousands of family farms. It fails to give relief to an entire region with a significant farming community. The drought afflicting farmers in the Northeast and Mid-Atlantic regions is as severe a threat to their existence as low crop prices are to others. The farmers of my state wish they had crops to receive low prices for. Yet this bill fails to remotely begin to address their concerns. The entire relief package of $8.7 billion is primarily focused on low crop prices in the South and to a much lesser degree the Midwest. Only $1.2 billion or slightly over 10% is for ''weather-related disaster relief''.

To put this in perspective, let me explain the extent of the drought damage. Despite recent rains, New Jersey is in the middle of its driest season in 33 years. From June to August the State received less than 2 inches of rain. Normally, we receive more than 8 inches during this period. Reservoir levels in Northern New Jersey dipped to 10% below normal—and despite the

recent ''rains'', farmers have not recovered. The impact of the drought on New Jersey agriculture is devastating. 400,000 acres on 7000 farms have sustained damage from 30%–100%. Damage estimates are $80 million, and expected to reach $100 million.

But let me be clear that New Jersey is not alone. Secretary Glickman estimates that the need for drought relief in the Mid-Atlantic and Northeast regions is over $2 billion. Governors of our States estimate the damage to be closer to $2.5 billion. But even the limited amount of funds offered in the Agriculture Conference report isn't designated for drought—the entire country including losses from Hurricane Floyd will compete for this funding.

Mr. President, my region of the country has a long tradition of helping out other regions in need. I recall my House colleagues referring to the Great Midwest Drought of 1988. Many considered this drought the worst in the Midwest since the Great Depression. That year, we passed an emergency relief bill which provided direct disaster payments to farmers in the amount of $3.4 billion. I voted for this bill because it was the right thing to do. I realized that farmers in these states needed drought relief, and I gave my vote of support, because it was needed.

In 1992, Hurricane Andrew, one of the most destructive storms of this century, ripped through Florida, inflicting $30 billion in damage. I voted for the Emergency Supplemental bill which brought $9 billion to Florida, to help the citizens of that state recover from the enormous damage to infrastructure, homes, businesses, and crops.

1993 was another horrible year for the Midwest, this time, hit by flooding. Many call it the Great Midwest Flood of 1993. Midwestern states were horribly damaged by the breaching waters of the Mississippi. I voted for this $2.5 billion supplemental for farm disaster payments. Mr. President, New Jersey was not hit with severe flooding in 1993. In fact, New Jersey only received $5.5 million in the bill. But I voted for this package nonetheless. Because farmers in the Midwest needed it, and it was right to provide them with adequate relief.

In January of 1994, the Northridge Earthquake rocked Southern California, causing in excess of $30 billion. I voted for H.R. 3759 which provided $4.7 billion in supplemental funding to assist Californians in their time of need. My point, Mr. President, is to illustrate that I have voted to assist the people of other regions of this country in their time of need, despite the fact that my state may not reap substantial benefit. I ask that my colleagues respect that New Jersey and other Northeast states have endured a prolonged drought that threatens our remaining agriculture.

Over the August recess, I visited farms and county fairs and spoke to New Jersey farmers about the effect of the drought on their livelihood. They understand weather and they accept the difficult life of a farmer but they cannot understand how Congress, which repeatedly sends billions to the South and Midwest, can ignore them in their time of need. I don't have an answer for them but I can only imagine it is because Members do not realize the extent of the agriculture community in my State and our region.

So I would like to educate this body to the significant agriculture community in New Jersey and the Northeast. There is a reason why they call New Jersey the Garden State. The $56 billion food and agriculture complex is New Jersey's third largest industry, behind only pharmaceutical and tourism in economic benefit. Last year, New Jersey's 9,400 farms generated over $777 million in sales. Nearly 20% of the entire state of New Jersey is productive farmland. That's one million acres of working farms in New Jersey. And in an era of increasing consolidation in the agriculture industry, virtually all of New Jersey's farms are family-owned. The average farm size in New Jersey is just over 100 acres. At $8,370 an acre, our farmland is the most valuable in the nation.

Farmers in the Garden State produce more than 100 different kinds of fruits and vegetables for consumption locally in New Jersey but also for export around the world. Nationally, New Jersey is one of the top ten producers of cranberries, blueberries, peaches, asparagus, bell peppers, spinach, lettuce, cucumbers, sweet corn, tomatoes, snap beans, cabbage, escarole and eggplant. Mr. President, in addition to the fruit and vegetable farmers of my state, a small number of individuals from Warren, Salem, Sussex, Burlington, and Hunterdon counties are the backbone of agriculture in New Jersey. These are New Jersey's dairy farmers. The dairy industry is an important segment of our agricultural economy, supplying almost one-fifth of the fluid milk and dairy products used by over 7.5 million residents in New Jersey. The industry is comprised of 180 dairy farmers. Farmers who get up early to milk 7 days a week, 365 days a year, starting out long before dawn, before most of us are up.

However, this pales in comparison to what the dairy industry used to be. New Jersey has lost 42% of its dairy farms in the past decade. New Jersey dairy farmers produced 300 million pounds of fresh, locally produced milk in 1997, with a value of $41.3 million.

If we do not re-authorize the New England Dairy Compact and allow for New Jersey's entrance the remaining 180 farmers will be gone in the next decade. New Jersey's state legislature has already approved entry into the compact. The loss of dairy farms—whether from inadequate relief from this summer's drought or from an inability to enter the Dairy Compact means more that just a loss of business in New Jersey. This is more than just a nostalgia about the decline of a time in America when agriculture was dominated by family farms, it is also about the practical reality of the loss of open space. It is about farms being sold to developers and turned into parking lots & strip malls. It is a story we know all too well in New Jersey. An average of 10,000 acres of rural/agricultural land is being developed piecemeal every year in New Jersey. In 1959, New Jersey had 1,460,000 acres of farmland; today we have but 800,000. In 1959, New Jersey had 15,800 farms. Today we have 9,400.

As I said earlier this horrible drought has crippled the fruit and vegetable farmers in my state. Unfortunately, it has also had a devastating impact on New Jersey's already very tenuous dairy industry. It has compounded the dire circumstances affecting dairy farmers from low prices. Erratic fluctuations in dairy prices is forcing many out of business. For example, in March dairy farmers across the country experienced a 37% drop in milk prices. When the price drops, the price family farms must pay to feed their cows, hire help, and pay utility costs stays the same. As prices decline and costs increase, farmers need a mechanism to ensure stable prices for milk or they will go out of business.

In addition to the erratic market, New Jersey's family farms face a threat from a pricing system introduced by the Department of Agriculture. This system, Option 1B, would almost surely be the death knell for New Jersey's dairy farmers. Option 1B, would reduce dairy farmer income in New Jersey by $9 million a year.

New Jersey's membership in the Compact would set a floor on dairy prices and reimburse farmers in times of financial trouble. It would provide protection in the event of another drastic price drop. Compacts would also help maintain environment efficiency and open space by preserving the more than 100,000 acres of New Jersey farmland for agricultural use and preventing development.

Unfortunately, the Dairy Compact and Option 1A pricing provisions are not included in this Conference Repot. This will force dairy farmers in my state out of business. Like real drought relief, the dairy provisions necessary to sustain farmers in our region are simply not present.

I urge my colleagues to vote against this conference report and send a message that we should implement farm policy for a nation of farmers, not to serve certain regions at the expense of others.

Mr. CRAIG. Mr. President, I rise in support of the FY2000 Agriculture appropriations bill. This important piece of legislation provides a total of $60.3 billion. While a large portion of this funding goes toward food stamps and nutrition programs, this bill also contains funding for agriculture research, conservation, rural development and direct assistance for our farmers to get through these tough times.

Farmers across the board are facing difficult times. Prices are the lowest

this decade and exports are decreasing while imports are increasing. For most commodities, the cost of production exceeds the revenue received. It doesn't take long to go out of business when your costs are more than what you can get for your end product.

The problem is price, not the farm bill or farmers. Because of the Asian flu and depression of other world markets, our farmers are suffering. Simple economics tells you when supply is above demand, prices will drop. Ag commodity prices will increase as our world markets come back, but we don't expect that to happen this year or next. If we want our farmers to stay in business, we must help them in the short term until commodities can be sold on a world market.

Something must be done to help the American farmer through these tough times, which is why I support this bill's $8.7 billion in farmer aid. The emergency aid includes $5.54 billion in additional agriculture market transition payments, which represent a 100 percent increase in a producer's 1999 payment. This is a direct payment that our farmers could receive before Thanksgiving if the President signs the bill into law. This is the immediate assistance our farmers and farm groups ask for in hearings in the Agriculture Committee and elsewhere.

The conference report includes assistance for crop insurance premium write-downs to maintain the 1999 level, which is essential if we want farmers to keep using the program. I am also pleased to see assistance to certain specialty crop producers. These are just a few of the provisions that I supported in this bill.

The conference report also contains mandatory livestock price reporting legislation. I supported this price reporting legislation when it was voted out of the Agriculture Committee and I am pleased to see it is moving forward. There needs to be greater transparency within the livestock industry. Our producers need information on which to base their marketing decisions, and this legislation will provide that.

As others have noted, this conference report does not include sanctions reform language that passed by wide margin on the floor of the Senate. However, I understand legislation to exempt agricultural commodities from unilateral economic sanctions will come before the Senate before we adjourn, and it is something we ought to pass this year. In order to insure the long term survival of the Agriculture industry in the United States we must work on trade and sanctions reform to enable U.S. producers to compete on a level playing field with the rest of the world.

Mr. President, I hope the Senate adopts the conference report today and the President signs it into law so that the hard working farmers across the country can get the assistance we have promised them and that they so deserve.

Mr. KERRY. Mr. President, I support the FY 2000 Agriculture Appropriations Conference Report because it provides important emergency assistance for America's farmers and will provide $15 million in disaster assistance for the commercial fisheries failure in the Gulf of Maine. I believe that this funding is crucial to the survival of fishing industry in New England. It will allow our fishermen to use their fishing vessels as research platforms to do, among other things, cooperative research activities in partnership with the New England Fisheries Management Council and the National Marine Fisheries Service.

I thank appropriations committee Chairman, Mr. STEVENS, and the Democratic ranking member, Mr. BYRD, for their support of New England fishermen and their assistance in obtaining the funding included in the Conference Report. I also thank Agriculture appropriations subcommittee chairman, Mr. COCHRAN, and Democratic ranking member, Mr. KOHL, and their staffs. Finally, I thank Mr. KENNEDY, Mr. GREGG, and Ms. SNOWE for their support in including this provision in the conference report.

Last year, we were able to secure $5 million in emergency assistance for cooperative activities to assist fishermen who were negatively affected by groundfish closures in the Gulf of Maine. These new funds will be used to help fishermen overcome drastically reduced trip limits. A trip limit of 30 pounds, about 2 cod, was imposed immediately after the fishery opened. This was raised to 100 pounds by Commerce Secretary Daley at the request of the New England Fisheries Management Council.

These trip limits have had a severely detrimental economic and social impact on many fishery-dependent communities in New England. Ongoing stock recovery requirements have required continued reductions in fishing and resulted in continuing hardship. The additional funding included in the Conference Report will be used to employ fishermen in cooperative research programs, fund on-vessel observer programs, and provide training and education for fishermen.

I thank my colleagues for recognizing that New England fishermen and their communities require disaster assistance until our fisheries have a chance to rebuild.

Mr. GORTON. Mr. President, during my service as a United States Senator representing the State of Washington, I have consistently reiterated one message to the growers and producers I represent. While I am not a farmer, and could not possibly pretend to understand the intricacies of the business, I will always do my best to understand farmers' needs and work on agriculture's behalf. But there is one message growers in the State of Washington have emphasized to me that I understand without question. When times are tough and the check book doesn't balance, families feel the pinch.

When times are tough, I have asked farmer after farmer, ''why do you do this?'' The job is terribly difficult, so much of what growers depend upon is unpredictable, and for two years in a row now, world markets have driven prices so low that fathers are telling their sons and daughters not to enter the family business.

But immediately after I question their dedication to their livelihood, I'm reminded of the golden, rolling wheat and barley fields of the Palouse. I remember my countless visits to Yakima and Wenatchee and seeing the lush, vibrant greens of the orchards, rising up out of the dust bowl that was once Central Washington. I think about the hearty breakfast I ate that morning and the apples and sandwiches packed away in my grandchildren's lunches. So much of what farmers do and what they produce is a part of our daily lives, that their existence in this country is paramount and deserves recognition.

Farmers are proud, tough, hard-working Americans. Apple growers in the State of Washington, for example, don't like to come to my office and ask for help. In the past few months, however, I have visited with many growers who are visibly despondent. Washington leads the nation in apple production, and over the past year, it's estimated that producers have lost at least $200 million in the fresh market. From Tonasket to Wapato, the message from orchardists was clear—we need help.

Over the past two months, I have communicated to my colleagues and others the significance of identifying a mechanism to assist fruit and vegetable growers in the disaster assistance package. During debate on the Senate floor in early August, I was able to assist in securing $50 million specifically for fruit and vegetable relief. In the conference report we're addressing today, potential relief for these very growers is incorporated in the $1.2 billion available for crop loss assistance. While I am frustrated that the specific designation for fruits and vegetables was removed, I am particularly pleased that apples were mentioned specifically.

Apples are not the only commodity produced in Washington that could stand to benefit from the crop loss section of the package. Asparagus growers, hard hit by weather and a lack of labor have lost thousands of dollars in fresh product. Potato growers who have also been impacted by poor growing conditions can approach the U.S. Department of Agriculture for assistance. Many are surprised to learn that the State of Washington produces more than 230 food, feed and seed crops, and I hope that many of these commodities will receive the assistance they require.

Wheat growers in Washington will also benefit from the $5.5 billion available for market loss in the disaster

package. The nearly $.60 cent per bushel payment to growers will most certainly ensure that the highly demanded soft white wheat our farmers produce will continue to flow to recovering Asian markets.

While the disaster package contained in the Fiscal Year 2000 Agriculture Appropriations bill is most certainly the highlight of the legislation, there are other important, annual funding priorities included. As a member of the Agriculture Appropriations Subcommittee, I have worked to ensure that the research demanded and deserved as a result of the passage of the Farm Bill is provided for the Pacific Northwest. From research for hops to disease eradication in cherries, this bill provides funding necessary to ensure the longevity of the essential public-private investment in our nation's food production.

Language and funding in this bill directed at the implementation of the Food Quality Protection Act are also essential. Programs related to export enhancement and market development received the favorable attention growers in my state demanded. And the land grant universities are secure in knowing that the formula funds necessary for continued excellence in education are available.

With all that said, there are many in this body who know I was not pleased with the removal of Senator ASHCROFT's sanctions relief amendment in the conference report. Sanction relief is essential for the long-term prosperity of agriculture in America. While I received a commitment that the Senate would take up this issue before the adjournment of this session, I cannot over-emphasize the absolute importance and sincere necessity in addressing this issue. Food and medicine sanctions do not cripple regimes or dismantle communist governments. Instead, they hurt our family farmers and keep food out of the mouths of those who cannot provide for themselves. I initially refused to sign the conference report over this issue, and sincerely hope the Senate will address this matter in the very near future.

I am also not pleased with the manner in which this bill was dealt with in the waning hours of conference. Conferees were literally locked out of decisions related to the sanctions issue, dairy, and items included in the disaster package. This ''top-down'' philosophy is not what should drive the passage of appropriations bills.

All in all, Mr. President, what we have before us today is a good bill. Its contents include year-long negotiations on a variety of issues related to the essential functions administered by the U.S. Department of Agriculture. While some issues have caused me to struggle with my support or opposition to the legislation, the benefits of its passage are overwhelming. It is my hope that the President will give his blessing to the bill so that our struggling farm economy can receive the charge it needs to rejuvenate our agriculture communities.

Mr. LAUTENBERG. Mr. President, I rise in opposition to this conference report. The East Coast suffered through months of drought this summer, causing enormous crop losses to our farmers. Then Hurricane Floyd arrived with severe rains, further affecting farmers with widespread floods. These two acts of nature are serious emergencies affecting millions of people, yet this conference report does not do nearly enough for farmers on the East Coast.

In my State of New Jersey, agriculture is a $1 billion a year business involving 830,000 acres on over 8,000 farms. This summer's drought caused losses on 406,000 acres affecting 7,000 of those farms. All 21 counties in my State were declared disaster areas. It has taken a truly devastating toll on our farm community. According to Secretary Glickman, the drought alone resulted in a total of $1.5 to $2 billion in damages throughout the Northeast and Mid-Atlantic regions. And now, we have the devastation of Hurricane Floyd on top of the drought disaster. If any State has suffered a true farm disaster this year—it's New Jersey as well as our neighbors in the Northeast.

Unfortunately, although this conference report contains $8.7 billion in emergency assistance for farmers, only $1.2 billion of that is for weather-related disasters. And this $1.2 billion is spread out over the 50 States. That will not leave a fair share for New Jersey and other northeastern States that actually suffered a disaster this year. Numerous New Jersey farmers have been left with no hay, no crops, and no livestock worth taking to market. Without our help, the result of these disasters may force some farmers to end decades of family farming and to give up the way of life that they love.

This Congress must do more. The situation facing East Coast farmers is a true emergency, in every sense of the word. At a time when we are watching entirely predictable activities like the census being declared emergencies, we are doing little to assist those who face true acts of God. I cannot support this conference report until the farmers in New Jersey and up and down the East Coast receive the help they need.

Mr. MCCAIN. Mr. President, I give due credit to the conferees for their hard work to complete action on the Agriculture Appropriations bill for fiscal year 2000 which supports the nation's farming economy and federal programs through the U.S. Department of Agriculture (USDA). This year's agriculture appropriations bill is also intended to provide needed government aid to farmers and their families who have suffered critical losses due to severe drought and difficult market conditions. However, with much regret, I must vote against this legislation.

I have several concerns with this final conference agreement.

First, it contains $253 million in earmarks and set-asides for towns, universities, research institutes, and a myriad of other entities that were included in this bill without consideration in the normal merit-based review process. This is $82 million more than was included in the Senate version of the bill. Clearly, the House had to get its turn at the trough.

For example, $1.75 million is provided for manure handling and distribution in five states, including Mississippi, Iowa, Nebraska, Texas and Arizona. Why these five states have a monopoly on manure problems in our nation is not adequately explained in this report, nor is a rationale provided as to why an earmark of $200,000 is provided for sunflower research in Fargo, North Dakota. Unless weather conditions are anticipated to change dramatically, it is difficult to fathom why spending thousands of dollars on sunflower research in a state known for severe weather conditions is more critical than other farming emergencies.

No other clear explanations are provided for earmarking $750,000 for the U.S. Plant Stress & Water Conservation Lab in Lubbock, Texas, as well as $1,000,000 for peanut quality research in Athens, GA; $500,000 for fish diseases in Auburn, AL; and, $64,000 for urban pests in Georgia. These may very well be meritorious projects, but I must question again why these specific projects and localities are singled out for direct earmarked funding rather than undergoing a competitive review.

In addition to direct earmarked funding, the conferees have included very blatant directive language which singles out specific projects in various states for special consideration for grant funding, loans or technical assistance from USDA. With these actions, even the limited funding made available to USDA for competitive grant and loan assistance is not fairly distributed since the conferees have included such directives to steer the agency away from considering many other meritorious projects that are equally in need around the country.

Another problem with this spending bill is the inclusion of language which provides for an exception for a single producer from the state of Nevada from pending federal milk marketing orders to be implemented by the USDA. This provision will exclude a single dairy producer in Clark County, Nevada from the proposed new Arizona/Las Vegas Marketing area when USDA's rules take effect, thereby preventing this single producer from competing fairly with the rest of the milk industry.

As many of my colleagues are aware, there are few issues which cause as much controversy and divisiveness as proposed milk marketing restructuring proposals. Yet, without any debate, language was included in the Senate bill, without notice or debate, to protect this single dairy producer while the rest of the nation will be forced to comply. Retaining this provision in the conference report is a serious infraction of out obligation to treat all interests fairly and to abide by the Senate's

rules which preclude legislation on appropriations bills except when approved by a super-majority.

Mr. President, finally, I am concerned that this legislation contains $1.2 billion more than the Senate bill in emergency aid for farmers. The House bill contained no such funding at all.

Late last year, the Congress provided $5.9 billion in emergency disaster assistance for farmers as part of the FY 1999 Omnibus Appropriations bill. Earlier this year, we provided another $574 million in the emergency supplemental appropriations bill. I opposed both of those bills, in part because the bills contained excessive amounts of pork-barrel spending but also because of the use of the ''emergency'' designation for large amounts of non-emergency purposes, some of which was included in the farmer aid package.

While I understand and sympathize with the plight of America's farmers who face economic hardship due to a wide variety of natural disasters, I cannot support the designation of the entire $8.7 billion in assistance to farmers as an emergency.

The Congress has certain rules that apply to its budget process. One of those rules states that, once a Senate-House conference convenes, negotiations are limited to only the funding and legislative provisions that exist in either bill. Adding funding that is outside the ''scope'' of the conference is not in order, nor is the inclusion of legislative provisions that were not in either the Senate- or House-passed bills.

Once again, the appropriators have deviated from the established process in agreeing on the provisions in this conference report by adding another $1.2 billion in emergency funding to the bill—funding that was considered by neither the House nor the Senate—just the appropriators. That $1.2 billion for crop disaster loss payments that was added to the emergency farm aid package may very well be needed by some of our nation's farmers. But its inclusion at the last minute defeats the entire concept of fiscal responsibility, which is premised on the full Congress debating budget priorities, not just the appropriators.

There were other last-minute add-ons in the conference which were not included in the Senate or House bill, including: $2 million for water and waste forgiveness loans; $15 million for Norton Sound Fisheries failure in Alaska; $56 million for administrative costs associated with managing emergency asssistance programs; and, an entirely new title to the bill, Title IX, which contains 25 pages of legislation to establish a new mandatory price reporting system for various livestock. While this legislation originated in the Senate, it was never called up for debate or a vote.

This last provision was never offered as an amendment on the Senate floor during consideration of the Agriculture Appropriations bill, probably because it would have been ruled out of order since it is legislation that is not supposed to be included on an appropriations bill. Instead, it was simply inserted into the appropriations bill, behind closed doors, without debate.

American taxpayers have to give up their hard-earned tax dollars to pay for these last-minute tactics by the Appropriations Committees. Clearly, Congress appears to favor spending that benefits the special interests of a few, rather than spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans.

Let me state again that I support federal assistance for farmers and others in need, but only when decisions to spend tax dollars for such aid are considered fairly and truly help those in need. But when we continue the shameful and provincial practice of padding appropriations bills with excessive amounts of dubious emergency spending and special-interest pork-barrel projects, we are short-changing the taxpayers as well as our agricultural industry. This bill may help some farmers and producers who are truly in dire need of federal assistance, but we are harming those in the agriculture industry who are trying to follow established guidelines to qualify for other types of non-emergency assistance.

This bill designates $8.7 billion as emergency spending for FY 2000—money that can only come from the non-Social Security surplus. The Defense Appropriations bill contains another $7.2 billion in emergency spending, which I will also oppose. Together, we are spending almost $16 billion in emergency spending, but, Mr. President, the non-Social Security surplus is only estimated to be $14 billion. That means, pure and simple, that if we approve these two bills with their emergency funding, we will once again be dipping into the Social Security surplus to pay for the continued operations of the federal government.

Already this year, the Senate has approved appropriations bills or conference agreements containing almost $10.5 billion in wasteful and unnecessary spending. Surely, among these billions of dollars, there are at least a few programs that we could all agree are lower priority than desperately needed aid for America's farmers. Surely, in the voluminous lists of billions of dollars of pork projects, there are a few that the Congress would be willing to give up to ensure that we not once again dip into the Social Security Trust Fund—a Fund financed by the payroll taxes of American workers who are counting on their money being available to help them through their retirement years.

This bill demonstrates that the Congress cares more about taking care of special interests than it does about American families. It is the taxpayers who have to shoulder the burden to pay for the pork-barrel spending in this appropriations conference report and the others that will follow, and I will not vote to place that burden on American families.

The full list I have compiled of the objectionable provisions in this final conference report will be available on my Senate webpage.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I yield such time as may be consumed to the distinguished Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

First, I would like to say that the senior Senator from Mississippi has one of the toughest jobs on Capitol Hill, along with the senior Senator from Indiana. Chairing the Appropriations Subcommittee on Agriculture and the Agriculture Committee in the Congress are just incredibly difficult tasks. The diversity of agriculture and the needs of agriculture are historic in this Chamber.

Trying to come up with a proper mix of how to solve the needs and the difficulties in farm country is complex. It is difficult.

I understand coalitions have to be put together to pass bills. In this case, a coalition was put together to pass a bill that, in my mind, did not represent the interests of my area of the country, particularly my State of Pennsylvania. I understand that. I appreciate the difficulty in doing it.

I understand that Pennsylvania has a very difficult time participating for one reason. We are a very diverse State agriculturally. We have a tremendous amount of richness in our agriculture. It is our No. 1 industry. Pennsylvania's No. 1 industry is agriculture. Most people don't know that. Most people don't know that the State of Pennsylvania, the Commonwealth of Pennsylvania, has the largest rural population of any State in the country. We take agriculture very seriously. Obviously, our rural population depends heavily upon agribusiness for survival.

We have been hit this year with an absolutely historic drought that has devastated our farm community. Throw on top of that, sort of adding insult to injury, a big chunk of our State was hit very hard by Hurricane Floyd. Not only did we have drought on top of drought and the crops burned up, but they had floods. We have a situation where in almost every county of our State crop losses are in the area of at least 30 percent, and in many areas and many counties it is 100 percent.

I looked at the bill we have before us in the Senate and the one that came out of conference. I was hoping we could focus more of the $8 billion that is in this bill on the area of the country that was affected most dramatically by weather this year. In my mind, it has not. I am not just speaking for Pennsylvania. I am talking about all of the Northeastern States

that were affected—the Mid-Atlantic States—by drought. The big chunk of this bill is for AMTA payments, which are payments to farmers who are program farmers.

Before we pass this bill, we are going to give $5.5 billion out to farmers who were previous to the Freedom to Farm bill in Government programs. The problem in Pennsylvania is we have a very small percentage of those farmers because of our diversity. We have very few program crops. We have a lot of specialty crops, livestock, and dairy. As a result, a very small percentage of our farmers participate in the AMTA payments. A very small percentage of, frankly, most of the Mid-Atlantic and Northeastern farmers participate in the AMTA program.

When you look at the $8 billion-plus that is in this bill and you see $5.5 billion of it going to AMTA, almost none of that is going to the area that is most affected by the drought. It is going to the area that is having bumper crops.

The reason we are providing ''disaster'' help, the disaster in most of the country is they have too much harvest-time. As a result, prices are low. So we are going to give them money because they have too many crops to sell at too low a price.

I can tell you my farmers in Pennsylvania wish they had something to sell. So I am a little frustrated when you look at where the bulk of the money is going. It is going to areas that are hardly hit by a disaster, and certainly no weather disaster. It is a disaster of richness, if you will, because of the tremendous amount of harvest that has occurred in that area, and, obviously, the world situation and the like. When you look at what is specifically targeted for my area of the country, the ''drought relief'' is $1.2 billion. Not all of it goes to drought relief. A lot of it is going to hurricane disaster relief.

I can tell you my Governor told us that just the preliminary numbers in Pennsylvania are approaching $1 billion in losses for drought. So $1.2 billion for drought and hurricane relief doesn't even begin to touch on what the problem is in Pennsylvania.

I know some have said we can do a supplemental appropriations bill in the spring to see what the problem is. My farmers can't wait until spring. They have to survive the winter. While some folks are getting double AMTA payments, $11.2 billion worth of money, my farmers are going to be told to wait until the spring.

Our area of the country has come to the table time after time after time after time as the Upper Midwest, the Southeast, and other areas of the country have suffered drought, pestilence, floods, hurricanes, tornadoes—I can go on and on—a disaster a year in those areas. We understand that. Our taxpayers and farmers have come to the table and been willing to put up money. We are a big country, and we will pitch in together to help.

When it comes to our farmers being hit with the worst drought in a century, the answer is: Wait until the spring. We may pass a supplemental if you need it.

That doesn't cut mustard. I understand we had a vote here yesterday on cloture and a group from the Northeast cast our votes on cloture. We were defeated. We will be defeated today. This bill will pass and will become law. I understand the need for getting assistance to farmers. I have to speak up and say what is in this bill is not enough to take care of the needs of the farmers in my State.

A couple of other things happened that were disconcerting. We had $134 million in specialty crop money that came out of this bill. We grow a lot of fruits and vegetables in Pennsylvania, specialty crops, important crops. We had $134 million for that. When it came from conference, the money was out and ''specialty crop'' was defined as only tobacco and peanuts. We don't grow a lot of tobacco and peanuts in Pennsylvania or New Jersey or a lot of other areas hit by the drought.

Again, that money was designated to help some of our farmers who are not the farmers who have been at the Government trough for years and years and years with program crops, but folks making it on their own, not coming to Washington asking for money. The one time we ask for money, the answer is no. I think that is a very sad commentary. We took the money for specialty crops, for fruits and vegetables—again, people who have never gotten Government subsidies—and we give them to two programs that are still getting Government support—tobacco and peanuts.

That is a misguided policy. I understand the dynamics of trying to pass a bill. I understand the power and the influence of the peanut lobby, the sugar lobby, and the tobacco lobby. I understand now we have the honey program back in place, and the mohair program is back. I understand all that.

I keep looking at what it does to those who have been paying the bills for a long time for agriculture in the northeastern part of the country. What I see is a neglect of a bunch of farmers who work just as hard as folks in other areas of the country who don't ask the Government to help very much. We hardly ever ask the Government to help in our agriculture. The one time we get hit with the drought of the century, the answer is: We will give you a little here, and wait until next year, and maybe we can give you some more. By the way, some of the other stuff we were going to give you, we will not.

I thank the chairman for the money for crop insurance. That is something I very much wanted. The $400 million to help try to get farmers into the crop insurance business is very important. We need more farmers covered with risk management tools. Crop insurance is important. I urge the chairman of the Agriculture Committee, Senator LUGAR, to take that up quickly and move forward on crop insurance to put the money to good use.

I have to oppose this bill, reluctantly. I understand the difficult job the Senator from Mississippi had in trying to craft this to pass the Senate and get it signed by the President, but for me it doesn't do enough for my area of the country.

I will have to vote ''no'' on the bill.

Mr. COCHRAN. Mr. President, I thank the Senator from Pennsylvania, Mr. SPECTER, for his comments about the work that went into crafting this bill and the challenges we faced along the way. We appreciate very much his assistance. He is a member of the legislative committee on agriculture and has provided valuable advice, counsel, and assistance in the crafting of this bill. We thank him for that.

As I understand the status of time, we have about 20 minutes remaining on the Republican side.

The PRESIDING OFFICER. There are 26 minutes remaining and 19½ minutes on the Democratic side.

Mr. COCHRAN. I yield such time as he may consume to the Senator from Minnesota, Mr. GRAMS.

Mr. GRAMS. Mr. President, I rise today to first commend my colleagues for their overwhelming cloture vote last night that permits the Senate to move closer to passing this very important Agriculture appropriations conference report. I especially commend my colleagues for stopping an intended filibuster that was designed to apply pressure to extend the life of the Northeast Dairy Compact. I look forward to the day when we can talk about the Northeast Dairy Compact in the past tense with its detrimental effects on Midwest dairy farmers; that time will be ended.

After hearing all the rhetoric about how compacts are necessary to save small family dairy farms, I think it is very important to highlight some information my office recently received. According to the USDA, NASS data regarding 1998 dairy herd size averages, Vermont dairy farm herd sizes averaged 85 head and New York farms averaged 81 head. In the Midwest, Minnesota dairy farms averaged 57 head and Wisconsin farms averaged 59 head. Again, Vermont dairy farms averaged in size almost 50 percent larger than Minnesota dairy farms. So much for the idea that the Northeast is competing against corporate farms in the Upper Midwest.

I cannot stress this point enough: The Northeast Dairy Compact is heavily subsidizing large-scale dairy operations while those small farmers in the region do not receive enough to seriously impact their bottom line.

We have always known that compacts are bad for consumers, especially low-income consumers. But now we have additional data from the USDA showing they help large-scale dairy farming operations rather than helping what we hear a lot about, the small farm proponents they claim to help.

Dairy compacts are an economic zero sum game in which there are many losers—most importantly, again, the consumer, and especially low-income consumers. Dairy farmers in the noncompact regions become losers. We hear the rhetoric that somehow the compact is only there for the Northeast and it doesn't have any effect on any other dairy farms across the country. That is completely false. It does have dramatic effects and impacts upon prices of farmers in other areas, especially in the Upper Midwest.

The real winners in this zero sum game, again, are the large dairy producers located in the Northeast that receive literally tens of thousands of dollars in subsidies for their already profitable businesses, not the small dairy farmer who supporters say were the focus of this idea to begin with.

The average 6-month subsidy for large Northeast dairy farms is projected to be $78,400—$78,400 in 6 months. Dairy farmers in Minnesota would relish that kind of an income if it were spread across the whole year. But Minnesota farmers wisely have rejected this effort that distorts the system and harms their fellow farmers in other States.

Compact supporters have chosen a strategy of pitting one region of the country against another, offering the cartel-like protection of a compact to other States to prod them into joining the economic warfare. They say: In order to strengthen our position, let's encourage others to set up compacts, let's try to expand these ''cartels,'' and then we can encourage more votes—and then, again, pitting one region of the country against another, encouraging economic warfare. Then they can carve up the market, they can receive fixed prices for the milk they produce, and they claim this policy does not discriminate against other regions of the country.

Higher prices promote higher production. It doesn't take a scientist to figure this out. That is, production is expanded beyond the compact region's fluid needs, the excess production then goes into nonfluid dairy products or nondrinkable milk products, and this depresses the nonfluid prices nationwide.

The overproduction in the Northeast generated by the compact —the cartel, the fixed prices, encouraging overproduction—then is spilt over into other regions of the country, which then depresses those prices. When they say it has no effect on other dairy farms around the country, that is completely false. It does. Where does the excess milk go? Again, the prices encourage overproduction, the overproduction then is spread out across the country, and that depresses the prices for dairy farmers in the Upper Midwest.

It is very disappointing to me that colleagues would describe themselves as free marketers, who understand the basic principles of economics would sign on to this protectionist economic power grab. For farmers who raise corn, soybeans, wheat, potatoes, and other commodities, it seems we are willing in this Congress to try to work for their best interests. There is no difference if you raise corn in Iowa or Illinois or Minnesota or Pennsylvania; the markets treat that corn the same. It is on a competitive basis. The farmers compete on their productivity. But when it comes to milk, it is completely different. If you are in one part of the country, you get more money for your milk than in other parts. Now in the Northeast we want to set up a cartel that has price fixing, that encourages overproduction, which then spills over to the rest of the country.

Why do we support one part of a national agricultural policy but then distort another part of that policy, and that is dealing with dairy? Why should dairy farmers be treated differently than any other farmer? Why should we take dairy markets from one region of the country and give them to another region of the country? That is exactly, again, what the cartel does. Because the milk produced in the Northeast that is not consumed in fluid form is spilled over into the Midwest as powdered milk, cheese, and butter. So they are now competing for those markets and we are then giving them those markets, or at least a share of them. Should large producers in the Northeast be able to thrive at the expense of small farm families in the Midwest?

Our farm families in the Midwest are among the most productive in the country. Yet their fate now depends not on their competitiveness, not on their ability to produce in a competitive manner but on the raw deal presented to them by subsidized dairy farmers in the Northeast.

I am always frustrated by the claim from our pro-compact spokespersons, and repeated again in a recent Christian Science Monitor article, that compacts are necessary to guarantee customers and consumers ''an ample supply of fresh, locally produced milk.'' I am satisfied this rhetoric is designed to scare consumers into believing if they do not support these compacts they will then go to the grocery store and encounter empty milk cases because they cannot get ''fresh, locally produced milk.''

The well-known truth is, with the modernization of refrigeration and transportation, we could basically eliminate the entire milk marketing orders in this country. That is why they were established to begin with, because there was not the refrigeration, there was not the transportation to ensure an adequate supply of milk in other parts of the country. So it has distorted the entire dairy process.

But now, with new types of refrigeration and transportation, milk can be shipped all over the country and can go to any consumer from anywhere, fresh, just as, say, oranges from Florida, lettuce from California, red meat from down in Texas. But our country's dairy supply is more than adequate to produce fluid milk; that is, the class I milk, as they call it. That milk can be supplied to any part of the continental United States. There is no shortage of fluid milk production in America. It should be built on a competitive basis, not protectionist, not a compact region, not guaranteeing some farmers protection at the expense of other farmers.

The country produces three times as much milk as it consumes as a beverage. ''The milk may not be locally produced,'' is what you have heard—some of the jargon now, ''fresh, locally produced''—but it will be fresh. To tell consumers they will not get fresh, locally-produced milk, again, is an intentional deception designed to lead people into thinking if there are no compacts, the grocers' milk supply will dry up or deliveries might be sporadic or frequently interrupted, which is simply not true. The perception that somehow Midwest milk is not as good as anything produced locally is also an affront to the hard-working dairy farmers in my State.

A compact spokesman in the Christian Science Monitor article also claims that locally produced milk will be cheaper to deliver than the milk bought and brought in from outside the area. Not if you live in a compact region, it will not be cheaper. Compacts are designed to protect inefficient producers in one region against the more efficient producers in another—specifically, the efficient farmers in the Upper Midwest. When people argue that when dairy products are no longer produced within a region prices to consumers go up within the area, do not believe it. If that were true, why would they need compacts at all?

If milk produced locally would be cheaper, why do they need a compact at all? The reason they need it is to drive up their prices. Dairy compacts create a minimum price for milk, and they are designed to keep cheaper milk out of the region, not in the region. Again, we don't do this with any other farm product. We do not set a floor or a minimum price for corn from one region to another. We don't pit the Northeast against the Midwest against the Southeast against the South; we do not do that. But in dairy we do.

Dairy compacts create a minimum price for milk, and they are designed to keep cheaper milk out of a region, not into the region. So, again, why do they need compacts at all if their arguments are true?

Upper Midwest producers can sell class I fluid milk in New England for less than the $16.94 per hundredweight floor price of the compact. But the floor price in New England effectively keeps the cheaper milk out of the market. Indeed, after the Northeast Compact was enacted in 1997, the price of milk rose—this is the price of milk in New England—from $2.54 all the way up to a high of $3.21 a gallon. Milk prices

there initially jumped about 20 cents a gallon. In fact, there were some grocers who put up signs along the dairy case that said: Don't blame me for the higher prices in milk. Blame the compact. That was because consumers were complaining about the jump in the price of milk in the New England area.

So it does drive up the price. They always quote a study that was done. They said the first 6 months the compact went into effect, it had basically no effect. I would like them to take the last 6 months because the compact had not even geared up in those first 6 months, so it had very little chance to distort the market. But now, take a poll, now take a survey, do the report now, and I will bet the 6 months in the last 6 months would be much different than what they are quoting today.

I believe compacts are clearly bad for America. I urge my colleagues to reject their extension and insist they not, again, be slipped into another appropriations bill in the dead of night.

To wrap up about the dairy bill—I also wanted to talk about the Agriculture appropriations conference we are considering. I am pleased again it contains the $8.7 billion in emergency appropriations. I urge the USDA to work to get the assistance to our Nation's farmers without delay.

I am also encouraged by conference report language urging the President to be more aggressive in strengthening trade negotiating authority to help American farmers and also in expressing Congress' goals for the upcoming negotiations. The conference report is not perfect but it will give our farmers the help to make it through another year. But it will be imperative that Congress continues to address reforms in our trade sanctions, EPA regulations, crop insurance, and also in the Tax Code for farmers to have an environment in which they can truly thrive. I am also glad conferees added additional assistance to farmers who suffered through these natural disasters.

I urge the USDA, when it is distributing the aid, to remember farmers in the northwestern part of my State of Minnesota have been prevented from planting due to flooding. In fact, some farmers in the northwestern part of Minnesota have not had crops now for 7 years because of varying disasters: Flood, drought, disease, et cetera. In northwestern Minnesota this year, crop agents and FSA crop acreage reports show that 70 to 75 percent of the entire area's tillable acres were prevented from being planted in 1999. Only 10 percent of the normal intended acreage of annual crops will be harvested this year at all. Rainfall amounted to over 200 percent of normal in the critical planting months of April, May, and June.

I know there have been many farmers across the Nation affected by drought this year, just the opposite of the problems we have had. But I do expect USDA to provide sufficient and equitable relief to farmers in northwestern Minnesota who have been shortchanged in the past by some of these relief bills. I now hope Congress will turn to enacting long-term solutions that will make such emergency packages as this one unnecessary.

Mr. President, I look forward to working with my colleagues to fulfill our responsibilities to the American farmer.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Who yields time? The Senator from Florida.

Mr. GRAHAM. Mr. President, I rise to ask the manager of the bill a question relative to fiscal provisions within this bill. The context of these questions is when we commenced this session of Congress, the Congressional Budget Office estimated the non-Social Security surplus for fiscal year 2000 would be approximately $21 billion. Thus far, we have committed $7 billion of that to the 1999 supplemental appropriations bills through the designation of various items as emergencies.

This bill has additional items designated as emergencies totaling $8.7 billion. The effect of this, plus prior action, would be to reduce the estimated non-Social Security surplus to $5.3 billion.

We also have in the offing other emergency provisions which will total approximately $15 billion and thus eliminate the non-Social Security surplus and place us in a position of having to do what we have all committed not to do, which is to dip into the Social Security surplus by in excess of $10 billion.

In that context, I want to ask the manager a short list of questions, and I say to my good friend, the Senator from Mississippi, I commend him for the work he has done this year and in previous years on behalf of American agriculture. I know the frugality with which he approaches his task. He has been faced, as has happened in the past, with an unusual set of circumstances affecting American agriculture and thus the necessity for emergency spending.

What is the level of emergency spending included in this conference committee report?

Mr. COCHRAN. Mr. President, if the Senator will yield, the amount included in the conference committee report that is attributable to emergencies is $8.7 billion which is for disaster assistance and economic assistance for farmers.

Mr. GRAHAM. How much has been designated for emergency spending in the Senate bill which this body passed?

Mr. COCHRAN. Mr. President, when we passed the bill in the Senate, there was $7.6 billion approved by the Senate as emergency spending for agriculture.

Mr. GRAHAM. And how much had been approved by the House in its original version of the Agriculture appropriations bill?

Mr. COCHRAN. Mr. President, the House bill contained no funds for disaster assistance or economic assistance designated as emergencies.

Mr. GRAHAM. I thank the Senator. The emergency spending items which were included in the fiscal year 2000 conference report, what is their degree of adherence to the statutory criteria for emergency spending, which are that spending must be necessary, sudden, urgent, unforeseen, and not permanent in character?

Mr. COCHRAN. Mr. President, it is my understanding there is no statutory test for defining or deciding what is and is not an emergency. Even for OMB, it is a matter of policy, as we understand it, and that is an executive branch agency under the jurisdiction of the President of the United States.

In the Senate, an emergency is whatever the Senate decides is an emergency. A majority of the Senate can designate an event or an appropriation as being for an emergency purpose, and that is how we judge whether it is an emergency—whether a majority of the Senate approves it as such.

Mr. GRAHAM. To the extent those criteria of emergency being necessary—sudden, urgent, unforeseen, and not permanent—if those were the criteria, what proportion of the $8.7 billion of emergency spending would meet those standards?

Mr. COCHRAN. Mr. President, I say again, we have no set of criteria. There is no statute that provides any criteria or test against which a finding of emergency need be made. So it would be presumptuous on my part to try to answer what part or if all of the emergency spending in the bill would stand the test of the criteria the Senator has identified. All five of the ones you have listed are subjected to—there is no analytical test, in other words, with which one can do this. I do not think there is any substitute for good judgment and common sense myself, and I think that is what the Senate relies upon.

Mr. GRAHAM. In the fiscal year 2000 budget, how much is budgeted for emergencies that potentially will occur in the fiscal year that began on October 1?

Mr. COCHRAN. The Appropriations Committee allocations that were made to each subcommittee do not contain a designation for emergencies as such. And as far as I know, the budget resolution did not contain any specific section with an authorization or a designation of funds in the budget for emergencies.

Mr. GRAHAM. If I can editorialize a moment on that question, it seems to me this would be analogous to a family which, for instance, in its budget had said: We will estimate the cost of medical care for our family will be $250. At the end of the year, they found, in fact, it was $1,000. They had to make certain end-of-the-year adjustments in order to fill that $750 missing element in their budget. When they began to write the budget for the next year, one would think prudence would say: Let's include $1,000 as our medical expenses,

not a number which has been proven to be inadequate.

I suggest somewhat the same analogy would be applicable here. If we have shown there is $8.7 billion of emergency spending and we have appropriated zero for those emergencies, for the future it would be prudent to begin to incorporate into our ongoing budget some funds to respond to these emergencies. We do not know the characteristics, we do not know the geographic location, we do not know when the emergency will occur, but we are pretty sure there is going to be some kind of emergency somewhere in American agriculture that will warrant a response.

Prudence would indicate we ought to have a fund from which to meet those needs so that every year we are not in the position of having passed an emergency appropriation which, as we know, has the effect of vitiating all of the normal budgetary rules, including budgetary rules that require we offset spending with either reductions in spending elsewhere or with additional revenue. The effect of this is to go directly to the budget surplus.

Mr. COCHRAN. Mr. President, if the Senator will yield, I think his point is illustrated by the fact we have seen legislation introduced to reform and improve the Crop Insurance Program to get at that kind of problem. If farmers find crop insurance both affordable and effective to compensate them for losses of this kind, they would buy crop insurance. We have a flawed program now. We are trying to get the legislative committee to act on legislation on that subject.

Senator LINCOLN from Arkansas and I have cosponsored a bill that we think is needed in order to make that kind of program effective and more attractive in the South. We think the current program does not represent a reasonable or thoughtful investment of a farmer's funds—at least that is the attitude of most southern farmers with whom we have talked on this subject.

One other point on this and that is, there is a Federal Emergency Management Agency appropriation that is made every year. That is a subject in the budget resolution, and we have in the VA-HUD appropriations bill funds to appropriate to that agency to respond to the needs of people confronted with disaster. It is not that the budget is silent on the subject of disasters. There is the Crop Insurance Program that is subsidized by the Government, and there is the FEMA program that is funded in the budget each year.

Mr. GRAHAM. The other two questions relative to the budget relate to advance funding. Is there any advance funding in this conference report, i.e., funds that were normal fiscal year 2000 expenditures which are delayed to a future fiscal year?

Mr. COCHRAN. Mr. President, as far as the regular appropriations bill for fiscal year 2000 funds are concerned, there is no advance funding. In the disaster assistance package, there is $30 million for advance funding of fisheries disaster assistance.

Mr. GRAHAM. Finally, relative to the payment adjustments, is there any change in this conference report relative to the timing of payments made to vendors that are beneficiaries which will have the effect of moving fiscal year 2000 costs into future years?

Mr. COCHRAN. Mr. President, there is none that this Senator knows about.

Mr. GRAHAM. Thank you very much.

Mr. HARKIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time is left on our side?

The PRESIDING OFFICER. Nine minutes 22 seconds.

Mr. HARKIN. How much? Nine minutes and how much?

The PRESIDING OFFICER. Nine minutes 15 seconds.

Mr. HARKIN. I will yield myself 4 minutes and hurry.

I want to say a few words about both parts of the bill before us. The first part is the regular fiscal year 2000 Ag appropriations bill. I commend and thank the chairman, Senator COCHRAN, and thank our ranking member, Senator KOHL, for their hard work and conscientious effort to craft this bill under difficult spending constraints.

There are important provisions in the bill providing funding for agriculture programs, agricultural research, food safety, nutrition, conservation, rural economic development, and in other areas. There are a number of items in this bill that are especially important to my State of Iowa, which I will not list here. I just want to say the regular fiscal year 2000 bill is basically a good bill under the circumstances.

There is a matter that deserves special mention; and that is, in the Senate we had an overwhelming vote of 70–28 to remove sanctions on food and medicine. The Senate conferees also voted in the conference to hold the Senate position, but the House conferees adjourned before we could even vote on sanctions reform. So after all these years of hearing all the talk about removing embargoes on food and medicine, the Republican leadership in the House walked away before we had a chance to reform it. So we still have embargoes on food, embargoes to keep our farmers from selling food to foreign customers.

I also want to mention a provision that was stuck in this bill on the H2A program. That program allows bringing in foreign agricultural workers if the employer cannot find domestic workers. The provision in this bill will significantly shorten the time during which an employer has to look for U.S. workers before bringing in foreign workers.

I recognize that it can be hard to find U.S. workers for agricultural jobs in some instances, but I do not think that Congress ought to be changing the law to make it easier to cut U.S. workers out of those jobs and give them to foreign workers.

I now will turn to the emergency assistance package, which totals about $8.7 billion. My colleagues and I have been working since last May to get this Congress to pass a farm assistance package. We had to fight for too long this summer even to get a recognition here in Congress that there is a farm crisis. Then we had to fight to get this Congress to take any action. And finally, we had to fight for a package that would be adequate to deal with the severe economic hardship in rural America.

So, we have come a long way since last spring. This emergency package will provide a good deal of assistance to help farm families survive this crisis. I am disappointed, however, that the bill uses the same payment mechanism as the failed Freedom to Farm bill and that it does not contain an adequate amount of assistance to respond to the droughts and other natural disasters around the country.

The emergency package has far too little in it for livestock producers—particularly for pork producers who have lost $4 billion in equity over the past 22 months. And it contains no money for emergency conservation work and repairing flood damage. Nor is there any economic development assistance for rural communities that are suffering because of the downturn in agriculture.

On balance, I am supporting the emergency package because it will get some money out to farm families who are struggling to remain in business.

As I have said, it is like throwing a leaking liferaft to a drowning person. That is how I feel. I am standing on the shore. Someone is drowning. All I have is a leaking liferaft. Do I throw it to them or not? Of course, I do, in the hopes that shortly we will get something better. But right now our farmers are drowning. They are sinking. So this emergency bill will help for a little bit, but it is not a long-term solution to the problem.

The fact that Congress is passing a stopgap emergency package for the second year in a row demonstrates that our current farm policy is not working. We must reform the failed Freedom to Farm bill before next year.

Unless we reform Freedom to Farm, all the signs indicate farmers are going to need another emergency package next year, too. Frankly, you can only go to the well so many times.

We cannot continue to have a farm policy in this country that lurches from one crisis to the next. It is time to address the root problem: the lack of a farm income safety net in the Freedom to Farm bill. The Freedom to Farm bill has to be changed to restore farm income protections that were eliminated when the bill was enacted.

Freedom to Farm is a bankrupt farm policy and it is bankrupting America's farm families.

As we have said repeatedly, this bill uses a payment mechanism that has

nothing to do with what farmers planted this year. The Freedom to Fail bill is already a proven failure. So why on Earth would we want to go right back to the Freedom to Fail bill to try to remedy its shortcomings? This bill includes $5.5 billion in Freedom to Farm type payments. They would be paid out based on base acres and yields set some 20 years ago. The payments would have nothing to do with this year's planting. In fact, they can go to people who planted nothing.

Using the so-called ''three-entity rule,'' an individual could get $80,000 of these payments and not have planted anything. Add that to the $80,000 in regular AMTA payments, which they also could get without planting anything. This bill then also doubles the payment limit for marketing loan gains and loan deficiency payments to $150,000. Now in practice, that is $300,000 through the use of the three-entity rule. The total that potentially could be paid to one individual then is $460,000.

This bill does not treat oilseeds fairly. There is a very complicated and confusing program for providing direct payments to oilseed producers. It is going to take a long time to get this program sorted out and to get the payments out to producers of soybeans and other oilseeds—and the payments are not going to be fairly distributed among producers. Here is the real irony of this emergency assistance package. With the AMTA type payments, if you did not plant anything this year you can still get as much as an extra $80,000 under this package.

I have some examples under the payment scheme we have in this emergency package. All of these farmers have 500 acres of land, half planted to corn and half planted to soybeans. Yet the payments range anywhere from $19,941 down to $2,040—three neighbors right in a row, farming 500 acres—half in corn and half in soybeans. Or you can have a farmer who decides to go to Palm Beach. He has 500 acres. He did not plant anything. He is going to get $17,901 even though he never did anything. Yet for farmers in the State represented by my friend from North Carolina, who have had disaster losses—or farmers in Iowa, the Dakotas, Minnesota, the Northeast and East who have had drought or other disaster losses—they are going to get pennies on the dollar. Farmers who worked hard, planted a crop, have hardly anything to show for it. But here is a hypothetical example of a farmer who planted nothing, who has 500 acres, and he is going to get $17,900. That is not right.

Let me run through these examples in a little more detail. I ask unanimous consent that a table summarizing the examples be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Farmer	Smith	Jones	Brown	Palm Beach
Total acres	500	500	500	500
Corn base acres	500	250	0	500
Corn planted	250	250	250	0
Soybeans planted	250	250	250	0
Payment	19,941	10,990	2,040	17,901

Mr. HARKIN. For the first farmer, Smith, all 500 acres are corn base. Those are the acres on which the direct AMTA-type payments are made. Again, 250 acres planted to corn and 250 acres planted to soybeans. That farmer will receive an additional AMTA type corn payment of $17,901 and a soybean payment of $2040, for a total of $19,941. Keep in mind this farmer is receiving both a corn payment and a soybean payment on the very same acre on some of the land.

The second farmer, Jones, has 500 acres, but this farmer has only 250 acres of corn base. Again, 250 acres in corn and 250 acres in soybeans. This farmer will receive $8950 in AMTA type corn payments and $2040 in soybean payments, for a total of $10,990.

Another farmer, Brown, has 500 acres, but no corn base, with half the land in soybeans and half in corn. This farmer will receive $2040, because that is all that would be paid on the soybeans.

In summary, 500 acres of land, half planted to corn, half planted to soybeans, and you have a range of payments from $2040 all the way up to $19,941. All because the AMTA payments are based on what was planted 20 years ago or more, not on what farmers are planting now.

And here is the real kicker, a landowner who chooses to plant nothing can receive a payment. So the owner of that 500 acres could still receive the $17,901 without planting a seed. I call this the Palm Beach Farmer example.

Mr. President, there is a lot wrong with this bill, but there is an overriding need to get assistance out to farmers. Frankly, I have little confidence that we would get anything better if this bill were sent back to conference. I have amendments that I am still prepared to offer. But we couldn't even get the House conferees to come back to the table. They were forbidden by their leadership to do so.

This bill could have been much better, and I deeply regret that we were foreclosed from improving it. So I will vote for this conference report,with some reluctance, simply because so much is at stake for farm families and rural communities in my state of Iowa and across our Nation.

As I said, it amounts to throwing a leaking liferaft to a drowning person. Let's throw the liferaft out; but let us change the bill next year so we are not back once again trying to pass emergency farm assistance.

I yield the floor.

Mr. EDWARDS. Mr. President, first, I thank my friend, the Senator from Mississippi, and the Senator from Wisconsin for all their hard work on this very difficult bill. I intend to support this bill.

Let me talk briefly about what this Agriculture Appropriations bill does for North Carolina and what it will not be able to do for North Carolina. In North Carolina, we talk about things in terms of before and after Hurricane Floyd, unfortunately.

Before Hurricane Floyd, our farmers were struggling, having very difficult times, financially and otherwise. Their crop prices were at the lowest levels they have been in many years. And they needed help; they desperately needed help. One of the things this bill does is provide some of that help in the way of direct market assistance for some of the problems they had before Hurricane Floyd.

We have about $328 million in this conference report for North Carolina's tobacco farmers. I have to say, for those around the country who are not familiar with North Carolina's farming operations, an awful lot of our farmers are tobacco farmers. They may farm a lot of other crops, but tobacco is often the staple that allows them to farm those other crops. This money was desperately needed. And they needed it now. They needed it even before Hurricane Floyd hit. Having visited with our farmers, including our tobacco farmers, all over the State of North Carolina, we are very pleased and very proud that we were able to get them the assistance which they deserved and which they needed.

Sadly, though, I have to also talk about the situation after Floyd. This bill provides $1.2 billion for disaster relief. I have to say, I think this is way short of what we are going to need in North Carolina. We have a real emergency, I think by anybody's standards, in the agricultural farming community in North Carolina as a result of Hurricane Floyd.

I have been all over North Carolina and have spent a lot of time in eastern North Carolina, visiting our farms that have been devastated by Hurricane Floyd. The reality is, this is a loss from which it is going to take many years to recover.

Of this $1.2 billion, some reasonably sized chunk of that money will go to farmers in North Carolina. It will not ultimately be enough. But it is critically important that we get some of that money to them, and get it to them quickly. I urge the Secretary of Agriculture to do as much as he can to get as much of this money as is possible disbursed in the immediate future because these farmers need help. They already needed help before Hurricane Floyd. And they need help now more than ever. They need it immediately.

What this photograph I have represents is what I saw all over eastern North Carolina as a result of Hurricane Floyd and in the wake of Hurricane Floyd. We can see almost the entire farm—except for the farmhouse—is under water. This property, which has been involved in farming for many years, is now under water. And the crop losses have been completely devastating.

This scene is repeated over and over and over, all over eastern North Carolina. We are told the best estimates are, at this point, that there is somewhere between $800 million and $1 billion in agricultural losses in North Carolina. Obviously, the money in this bill is not going to be adequate since it is for the entire country. It is not going to be adequate to deal with the loss in North Carolina alone which approaches $1 billion. We are going to have to do more.

I want the people of North Carolina, and particularly our farmers in North Carolina, to know that we fully recognize they need help. They need help quickly. They do not need loans. They were already up to their necks in debt and up to their necks in loans before the hurricane hit. They need help. They need direct disaster relief, and they need it immediately.

I point out, both for my farmers in North Carolina and to my colleagues, that the money that was recently put in the VA–HUD conference report, the approximately $2.48 billion for FEMA, will not help with the farming problem in North Carolina because that money is not designated and indeed cannot be used specifically for agriculture.

We are going to have to have some direct appropriation through some vehicle in this Congress—this session—to help our farmers because if we do not they are going out of business. They are the heart and soul of North Carolina and to our economy in North Carolina, and particularly to our rural economy in North Carolina. We have to be there for them. They have been there for us. We have to step to the plate and provide them with the support they need.

Finally, I express my disappointment with the lack of any dairy legislation in this conference report.

I supported dairy legislation. I continue to support it. We recognize the plight of dairy farmers in North Carolina. We understand the difficulties and problems they have. We will continue to search and aggressively pursue ways to solve the problems with which they are confronted.

Again, I thank the distinguished managers of this measure.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, may I inquire how much time remains for debate on the conference report under the order.

The PRESIDING OFFICER. Ten minutes 53 seconds remain. All time is majority time.

Mr. COCHRAN. The Democrats have used all time allocated to them.

The PRESIDING OFFICER. All time has expired on their side.

Mr. COCHRAN. Mr. President, I will yield back time if no other Senator seeks recognition because I don't need to talk anymore.

I have talked enough about the bill, trying to explain that we have attempted to identify not only the emergency needs that exist by reason of the collapse of prices for commodities for agricultural producers but also the disaster assistance that is needed now to compensate those who have suffered drought-related and other weather-related disasters on the farm.

We have in the conference report a statement by managers indicating that we realize it may be difficult or impossible to ascertain the exact dollar amount of losses attributable to disaster during this crop year. For that reason, we call upon the Department of Agriculture, the Secretary, to monitor the situation and submit to the Congress, if it is justified, a supplemental budget request for any additional funds.

We are confident the Senate and the House, as well, will carefully consider any supplemental request for such funds. We think this is a generous response to the needs in agriculture, but we know it is not enough to satisfy every single need of every individual in agriculture. I don't know that anybody could design a program that would do that. I don't recall there ever being a more generous disaster assistance program approved by this Congress than this one—$8.7 billion in emergency assistance. We hope that will be helpful. That is only a part of this legislation, however.

There is $60 billion of funding for all the fiscal year 2000 programs that will be administered by the Department of Agriculture and also funds for the operation of the Food and Drug Administration and the Commodity Futures Trading Commission. This bill is within its allocation under the Budget Act. It is consistent with the budget resolution adopted by this Congress. We are hopeful the Senate will express its support by voting overwhelmingly for the conference report.

I am aware of no other Senator who has requested time to speak on the bill. I know we have 5 minutes remaining on the bill. To await the arrival of any Senator who does want to speak, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. Mr. President, all time has been used on the conference report on the Agriculture appropriations bill?

The PRESIDING OFFICER. The Senator is correct.

Mr. COCHRAN. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative assistant called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—74

Abraham	Domenici	Kohl
Akaka	Dorgan	Landrieu
Allard	Durbin	Levin
Ashcroft	Edwards	Lincoln
Baucus	Enzi	Lott
Bayh	Feinstein	Lugar
Bennett	Fitzgerald	Mack
Bingaman	Frist	McConnell
Bond	Gorton	Murkowski
Boxer	Gramm	Murray
Breaux	Grams	Reid
Brownback	Grassley	Robb
Bryan	Hagel	Roberts
Bunning	Harkin	Rockefeller
Burns	Hatch	Sessions
Byrd	Helms	Shelby
Campbell	Hollings	Smith (OR)
Cleland	Hutchinson	Stevens
Cochran	Hutchison	Thomas
Conrad	Inhofe	Thompson
Coverdell	Inouye	Thurmond
Craig	Johnson	Warner
Crapo	Kennedy	Wellstone
Daschle	Kerrey	Wyden
DeWine	Kerry	

NAYS—26

Biden	Lautenberg	Santorum
Chafee	Leahy	Sarbanes
Collins	Lieberman	Schumer
Dodd	McCain	Smith (NH)
Feingold	Mikulski	Snowe
Graham	Moynihan	Specter
Gregg	Nickles	Torricelli
Jeffords	Reed	Voinovich
Kyl	Roth	

The conference report was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. COVERDELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

COMPREHENSIVE NUCLEAR TEST-BAN TREATY

MOTION TO RESUME EXECUTIVE SESSION

Mr. LOTT. Mr. President, I now move that the Senate resume executive session in order to resume consideration of the Comprehensive Nuclear Test-Ban Treaty as provided in the previous unanimous consent, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, the Senate is not in order.

Mr. DASCHLE. Mr. President, I ask unanimous consent both leaders be allowed to use leader time prior to the time we have this vote.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent to speak for 15 minutes prior to the vote.

Mr. LOTT. Reserving the right to object, Mr. President, I note we do have some approximately 3 hours of time remaining on the treaty itself. We intend to yield back 54 minutes of our time so there will be an exact equal amount of time available to both sides. I believe that would be the appropriate time to have debate on this treaty, on its merits or on how to proceed.

Therefore, with great respect, I would object.

The PRESIDING OFFICER. Objection is heard.

The question is on agreeing to the motion. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 55, nays 45, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—55

Abraham	Frist	Murkowski
Allard	Gorton	Nickles
Ashcroft	Gramm	Roberts
Bennett	Grams	Roth
Bond	Grassley	Santorum
Brownback	Gregg	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Chafee	Hutchinson	Snowe
Cochran	Hutchison	Specter
Collins	Inhofe	Stevens
Coverdell	Jeffords	Thomas
Craig	Kyl	Thompson
Crapo	Lott	Thurmond
DeWine	Lugar	Voinovich
Domenici	Mack	Warner
Enzi	McCain	
Fitzgerald	McConnell	

NAYS—45

Akaka	Edwards	Levin
Baucus	Feingold	Lieberman
Bayh	Feinstein	Lincoln
Biden	Graham	Mikulski
Bingaman	Harkin	Moynihan
Boxer	Hollings	Murray
Breaux	Inouye	Reed
Bryan	Johnson	Reid
Byrd	Kennedy	Robb
Cleland	Kerrey	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Schumer
Dodd	Landrieu	Torricelli
Dorgan	Lautenberg	Wellstone
Durbin	Leahy	Wyden

The motion was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. ASHCROFT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

COMPREHENSIVE NUCLEAR TEST-BAN TREATY—Resumed

Mr. LOTT. Mr. President, I yield back all time under our control with the exception of 54 minutes, which would then put both sides with an equal amount of time.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from West Virginia.

Mr. BYRD. Mr. President, may I have the attention of the majority leader.

Mr. President, may we have order in the Senate.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I say what I am about to say without rancor. I hope I can.

I have been in this body now 41 years at the end of this year. I was majority leader for 4 years, then minority leader for 6 years, and then majority leader for 2 more years.

Mr. President, as majority leader, and as minority leader, I never once objected to a Senator's request to speak for a few minutes—15 minutes in my case today—nor do I ever expect to object to another Senator's request to speak. My request was for only a short amount of time. The distinguished majority leader objected. He has a perfect right to object. I don't question his right to object. But, Mr. President, I think we have come to a very poor pass in this Senate when Senators can't stand to hear a Senator speak for 15 minutes. Our forefathers died for the right of freedom of speech. I may not agree with what another Senator says, but, as someone else has said, I will defend to the death his right to say it.

Mr. Leader, I very much regret that you objected to my request to speak for 15 minutes. I don't get in your way in the Senate often.

Mr. President, I want to adhere to the rules. I don't get in the distinguished majority leader's way very often. He doesn't find me objecting to his requests. I know he has great responsibilities as the majority leader of the Senate. He has a heavy burden. Having borne that burden, having borne those responsibilities, I try to act as I should act in my place and let the two leaders run the Senate. I don't cause the majority leader much trouble here. He will have to say that. He will have to admit that. I don't get in his hair. I don't cause him problems. But, Mr. President, when a Senator, the senior Senator of the minority asks to speak for 15 minutes, I think it has to be offensive, not only to this Senator but to other Senators.

I would never object, Mr. Majority Leader, to a request from your side. Suppose STROM THURMOND had stood to his feet. He is the senior Member of this body. I think there has to be some comity. I think it comes with poor grace to object to a senior Member of the Senate who wishes to speak before a critical vote.

Now, the majority leader said in his opinion, or something to that effect, that I could speak after the motion had been decided upon, and there would be time allowed under the order, and there would be time then to make a speech. That was his opinion.

In this Senator's opinion, this Senator felt that it was important for this Senator to speak at that time. Not that I would have changed any votes, but I think I had the right to speak. What is the majority leader afraid of? What is the majority leader afraid of?

Mr. LOTT. Will the Senator yield?

Mr. BYRD. I will yield in a moment. I will accord the Senator that courtesy.

Mr. President, what is the majority leader afraid of? Is he afraid to hear an expression of opinion that may differ from his? As majority leader, I never did that. When I was majority leader, I sought to protect the rights of the minority. That is one of the great functions of this Senate, one of its reasons for being. I would defend to the death the right of any Senator in this body to speak. Fifteen minutes? Consider the time we have spent. We haven't spent a great deal of time on this treaty. I regret very much the majority leader saw fit to object to my request to speak.

Now, I am glad to yield to the distinguished majority leader. Mr. President, I ask that my rights to the floor be protected. I am not yielding the floor now.

Mr. LOTT. Mr. President, will the Senator yield to me to respond?

Mr. BYRD. Yes.

Mr. LOTT. Let me begin by saying the same thing Senator BYRD said at the beginning of his remarks. I respond without any sense of rancor. I know that sometimes in the Senate we get very intent and very passionate about issues. I know this issue is one we all are very concerned about, and passions do run high, as they should, because we have very strongly held opinions. Thank goodness, though, we still are able to do as we did last night, retire to another building and enjoy each other's friendship and company, and then we return to the issues at hand. We debate them mightily, with due respect and without rancor.

As far as the amount of time that has been spent on debate on this treaty, I went back and checked recent treaties. In fact, the only one that took as much time on the floor of the Senate as this treaty in recent history was the chemical weapons treaty, in which, I remind the Senator, I was also involved. Usually treaties are debated a day or two, 6 hours or 12 hours. I think this one is going to wind up being about 15 or 16 hours. I think we have had time to have the debate that was necessary on this issue. After all, it has been pending in various ways for at least 2 years, and the treaty was actually signed, I think, way back in 1995, if I recall correctly.

I understand what Senator BYRD is saying. I, too, have been around awhile. I know only Senator THURMOND can match your record. But I have been in Congress 27 years myself. I served in the House 16 years, where I was chairman of the Research Committee. I served 8 years as the whip of my party in the House. I have been in the Senate since 1989, where I served as secretary

of the conference, the whip, and leader. I understand the importance of the differences between the two bodies and the precedents and the tradition and the comity and the respect for each other. I have a great deal of respect and love for this institution and, in fact, for the Senator from West Virginia.

Having said all of that, this was a motion, a request. I made a motion to go back to the Executive Calendar, a nondebatable motion. Then there was a request in effect to have debate. It wasn't as if there wouldn't be debate on the substance of the treaty. There are almost 3 hours of time remaining on the treaty. But in that extra effort to be fair, so the closing debate would be equal, we have already yielded back 54 minutes so there would be 2 hours approximately on each side.

I want to make sure Senators have a chance to be heard and that their voices are not muted. Yours will not be, under the time we have left. But in that case, I thought the time would have delayed getting to a conclusion on this very important matter. It was a nondebatable motion, and we had time left for debate. I believed it was the correct thing to do. I regret the Senator feels strongly to the contrary.

I recognize that he has been not only not an impediment to my trying to do my job but quite often has been helpful. I appreciate that. I am sorry he feels that way.

I knew he was going to make the motion. I knew there was going to be an effort to have extended debate on a nondebatable motion to go back to a treaty, which I had, frankly, made a mistake, probably, in interrupting it to go to the Agriculture appropriations conference report. I did it because we need to get to these appropriations bills, as the Senator knows.

Majority leaders have to balance time schedules and views of Senators and different bills, appropriations bills, the desire to get to campaign finance reform. I gave my word to more than one Senator that we would begin today on campaign finance reform. I am still determined to keep that commitment. But if it is 8 or 9, they will say: Well, you didn't keep your word. It is too late. All of that came into play.

I assure you, I would want Senator BYRD's voice to be heard, Senator DASCHLE's, on any nondebatable motion and on this treaty. I am sure the time will come when I will stand up. In fact, I remember one occasion—Senator DODD will remember this because he came to me and said: I appreciate your doing that—when there was an effort to cut you off. I stood up and said no. I asked unanimous consent that the Senator have that time. I stood up when I thought it was unfair. This time, on a nondebatable motion to go back to the Executive Calendar, I thought it was unfair, in fact, to have an extended debate on that.

I appreciate your giving me a chance to respond. I hope we can work through this. We will get to a final vote. Sometimes we come up with agreements that allow things to go to another day. Sometimes we strive mightily and we can't reach that. And sometimes you just have to fulfill your constitutional responsibility and you just vote.

Mr. DASCHLE. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. LOTT. Mr. President, I ask unanimous consent that my time be taken out of our side and not yours.

Mr. DASCHLE. Mr. President, reserving the right to object. I ask unanimous consent that, since neither of the statements made by the Senators relates directly to the treaty, none of the time be taken out of the limited time remaining for debate on the treaty.

Mr. LOTT. Mr. President, I will not object.

I reiterate that we need to get to a conclusion on the debate and have the vote on this issue, so we can move to campaign finance reform, as I committed to Senator MCCAIN, within a reasonable hour tonight. But I will not object.

Also, I yield the floor because I don't want to eat up any more time in the late afternoon.

Mr. BYRD. The Senator doesn't have the floor to yield.

Mr. LOTT. I yield as far as my comments are concerned back to the Senator who has the time.

The PRESIDING OFFICER. Without objection, the time will be reasserted to its original agreed period for each side.

Mr. BYRD. If the distinguished majority leader will listen, I want his attention. I don't want to say anything behind his back. He might be offended. I want him to hear what I say and be able to respond to it.

Mr. President, the distinguished majority leader spoke about how long he served in the House. That had nothing to do with my request for 15 minutes. I served in the Senate 30 years before the distinguished majority leader ever got to the Senate. Two-thirds of the Members of this Senate have never served with me when I was majority leader in this Senate. Two-thirds. I am not interested in what the rules of the House are. I served over there.

I am interested in free speech, freedom of speech. May I say, in response to the distinguished majority leader, I know what the rules are. I know that the motion to return to executive session is not debatable. I know that very well. Mr. President, the distinguished majority leader alluded to an extension of debate on this treaty—something to the effect that he had heard there were going to be efforts to extend that debate. I am not one of those. I wasn't part of that, and I never heard of it. So help me God, I had no desire to extend the debate. I wanted to say something about that motion, not just about the treaty. I wanted to speak before the motion. I was denied that right—not that I would have changed any votes, but it is my right as a Senator.

There is too much of what the House does that we don't need to do in this Senate. I am afraid that too many Senators feel that we need to be like the House. This Senate exists for the protection of the minority, for one thing. It also exists to allow Members to speak freely and to their heart's content. I understand unanimous consent agreements. I have probably gotten more unanimous consent agreements than any other majority leader that ever was a part of this Senate. I walked in the Senator's shoes. I walked in the majority leader's shoes. But never—never—would I object to a Senator asking for 15 minutes to speak on a motion, notwithstanding the fact that the rules preclude debate. That is why unanimous consents have to be made. You have to get unanimous consent to speak in a situation like that. I was denied that.

Mr. President, this Senate needs to remember that we operate here by courtesy. We have to be courteous to one another. We have to remember that we work together for the country, we work for the Senate; and it is going to take cooperation and understanding. I try to be a gentleman to every Senator in this body. I don't think there is any Senator who can say I have not been a gentleman to him in my dealings with him or her. The Senate is for two main purposes; there are two things that make the Senate different from any other upper body in the world—the right to amend, which this side is often denied, and which I never denied. If there were 50, 60, or 70 amendments, I said find out from both sides how many Senators wanted to offer amendments and then we will try to get consent that there be no other amendments, and vote. So there is the right to amend and the right to speak—freedom of speech. As long as Senators may stand on their feet and speak as long as they wish, the liberties of the American people will be assured.

Mr. Leader, I will not carry this. I have said my piece today. I am offended by what the majority leader did, but I am going to forgive him. I am. I don't live with yesterday regarding relations in this Senate. I think too much of the Senate. That is why I am running again; I think too much of the Senate. I could retire and receive $21,500 more annually in my retirement than I will earn as a Senator. Besides, I could be free to take another job. But it isn't money that I seek; it isn't wealth that I seek. I love this Senate. I am a traditionalist. I live by the traditions of the Senate. I try to live by the rules of the Senate. I try to remember that if I offend a Senator today, he may be the very Senator who will help me tomorrow. I try to remember that. I try to make that a practice.

The majority leader made a mistake, if I may respectfully say so. But I will not hold that against him. I will shake

his hand when this is over, because first, last, and always I try to be a man, one who can look in the eye of my fellow man and, if I have done him wrong, I want to apologize to him before the Sun sets. That is my creed. We need to have better comity than we are having in the Senate—not that I will be a problem. But the American people are watching. They see this. And the majority leader has the votes. He doesn't have to be afraid of a motion the minority might make. He doesn't have to care what the minority may say. Nobody needs to be afraid of an opinion I might express before a vote. And no time is saved by it, as we now see. No time is saved. (Laughter)

If I had any real ill will in my heart, I would take the rest of the afternoon to speak, and maybe more. But I thank the majority leader for his kindness to me in the past. I understand his problems. I don't want to get in his way. I have said things behind his back that were good. I have talked about the attributes of this leader behind his back. And anything I say today, that is all; I am getting it off of my heart. The majority leader, I think, will contemplate what has been done here today and, in the long run—if I may offer a little bit of wisdom that I possess from my 41 years of experience in this body—he will be just a little less relentless in his drive to have the majority's will uncontested.

Remember, there will come a day when he will need the help of the minority. The minority has been right in history on a few occasions and may be right again. The day may come when the minority in the Senate of today will be the majority of tomorrow. If I am still living and in this Senate at that time, I will stand up for the rights of the minority because that is one of the main functions of the Senate.

Mr. President, I yield to the distinguished majority leader if he wishes to respond to anything I said.

Mr. LOTT. Mr. President, I thank the Senator for the offer to yield. I think I have said enough. I appreciate what he has had to say. I appreciate the fact that he has said his piece and we will move on about our business. That is my attitude, too.

Mr. DASCHLE. Mr. President, could the Chair clarify as to the amount of time remaining on both sides?

The PRESIDING OFFICER. There are 45 minutes 41 seconds on the Senator's side, and 54 minutes on the Republican side.

Mr. DASCHLE. The Democratic side has 45 minutes remaining?

The PRESIDING OFFICER. Forty-five minutes 41 seconds.

Mr. BIDEN. Mr. President, parliamentary inquiry: Was that what we had prior to the motion to go back into executive session?

The PRESIDING OFFICER. No. The clock was reset. It was timed according to the original agreement, the original time the Democratic leader had been allotted.

Mr. BIDEN. Parliamentary inquiry: I thought it was 54 minutes.

The PRESIDING OFFICER. Fifty-four minutes, and then the Senator from West Virginia spoke again, and that time was deducted.

Mr. BIDEN. I ask unanimous consent that the whole colloquy —all of what took place—not go against the time of either side because I thought that was the request the minority leader made. I hope we can do that. We have a number of Senators wishing to speak. It is only 54 minutes on each side. I would appreciate it if there would not be an objection to that unanimous consent request. The clock started, 54 minutes per side; ready, get set, go.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. I object.

Mr. BIDEN. I thank my friend. I thank him for the courtesy.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. DASCHLE. Mr. President, I am going to use my leader time. I understand I don't have to use a unanimous consent request to obtain the 20 minutes available to me. I will not use the full 20 minutes.

My colleagues are going to rise to speak to the treaty itself. Up until now, I have refrained from talking about the deliberations themselves, but I think for the RECORD it is important for us to state how it is we got here.

We just cast a vote of profound consequence. The choice that vote presented the Senate this afternoon was quite simple. It was a choice between statesmanship or partisanship.

This was not just a procedural motion. Let's begin with that understanding. The motion that just passed on a party line vote was a vote to kill the test ban treaty. What is all the more important—and people should understand—was that there was no requirement that we cast this vote. This vote was not necessary. We did not have to go to executive session. We could have precluded that vote. Nothing on the Executive Calendar would have been affected adversely by allowing the treaty to stay on the Executive Calendar.

So everyone ought to understand that. This was a voluntary choice made by the majority leader.

That is the first point.

The second point relates to how it is we got here.

This treaty was submitted, as has been repeatedly stated in the RECORD, on September 22, 1997. Ever since that time, my colleagues on this side of the aisle have requested that there be hearings, that there be some thorough consideration of this very important matter.

A number of other countries have already made the decision we were asking this body to make. One-hundred and fifty have signed it. Fifty-one countries have voted already to ratify it.

We were asking that there be hearings.

I don't know where the majority leader got his information about the length of time this treaty has been debated versus all the other treaties. It is interesting. I will submit for the RECORD all of the treaties and the consideration given them since 1972.

But just quickly to summarize, it is important to note that the Intermediate Nuclear Force Treaty took 23 days of committee hearings and 9 days of floor consideration.

The START I treaty took 19 days of hearings and 5 days of floor consideration.

The Antiballistic Missile Treaty, approved in 1972, took 8 days of hearings and 18 days—more than half a month—of consideration on the Senate floor.

Mr. President, we have had a couple of days on this particular issue. I ask unanimous consent that the entire list of treaties and the amount of time given them on the floor and in committee be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE CONSIDERATION OF MAJOR ARMS CONTROL AND SECURITY TREATIES—1972–1999

Anti-Ballistic Missile Treaty/SALT I (approved 1972):

Eight days of Foreign Relations Committee hearings;

Eighteen days of Senate floor consideration.

Intermediate Nuclear Forces (INF) Treaty (1988):

Twenty-three days of Foreign Relations Committee hearings;

Nine days of Senate floor consideration.

Conventional Forces in Europe (CFE) Treaty (1991):

Five days of Foreign Relations Committee hearings;

Two days of Senate floor consideration.

START I Treaty (1992):

Nineteen days of Foreign Relations Committee hearings;

Five days of Senate floor consideration.

START II Treaty (1996):

Eight days of Foreign Relations Committee hearings;

Three days of Senate floor consideration.

Chemical Weapons Convention (1997):

Fourteen days of Foreign Relations Committee hearings;

Three days of floor consideration.

NATO Enlargement (1998):

Seven days of Foreign Relations Committee hearings;

Eight days of floor consideration.

Comprehensive Test Ban Treaty (submitted 1997):

One day of Foreign Relations Committee hearings (scheduled).

Mr. DASCHLE. Mr. President, what Democrats sought, very simply, was complete consideration in all the committees for whatever time it may have taken to ensure we have established the kind of record we established on all the other treaties before we voted on them. That is what we asked. That is what we sought in our letter to the Majority Leader.

The Republicans' response was cynical. They proposed we limit debate to 14 hours, that there be one amendment on a side, and that no time be given to

proper hearings. They left us as Democrats the choice: Filibuster the treaty on which we have called for consideration, or accept a unanimous consent agreement.

There was one reason that Republicans forced this choice—one reason, and one reason only. It was a partisan attempt to embarrass the President and embarrass Democrats. That was the reason.

So it is now clear, based upon a letter being circulated by Senator WARNER and others, that the President should delay consideration of this treaty. Over 51 Senators have now signed a letter circulated by Senators MOYNIHAN and WARNER. Nearly 60 Senators—a majority—have now said we ought to postpone consideration of this treaty.

In fact, based upon this clear belief on the part of a majority of my colleagues on both sides of the aisle, I encouraged the President to submit a statement asking the Senate to delay the vote. He did. A couple of days ago, he made a formal request that the Senate delay consideration of this treaty until a later date to allow ample consideration of all the questions raised and the tremendous opportunities presented by this treaty.

The Joint Chiefs of Staff have made similar requests. The Secretary of Defense, the Secretary of State, former Secretaries of Defense, former Chairs of the Joint Chiefs of Staff have all recommended publicly and privately that this treaty consideration be delayed.

I added to the voice yesterday. I submitted a letter to the majority leader wherein I was willing personally to commit to hold over on a final vote for the rest of this Congress, barring any unforeseen and extraordinary circumstances as defined by myself and the Majority Leader. We may have seen an example just yesterday of just such a circumstance. What happens in Pakistan, what happens in India, what happens in North Korea, what happens in the Middle East, what happens in Iraq and Iran, what happens in an awful lot of those countries could have a profound effect on the decisions made in the Senate over the course of the next 14 months.

Yet it was the view expressed by some in the majority, and now apparently all in the majority, that even in the most extraordinary circumstances, the Senate will not take up this treaty. Now we are left with nothing more than an up-or-down vote on the treaty itself.

Now I have heard the latest rumor. In the last couple of hours, we are told that it is article 18 of the Vienna Convention that requires us to act. Mr. President, nothing could be farther from the truth—nothing. Nothing in article 18 requires us to vote. The obligations of a signatory have already attached to the United States and will continue to do so until the President, only the President, makes clear the United States' intent not to become a party.

The Senate will not change this by voting the treaty down or suspending its consideration today. So don't let anyone mislead this body about the ramifications of article 18.

We find ourselves now at the end of this debate with the recognition on the part of Members in our caucus that, of all of our solemn constitutional responsibilities, there cannot be one of greater import than the consideration of a treaty. And, remarkably, incredibly, no constitutional obligation has been treated so cavalierly, so casually, as this treaty on this day. This is a terrible, terrible mistake. If it's true that politics should stop at the water's edge, it is also true that politics should stop at the door to this chamber when we are considering matters of such grave import.

I urge those colleagues who have yet to make up their minds about this treaty to do the right thing; to support it, to recognize the profound ramifications of failure, to pass it today.

I yield the floor.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, I think there was a misunderstanding regarding the previous unanimous consent request.

My understanding is the Senator from South Dakota asked unanimous consent that the presentation by Senator BYRD and the discussion between Senator BYRD and the majority leader not come out of the allocated time. I think each side had 54 minutes remaining. The Chair indicated Senator BYRD spoke twice. Senator BYRD was recognized once and did not relinquish the floor. I am not suggesting there was anything deliberate, but I think there was a misunderstanding with respect to the time that should exist. I think this side should have had 54 minutes based on the unanimous consent request made by the Senator from South Dakota.

Mr. DASCHLE. Mr. President, I also thought we had reached a unanimous consent understanding that there would not be time taken off either side for the colloquy that Senators BYRD and LOTT encountered.

As I understand it, the Chair ruled that the time up until the point that I made the unanimous consent request was not going to be taken from either side, but the remaining time was counted against us. I was making the assumption that the entire colloquy would be left outside our timeframe, and I again make that unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, I don't object, but I ask the Senator to withhold because I think we have a solution to it that will be satisfactory to both sides.

Mr. DASCHLE. I will withhold the unanimous consent request and look forward to that discussion.

I yield the floor.

Mr. HELMS. Mr. President, what is the existing time now—post the minority leader's request?

The PRESIDING OFFICER. The Senator from North Carolina has 54 minutes and there are 48 minutes 41 seconds on the other side.

Mr. HELMS. The proposal I make is that I yield back all time under our control with the exception of 45 minutes. This action again makes the time remaining exactly equal on both sides, or at least I hope it does.

The PRESIDING OFFICER. The Senator has that right. Is there objection?

Mr. DORGAN. Reserving the right to object.

Mr. DASCHLE. Reserving the right to object, if that is the Senator's solution, I am disappointed. We have a number of Senators who have not yet had the opportunity to speak. As it is, it is going to be very difficult to divide what remaining time there is.

I renew the unanimous consent request that we be given the 54 minutes that we understood we were entitled to when I made the first unanimous consent request.

Mr. HELMS. Reserving the right to object.

Mr. INHOFE. Reserving the right to object.

Mr. HELMS. Reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the time the minority leader has under his proposal?

The PRESIDING OFFICER. The minority has 48 minutes.

Mr. HELMS. We have a 3-minute difference; is that correct?

Mr. DASCHLE. Six minutes.

Mr. HELMS. The Chair says 48 minutes.

Mr. DASCHLE. I am asking for the 54 minutes the Senate was originally allotting either side when this debate began.

Mr. HELMS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. HELMS. I yield back all time under the control with the exception of 45 minutes. This action, again, makes the time remaining equal on both sides.

The PRESIDING OFFICER. The Senator has that right.

Mr. HELMS. If they want to object to that, let them try.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I am going to ask speakers on both sides to have no conversation because we have very little time. I say to the Senators on my side, we are limiting ourselves as far as it will go to 5 minutes per Senator.

I ask unanimous consent to have printed in the RECORD a letter from the distinguished former Secretary of State, Henry Kissinger.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OCTOBER 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows:

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore ''lock in'' our advantages vis-a-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the ''supreme national survival'' is involved. But this option is more theoretical than practical. In a bilateral treaty, the reluctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. HELMS. Mr. President, the Senate is moving toward the end of an historic confrontation against the most egregious arms control treaty ever presented to this body for its advice and consent.

The CTBT is a dangerous treaty which, if ratified, would do enormous harm to our national security. It will not and cannot accomplish its highly exaggerated stated goal of halting the spread of nuclear weapons, because as the CIA has repeatedly made clear the CTBT cannot be verified. Moreover, at the same time, it would undermine America's security by undermining confidence in the safety and reliability of our nuclear arsenal.

It is for these reasons that the Senate is prepared to vote down this treaty.

Unable—indeed unwilling even to try to respond to these facts, the White House has spitefully argued that Republicans are ''playing politics'' with the national security of the United States—a spurious charge, which is one of many reasons why the administration has failed to convince Senators who have raised substantive concerns.

Mr. President, the Senate Republicans' purpose in opposing this treaty is not because we seek to score political points against a lame-duck administration.

We are opposed because the CTBT is unverifiable, and because it will endanger the safety and reliability of the U.S. nuclear arsenal. Those who support the CTBT have failed to make a compelling case, and that, Mr. President, is precisely why the CTBT is headed for defeat.

The President and his Senate allies have mouthed the charge that the process has been ''unfair''—that Republicans are ramming this vote through the Senate in what the White House has falsely asserted as a ''blind rush to judgment.''

Let's examine the record: The Senate has held seven separate hearings exclusively on the CTBT—three in the Government Affairs Committee, three in the Armed Services Committee and one final, day-long marathon hearing in the Foreign Relations Committee with 11 different witnesses. It is instructive that, after demanding for months that the Foreign Relations Committee hold hearings, only a handful of Democrat Senators even bothered to show up.

As for floor debate, we scheduled 22 hours of debate on the CTBT—more than any other arms control treaty in recent history. By contrast, the Senate held just 6 hours of debate on Conventional Forces in Europe Treaty; 9½ hours on the START Treaty; 6 hours on the START II treaty; 18 hours on the Chemical Weapons Convention; and just 2 hours on the Conventional Forces in Europe Flank Agreement.

Well, then, some of them have falsely charged, Republicans pushed their unanimous-consent request through an unsuspecting Senate, on a Friday when few Senators were in town to discuss and consider it—a demonstrably false allegation.

The majority leader shared our draft unanimous-consent request with the minority leader on Wednesday, September 29. He offered it on the Senate floor the next day, Thursday, September 30. The minority objected, and asked for more time to consider it. After consulting with the White House, with the State Department, and with the Democrat Caucus, they came back with a request for more time for the debate.

We agreed to give them an additional week before the vote, and 12 additional hours of floor debate. Then on Friday October 1—after 3 days of internal discussion—they finally agreed to a unanimous consent for a vote they had vociferously demanded for two full years. And they are complaining that we are rushing to judgment? As my friend, Senator BIDEN has often pleaded during this debate; Give me a break!

So the ''politics'' argument failed, and the ''process'' argument failed. Now they are turning in desperation to the ''Chicken Little'' argument, warning us of the ''disastrous'' consequences should the Senate reject the CTBT.

If we vote the CTBT down, they warn, India and Pakistan may well proceed with nuclear test. Well, as Senator BIDEN may plead: Give me a break! That horse has already left the barn. India and Pakistan have already tested. Why did they test in the first place? Because of the Clinton administration's failed nuclear nonproliferation policies.

For years, India watched as Red China transferred M–11 missiles to their adversary, Pakistan. They watched as this administration stood by—despite incontrovertible evidence from our intelligence community that such transfers were taking place—and refused to impose sanctions on China that are required by law. As a result,

they made an unfortunate but understandable calculation that the President of the United States is not serious about non-proliferation, and that this White House is unwilling to impose a real cost on proliferating nations.

The fact of the matter is that no matter how the Senate votes on the CTBT, nations with nuclear ambitions will continue to develop those weapons. Russia and China will continue their clandestine nuclear testing programs.

North Korea will not sign or ratify the CTBT, and will continue to blackmail the West with its nuclear program. And India and Pakistan will probably test again—no matter what we do today. Because these nations know that this administration is unwilling to impose any real costs on such violations.

By defeating this treaty, the Senate will not change this calculus one iota. We will not be giving a ''green light'' for nuclear testing. Such tests by non-nuclear states are already a violation of the international norm established by the Nuclear Nonproliferation Treaty. The proliferation we have witnessed in recent years has been a result of the administration's failure to enforce that existing norm, and place a real costs on violations of that norm.

Mr. President, only a willingness to impose real penalties on such violations will prevent the expansion of the nuclear club. Papering over the problem with a worthless piece of paper like the CTBT will accomplish nothing.

Let me suggest something that will happen when we defeat this treaty. This administration, and future administrations, will henceforth think twice before signing more bad treaties which cannot pass muster in the United States Senate.

This administration clearly wants the Senate's ''consent'' on treaties, but they are not interested in the Senate's ''advice.'' If they had asked our ''advice'' on the CTBT before they signed it, they would have known well in advance that an unvertifiable, permanent, zero-yield ban on all nuclear tests would be defeated. They would have negotiated a treaty that could be ratified.

Mr. President, when the debate ends today, there must be no ambiguity about the status of the CTBT. The Senate must make clear that this treaty is dead. Unless we vote today to explicitly reject the CTBT, under customary international law the U.S. will be bound by the terms of this treaty. The CTBT will be effectively in force. That is an unacceptable outcome.

Why must the Senate defeat the CTBT? The answer is clear: Because the next administration must be left free to establish its own nuclear testing and nuclear nonproliferation policies, unencumbered by the failed policies of the current, outgoing administration. We must have a clean break, so that the new President can re-establish American credibility in the world on non-proliferation. A credibility not based on scraps of paper, but on clear American resolve.

Mr. President, we must vote on this treaty and we must reject it. It is our duty and solemn responsibility under the Constitution.

I yield the floor and reserve the remainder of our time.

Mr. BIDEN. I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, as a Member of the Foreign Relations Committee I sat through the day of hearings. And even in that short time—and I know you and I were there together—I was thoroughly convinced that our country will be more secure if we sign on and we ratify this treaty than if we do not.

I think we have a very stark choice. We can continue to lead the world in stopping the spread of nuclear weapons by supporting this treaty or we can start a nuclear chain reaction by opposing it. I pray that we will support this treaty.

As I said in the committee, when I was a child in grammar school—and I think a lot of you might remember this—America faced a real threat of nuclear war. In my public school we had emergency drills. We were taught that if we hid underneath our desks and we covered our eyes and we turned away from the windows, we would survive a nuclear strike. We were taught that the wood from our desks would save us from the massive destruction caused by a nuclear weapon. We also were made to wear dog tags around our necks. We were so proud of that. We thought we were being just like the people in the Army. We didn't realize the true purpose of the dog tag was so that someone could identify our body after a nuclear strike.

The kids in my generation really didn't know that much. But the kids in later generations certainly did. When I was in the House, Congressman George Miller set up a Select Committee on Children, Youth, and Families. One of our first hearings was on the impact of the nuclear disaster that was looming ahead of our children. So we had testimony from children that they feared for their lives. I do not want to go back to those days when the children of the 1980s feared a nuclear strike, or my days, when we feared a nuclear strike.

I have heard the concerns raised about the treaty. And, as I see it, the two main arguments against the treaty are verifiability and the condition of our stockpile stewardship program.

So like most Members of the Senate, I look at what the experts say on these two issues. Last week, the Secretary of Defense testified on the verification issue. He said, ''I am confident that the United States will be able to detect a level of testing and the yield and the number of tests by which a state could undermine our U.S. nuclear deterrent.''

The Chairman of the Joint Chiefs, General Henry Shelton testified, ''The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world would be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.'' In fact, four former Chairmen of the Joint Chiefs who served under the Carter, Reagan, Bush, and Clinton administrations have come out in favor of the treaty.

On the condition of our nuclear stockpile, I turned to the directors of our three national laboratories. They all support ratification of the CTBT saying ''we are confident that the Stockpile Stewardship program will enable us to maintain America's nuclear deterrent without nuclear testing.''

I've also received a letter from 32 physics Nobel Laureates in support of the CTBT. In discussing the stockpile issue, they write,

> Fully informed technical studies have concluded that continued nuclear testing is not required to retain confidence in the safety, reliability and performance of nuclear weapons in the United States' stockpile, provided science and technology programs necessary for stockpile stewardship are maintained.

Let me also point out that the Senate has passed an amendment to the resolution of ratification stating that if ''the President determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the Treaty . . . in order to conduct whatever testing might be required.''

If our stockpile is not safe and reliable, the President will withdraw from the treaty. There doesn't have to be a Senate vote. It's not going to get bogged down in rules of the Senate. If there is a supreme national interest in withdrawing from the treaty, we will withdraw.

I also think it is important to look at the risks of not going forward with this treaty. How can the United States tell Pakistan, India, and China not to test their nuclear weapons if we don't ratify this treaty? How can we go to our friends and say, don't give Iran the technology to produce weapons of mass destruction? I fear that our failure to ratify this treaty will set off a nuclear ''chain reaction'' throughout the world that the United States will long regret.

An editorial in the San Francisco Chronicle puts it best in saying ''A global treaty that invites every country to step forward or face condemnation is the only way to corral nuclear danger. If the world feels hostile and uncertain now, wait five years without the ban.''

We can turn it around today if we vote for this treaty. I think there are many protections in it which allow the President, any President, to say: We should go back to testing.

I yield the floor.

(Disturbance in the Visitors' Galleries)

Mr. HELMS. May we have order in the Senate.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, in these brief moments, 5 minutes for each Senator—I think it is probably not a bad idea because we have had so many hours and hours and hours of debate on this it is becoming redundant now—I would like to use this brief period of time only to bring out a couple of things that need to be reemphasized.

First of all, mistakenly—certainly not intentionally—some of the Members have stood on this floor and have implied that the Directors of our labs are in support of this treaty. I think it is very important to hear a quote from one of the Directors, C. Paul Robinson, Dr. Robinson, from Sandia National Lab, speaking in behalf of all three of the Directors.

He said:

> I and others [that's the other three] who are or have been responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion many times in the past. To forgo that validation through testing is, in short, to live with uncertainty.

He goes on to say:

> If the United States scrupulously restricts itself to zero yield while other nations may conduct experiments up to the threshold of international detectability, we will be at an intolerable disadvantage.

I can't think of anything worse than to be at an intolerable disadvantage.

Second, it has been implied that all these Presidents have been for it in the past, Eisenhower and Bush, and everyone has been for this treaty. In fact, this is not true. I am sure those who stated it thought it was true, but it is not true. Only President Clinton has come forth with a treaty that is a zero-yield treaty—that is no testing at all—that is unlimited in duration—not 10 years as it was in the case of Eisenhower—and unverifiable. So this is the first time. It would be unprecedented if this were to happen.

Third, I hear so many objections as to the unfairness. It doesn't really matter how much time there has been devoted for the debate on this. Everyone out there, Democrats or Republicans, any one person could have stopped this. This was a unanimous consent. It is true we had three times the time that was allocated for debate on the CFE treaty, twice the time on the START I, three times the time that was allocated on START II. That is important, of course. It shows that we did give adequate time. But the point is, any Senator could have objected. That means every Senator endorsed this schedule by which this was going to be handled.

With the remaining minute that I have, let me just say, as chairman of the readiness committee, I have a very serious concern. We have stood on the floor of this Senate and have tried to stop the President of the United States, this President, Bill Clinton, from vetoing our defense authorization bills going back to and including 1993, stating in his veto message that he doesn't want any money for a National Missile Defense System. He has fought us all the way. We would have had one deployed by fiscal year 1998 except for his vetoes. But he has vetoed it. That means that there is no deterrent left except a nuclear deterrent. That means if a missile comes over, we can't knock the missile down so we have to rely on our ability to have a nuclear deterrent in our stockpile that works. And all the experts have said they don't work now. We can't tell for sure whether they work now.

We have stood on the floor of this Senate with a chart that shows, on all nine of the nuclear weapons, as to whether or not they are working today. We do not really know because we haven't tested in 7 years. Testing is necessary. We would be putting ourselves in a position where we have no missile defense so we have to rely on a nuclear deterrent. We don't know whether or not that nuclear deterrent works.

Last, I would say I wasn't real sure what the minority leader was talking about when he talked about article 18 of the Vienna Convention. I will just read it one more time so we know if we do not kill this and kill it now, we are going to have to live under it. It states:

> A State is obliged to refrain from arguments which would defeat the object and purpose of a treaty when it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intentions clear not to become a party to the treaty.

That is what this is all about. We are the Senate that is going to reject this treaty.

Mr. KOHL. Mr. President, I rise to urge my colleagues to ratify the Comprehensive Test Ban Treaty. If two-thirds of this body fails to ratify the treaty, we are squandering a unique opportunity to make the world a safer place for our children.

The Comprehensive Test Ban Treaty is really quite simple: It bans all nuclear explosives testing for weapons or any other purposes. This treaty does not ban nuclear weapons. We currently have some 6,000 nuclear weapons in our arsenal. Nothing in this treaty requires us to give up these weapons. Nor does the Comprehensive Test Ban Treaty require us to limit our own nuclear testing in a way that we have not already chosen to do unilaterally. Yet, opponents of the treaty have painted a picture of dire consequences and doom that requires a response.

The history of the 20th century is replete with lessons about the danger posed to us by nuclear weapons. Those of us who remember when the United States dropped atomic bombs on Hiroshima and Nagasaki towards the end of World War II are vividly aware of the consequences of the use of nuclear weapons. Nuclear arms are not a dry topic for policy debate. They are devastating weapons that have been used and could be used again by any nation that currently possesses nuclear weapons or the capability to develop them.

It was not so long ago that we were in the midst of a nuclear arms race during the Cold War. Those of us who remember the Cuban missile crisis and the palpable fear that swept across the country at that time are well aware of the dangerous potential for a crisis to escalate between nations with nuclear capabilities. Yet in the midst of the Cold War, we were able to negotiate the 1963 Limited Test Ban Treaty which prohibits nuclear explosions for weapons testing in the atmosphere, outer space and under water.

Must we be on the brink of crisis or engaged in another arms race to recognize the value of a nuclear test ban treaty? The Berlin Wall may have fallen and the Cold War may be over but the possibility of new and threatening nuclear powers emerging in the next century must still inform our national security policy. Our formidable stockpile of weapons may serve as a deterrent to the current nuclear weapon states, but far more frightening is the prospect of nuclear weapons falling into the hands of a rogue nation or terrorist organization.

There is no question that a world without nuclear weapons is a safer one. However, we have long moved beyond that point. Rather, we have pursued—for the most part in a bipartisan fashion—arms control agreements and policies to stem the spread of nuclear weapons. Thus, it defies logic that the Senate would not embrace this tool to help us ensure that there are fewer nuclear weapons and fewer advanced nuclear weapons. Without nuclear explosive testing, those attempting to acquire new nuclear weapons cannot be confident that these weapons will work as intended. Banning testing is tantamount to banning the development of nuclear weapons.

Since the signing of the CTBT treaty, 154 states have signed the treaty and 51 have ratified it. A smaller group of 44 states which have nuclear power reactors or nuclear research reactors and are members of the Conference on Disarmament are required to ratify the treaty for it to go into force. Of this group, 41 have signed the treaty and 26 have ratified it. Today, only five countries are nuclear weapons states and only three countries are considered to be nuclear ''threshold'' states. Limiting nuclear explosive testing is the key to keeping the number of nuclear weapon states down.

For those of my colleagues who see no value in pursuing arms control and policies to limit the development of nuclear weapons—weapons that one day may be directed toward us or our allies I say that you are out of step with the American people. Arms control does not compromise our national

security: it bolsters it. Polling on this issue and other arms control issues indicate that the American people recognize that we are safer if there are fewer nuclear arms in the world, especially when we continue to have the most robust conventional and nuclear forces in the world.

Indeed, the CTBT locks in our nuclear superiority, for it is the U.S. government that has conducted more nuclear explosive tests than any other nation. We are integrating the knowledge acquired during our 1000-plus tests with ongoing non-nuclear testing and the science-based Stockpile Stewardship program to monitor the reliability of our weapons. Although some critics have described this approach as risky and incomplete, the three directors of our nuclear weapons labs have all affirmed that this approach is sufficient to maintain the safety and reliability of our stockpile. And, they will continue to review these findings on an annual basis.

Should the lab directors be unable to vouch for the safety and reliability of our nuclear weapons, I have no doubt that they will advise the President accordingly. For the safeguards package accompanying the treaty, and reflecting current U.S. policy relative to the treaty, states that the CTBT is conditioned on:

> The understanding that if the President of the United States is informed by the Secretary of Defense and the Secretary of Energy (DOE)—advised by the Nuclear Weapons Council, the Directors of DOE's nuclear weapons laboratories and the Commander of the U.S. Strategic Command—that a high level of confidence in the safety or reliability of a nuclear weapon type which the two Secretaries consider to be critical to our nuclear deterrent could no longer be certified, the President, in consultation with Congress, would be prepared to withdraw from the CTBT under the standard ''supreme national interests'' clause in order to conduct whatever testing might be required.

In fact, opponents argue that this treaty cannot restrain nations from testing nuclear weapons because there is nothing to prevent nations from withdrawing from the treaty. That is the case, of course, for all international treaties. While there are no guarantees that this treaty will stop nations from testing, signing the CTBT makes it more difficult for a nation to conduct nuclear tests. A nation must balance its desire to conduct nuclear tests with the likelihood it will be subject to international condemnation. Will we be able to overcome international pressure should the President be advised that we need to conduct nuclear explosive tests again? I am hopeful we will never reach that point, but given the willingness of some members to reject this treaty today, I don't believe that international pressure will prevent us from heeding the advice of our nation's nuclear weapons experts.

We have heard much over the last few days from those who say that we should reject the CTBT because the treaty is not verifiable. Yes, there are some nuclear tests we will not be able to verify, particularly at the lowest levels. This would be the case whether the treaty was in force or not. There is a strong case to be made, however, that tests difficult to verify are at low enough levels to render them militarily insignificant. Treaty opponents also neglect to mention that we are worse off in our ability to monitor nuclear testing around the world without the CTBT. As Secretary Cohen stated in his testimony to the Armed Services Committee last week, ''I think that our capacity to verify tests will be enhanced and increased under the treaty by virtue of the fact that we'd have several hundred more monitoring sites across the globe that will aid and assist our national technical means.''

If we fail to ratify the CTBT not only are we squandering an opportunity to advance our own national security interests by limiting nuclear testing, but we are at risk of undermining everything we have achieved until now to stem the spread of nuclear weapons. As Paul Nitze, President Reagan's arms control negotiator, explained:

> If the CTBT is not ratified in a timely manner it will gravely undermine U.S. nonproliferation policy. The Nuclear Non-Proliferation Treaty (NPT), the primary tool for preventing the spread of nuclear weapons, was made permanent in 1995 based on a firm commitment by the United States and the other nuclear weapon states to negotiate a CTBT by 1996. Violation of the spirit, if not the letter of this NPT related commitment of 1995 could give nations an excuse to withdraw from the Treaty, potentially causing the NPT regime to begin to erode and allowing fears of widespread acquisition of nuclear weapons by many nations to become reality.
>
> By taking away the most significant weapon in the battle to prevent their spread, failure to ratify the CTBT would fundamentally weaken our national security and facilitate the spread of nuclear weapons. Instead of being a leader in the fight against nuclear proliferation, the United States would have itself struck a blow against the NPT.

Our military leaders have also been advocates for the CTBT. The current Chairman of the Joint Chiefs of Staff echoed Mr. Nitze's remarks when he said in his testimony last week, ''The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the treaty than without it, and it is in our national security interests to ratify the CTBT treaty.'' Four of the previous five chairmen of the Joint Chiefs of Staff support our ratification of the Comprehensive Test Ban Treaty.

The CTBT is not the product of one administration. Rather it is the culmination of the work and ideas of several administrations. The decision to place a moratorium on nuclear testing was first made in 1992, by President George Bush when he announced a five-year moratorium on tests to develop new warheads, and then when he signed legislation containing the Hatfield-Exon-Mitchell amendment banning nuclear testing for at least one year. That testing moratorium has been maintained by President Clinton. And, none of the major presidential candidates have said that they are prepared to end this moratorium and begin conducting nuclear tests.

This treaty is not a Democratic treaty: It was President Eisenhower who said that the failure to achieve a nuclear test ban was one of greatest disappointments of his administration. And it was President Eisenhower who said, ''This Government has stood, throughout, for complete abolition of weapons testing subject only to the attainment of agreed and adequate methods of inspection and control.'' Mr. President, that day has arrived.

This treaty is an American achievement. It was American determination and leadership that brought the CTBT negotiations to conclusion, and it is American leadership which invigorates international arms control efforts in general. I support these efforts.

The debate we are having is being watched around the world. Our allies are dumbfounded that we are on the verge of defeating the CTBT and so am I.

I deplore the partisanship which has underscored this debate. This treaty is not about politics. I urge my colleagues to review the merits of this treaty in a non-partisan fashion. It is clear from the partisan divide that this issue is very much caught up in the politics of this institution. So, I wish we had put off further debate and a vote on ratification for another day and give the Comprehensive Test Ban Treaty the unbiased scrutiny it deserves.

Mr. GORTON. Mr. President, I have followed the Senate's consideration of the Comprehensive Test Ban Treaty with great interest, and am impressed particularly with the statement made last Thursday by Senator LUGAR—whose experience and knowledge on matters of foreign affairs and national security is highly respected by both Republicans and Democrats. I associate myself completely with his views.

I agree with Senator LUGAR that this treaty is unverifiable, jeopardizes our national security by eliminating our ability to modernize and increase the safety of our existing weapons, and will fail to achieve its principal goal: to provoke a roll call of countries that the simple phrase ''rogue nations'' conjures up in the minds of all Americans (North Korea, Iraq, and Iran, as well as China, Russia, India, and Pakistan) to refrain from engaging in nuclear testing.

First, I join Senator LUGAR in expressing my regret that the Senate is considering the treaty at this time. It has been my strong preference that consideration of the treaty take place after the election of the next President. President Clinton's record on this treaty has been one of political maneuvering and a legacy quest, with shockingly little attention dedicated to how this treaty serves our nation's

security and foreign policy objectives. But the timing of the debate and its duration are both the results of demands by the President and Senate Democratic leader.

My support for allowing a new President, should he or she support the treaty, to make his case to the Senate based upon its merits and that administration's broad foreign policy goals, however, does not mean I am not fully prepared to vote against the treaty if the vote takes place at this time.

Senator LUGAR presented a thoughtful and well-reasoned, though devastating, indictment of the treaty: the treaty will prevent the United States from ensuring the reliability, effectiveness and safety of our nation's nuclear deterrent, which means we will not be able to equip our existing weapons with the most modern safety and security measures available; the treaty is not verifiable—not only due to our simple technical inability effectively to monitor for tests, but due to the lack of agreement on what tests are permitted or not permitted under the treaty and the cumbersome, international bureaucracy that must be forged to conduct an inspection if tests are suspected; and, most importantly, that the treaty is unenforceable, lacking any effective means to respond to nations that violate the Treaty's conditions. As Senator LUGAR stated, ''This Treaty simply has no teeth. . . . The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. . . . For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.''

As I have already said, this debate is premature. It may well be that the passage of years and the development of our own technology might make ratification of the treaty advisable. It is not so today by a wide margin. I must, therefore, vote against ratification in the absence of an enforceable agreement to leave the issue to the next President.

Mr. WYDEN. Mr. President, I come here today to ask a question, a question that is a mystery to the vast majority of Americans: Why will the United States Senate not ratify the Comprehensive Nuclear Test Ban Treaty?

If there were any issue debated in the history of this Senate that called for more sober reflection, more independent thought, it is how to end the proliferation and testing of nuclear weapons. This may be the greatest burden the United States will carry into the next millennium.

The United States was the first nation to develop and test nuclear arms. More than a half century ago we were the first, and so far only, nation to use those arms. Three years ago we were the first nation to sign this treaty that takes a step back from a nuclear-armed world.

No other nation in the world can possibly gain more than the United States does from this treaty.

The treaty holds real promise for putting an end to the international development of nuclear weapons. It removes the ability of belligerent nations to enhance their nuclear stockpile. It removes the ability to use nuclear test explosions to bully and threaten their neighbors. It removes the incentive to throw much-needed capital into an insatiable and wasteful weapons program.

The American people understand this simple logic better than some in this body. Over 84% of the American public understands that ratifying the CTBT is the best way to protect the United States against the threat of nuclear attack by other nations. They are not talking about defensive missiles, they are talking about an America where their children won't have to grow up as they did; under the shadow of nuclear annihilation. This treaty, they understand, is a first step toward that goal.

President Dwight D. Eisenhower was a five star general as well as a two term President of the United States. He led men in wartime against a real, living threat to the security of the United States. He led America at the beginning of the cold war, at the most dangerous time for nuclear confrontation in our history. He had a unique understanding of the needs and necessities of national security, an understanding that I don't believe any member of this chamber can pretend to possess. His view of a nuclear test ban treaty was this: that the failure to achieve such a ban, when the opportunity presented itself would ''have to be classed as the greatest disappointment of any administration, of any decade, of any time, and of any party.''

Opponents of this treaty say we are letting down our guard, that we are leaving ourselves open to be overwhelmed. President Eisenhower understood clearly and personally the dangers of failing to prepare for war. But it was precisely this experience with war that led him to conceive of the test ban as a means of preserving the safety and security of the American people.

This clear and rational thinking has continued, at least with our senior military leaders. The Chairman of the Joint Chiefs of Staff is responsible for our entire national defense infrastructure. It is his duty to the American people to insure that our military forces, nuclear and conventional, are strong, prepared and able to provide for the common defense. Our current Chairman, General Hugh Shelton, and Former Chairmen General Colin Powell, Admiral William Crowe, General John Shalikashvili, and General David Jones all believe firmly that, for the safety and security of the American people, the CTBT must be ratified.

President Bush signed into law a ban on American nuclear testing in 1992. As a matter of fact, we have not conducted a nuclear test for seven years. We have already stopped running this race.

Has this test ban, already in place domestically for the better part of a decade, harmed our nuclear stockpile? The President says no, our military leaders say no, and the men whose responsibility it is to maintain the weapons say no. The CTBT has the support of all of the directors of our national labs whose first responsibility is to ensure that our nuclear weapons stockpile functions safely and reliably far into the future. They confidently believe this treaty, and the continuation of the test ban, is in our national interest.

It's been seven years since we have conducted a nuclear test. We are no less safe then we were a decade ago. No one who is qualified to make the judgment believes that we need to resume testing in the future.

What would passage of this treaty mean? Without test explosions, a new nuclear state cannot know that their crude bombs will work. Only very recently, after decades, over one thousand tests, and thousands of nuclear bombs manufactured, did our bomb making experts feel confident enough to proceed without testing. Without testing no other state can achieve that level of confidence.

While testing continues there is always the possibility that a nation will develop a bomb that is smaller and more easily concealed, the perfect weapon with which to attack a superpower like the United States, perhaps even without fear of relation. Missile defenses cannot stop a bomb carried over our borders, but an end to testing can stop that bomb before it is even made.

What would the failure of Senate ratification of the CTBT mean? Failure by the Senate to ratify the Treaty would mean a future full of new and more dangerous weapons. It would make infinitely more difficult a new effort to prevent the proliferation and use of nuclear arms. Those states that are currently non-nuclear trust that, in exchange for not attempting to acquire or develop nuclear arms, the current nuclear states will cease using their own.

The Nuclear Non-Proliferation Treaty, the cornerstone of our efforts to prevent the worldwide spread of nuclear weapons, was indefinitely extended in 1995. It was extended with the promise that the CTBT would be ratified by the worlds' nuclear powers. If we defeat this treaty, we will be breaking that promise, and putting our entire world-wide non-proliferation strategy in jeopardy.

If we cannot commit to cease testing, we cannot expect other nations to adhere to their commitments on nuclear non-proliferation. When one nation tests nuclear arms, their neighbors get nervous. They are justifiably concerned for their defense and security. The natural response to this threat, for which there is no real defense, is to acquire a threat of ones own.

A rejection of this treaty by the U.S. Senate would send a chilling message around the world. The tests by India and Pakistan earlier this year highlight another, more sinister motivation for nuclear tests, the desire to threaten and intimidate. How do we expect nations like India and Pakistan to react to the Senate's rejection of this treaty?

For 50 some years we have lived under a gruesome umbrella known as Mutual Assured Destruction. This grim strategic relationship between the Soviet Union and the United States meant that the entire world lived under constant threat of global thermonuclear war. In times of great international tension we were a hair trigger away from unleashing that destruction. If the treaty fails we must contemplate the prospect of dozens of states facing each other in the same insane standoff—in Asia, in the Middle East, in Africa—over disputed borders, scarce resources and ancient hatreds.

The opponents of this treaty say we cannot afford the risk that another nation might have the skill and luck required to sneak a couple of nuclear tests under a world-wide monitoring regime. They believe that possibility is a mortal danger to the United States and the advances we have made in over 1,000 nuclear tests. I say we cannot afford the risk of another 50 years of the unfettered development of nuclear weapons around the world.

Our stockpile is secure, our deterrent is in place. The United States does not need to test as we have witnessed over the past seven years.

We unleashed the nuclear genie that has hung over the world for the last 50 years. But in that moment of leadership, when we signed the Comprehensive Test Ban Treaty, we took a strong step toward making the world a safer place. Let us today take the next step toward a safer, more secure future.

Mr. KYL. Mr. President, earlier today, the Senator from Illinois claimed that President Bush supported a moratorium on nuclear testing. This assertion is inaccurate. I ask unanimous consent to have printed in the RECORD President Bush's statement upon signing the Fiscal Year 1993 Energy and Water Development Appropriations Act, on October 2, 1992.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT ON SIGNING THE ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 1993, OCTOBER 2, 1992

Today I have signed into law H.R. 5373, the ''Energy and Water Development Appropriations Act, 1993,'' The Act provides funding for the Department of Energy. The Act also provides funds for the water resources development activities of the Corps of Engineers and the Department of the Interior's Bureau of Reclamation, as well as funds for various related independent agencies such as the Appalachian Regional Commission, the Nuclear Regulatory Commission, and the Tennessee Valley Authority.

I am pleased that the Congress has provided funding for the Superconducting super collider (SSC). This action will help us to maintain U.S. leadership in the field of high-energy physics. SSC-related research has spawned, and will continue to spawn, advances in many fields of technology, including accelerators, cryogenics, superconductivity, and computing. The program serves as a national resource for inspiring students to pursue careers in math and science. SSC related work will support 7,000 first tier jobs in the United States. In addition, 23,000 contracts have been awarded to businesses and universities around the country.

I must, however, note a number of objectionable provisions in the Act. Specifically, Section 507 of H.R. 5373, which concerns nuclear testing, is highly objectionable. It may prevent the United States from conducting underground nuclear tests that are necessary to maintain a safe and reliable nuclear deterrent. This provision unwisely restricts the number and purpose of U.S. nuclear tests and will make future U.S. nuclear testing dependent on actions by another country, rather than on our own national security requirements. Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries. Therefore, I will work for new legislation to permit the conduct of a modest number of necessary underground nuclear tests.

In July 1992, I adopted a new nuclear testing policy to reflect the changes in the international security environment and in the size and nature of our nuclear deterrent. That policy imposed strict new limits on the purpose, number, and yield of U.S. nuclear tests, consistent with our national security and safety requirements and with our international obligations. It remains the soundest approach to U.S. nuclear testing.

Sections 304 and 505 of the Act also raise constitutional concerns. Section 304 would establish certain racial, ethnic, and gender criteria for businesses and other organizations seeking Federal funding for the development, construction, and operation of the Superconducting super collider. A congressional grant of Federal money or benefits based solely on the recipient's race, ethnicity, or gender is presumptively unconstitutional under the equal protection standards of the Constitution.

Accordingly, I will construe this provision consistently with the demands of the Constitution and, in particular, monies appropriated by this Act cannot be awarded solely on the basis of race, ethnicity, or gender.

Section 505 of the Act provides that none of the funds appropriated by this or any other legislation may be used to conduct studies concerning ''the possibility of changing from the currently required 'at cost' to a 'market rate' or any other noncost-based method for the pricing of hydroelectric power'' by Federal power authorities.

Article II, section 3, of the Constitution grants the President authority to recommend to the Congress any legislative measures considered ''necessary and expedient.'' Accordingly, in keeping with the well-settled obligation to construe statutory provisions to avoid constitutional questions, I will interpret section 505 so as not to infringe on the Executive's authority to conduct studies that might assist in the evaluation and preparation of such measures.

GEORGE BUSH.

The White House.

Mr. KYL. I emphasize the following excerpt from President Bush's statement:

Despite the dramatic reductions in nuclear arsenals, the United States continues to rely on nuclear deterrence as an essential element of our national security. We must ensure that our forces are as safe and reliable as possible. To do so, we must continue to conduct a minimal number of underground nuclear tests, regardless of the actions of other countries.

The moratorium on testing to which the Senator from Illinois referred was not requested by President Bush. It was enacted by Congress as the Hatfield, Exon, Mitchell prohibition on testing, over President Bush's objections. In a subsequent report to Congress, the President responded to this prohibition as follows:

* * * the administration has concluded that it is not possible to develop a test program within the constraints of Public Law 102–377 [the FY '93 Energy and Water Appropriations Act] that would be fiscally, militarily, and technically responsible. The requirement to maintain and improve the safety of our nuclear stockpile and to evaluate and maintain the reliability of U.S. forces necessitates continued nuclear testing for those purposes, albeit at a modest level, for the foreseeable future. The administration strongly urges the Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other States, to retain safe, reliable, although dramatically reduced deterrent forces.

Mr. CRAIG. Mr. President, the Comprehensive Test Ban Treaty has far reaching domestic and international security implications, and it deserves the most thorough and thoughtful consideration by the Senate. Like my colleagues, I have followed the CTBT, and have paid close attention to the number of hearings that have taken place in recent days, and over the last few years.

Let me begin by saying that if I thought supporting this treaty would make the threat of nuclear war disappear, and give us all greater security from these lethal weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty will very likely increase danger to U.S. citizens and troops. For that reason, I am obligated to oppose ratification.

Ratification of the CTBT would prohibit the United States from conducting explosive tests of nuclear weapons of any kind. In spite of CTBT's goal of curbing the proliferation and development of nuclear weapons by prohibiting their testing, it is a dangerous and flawed agreement that would undercut U.S. national security.

American foreign policy must be based on decisions and actions that unquestionably enhance the national security interests of the United States, and nothing less. Our foreign policy cannot be based on a view of the world through rose colored glasses. Decisions must be made on the assessment of the clear and present dangers to the United States now and in the future. Let me reiterate some of those dangers confronting U.S. citizens today.

There are twenty-five to thirty countries that have sought or are seeking and developing ballistic missiles. Last August, North Korea flight-tested a long-range missile over Japan, demonstrating its potential to strike Alaska or Hawaii in the near future. Although our decisive victory in the Gulf War demonstrated to many of our adversaries that a challenge on the battlefield would be foolish, hostile states now seek to offset our conventional force strength through the development of their own nuclear weapons programs. Does this Administration really believe that if the U.S. ceased to test, nations like North Korea, Libya, or Iran would end nuclear development? The dangers to the United States are very real and threats continue to grow.

The center of U.S. defense policy is deterrence. Key to that deterrence is the credible threat of retaliation against those who would harm the U.S. and her citizens. This threat can only remain credible if our stockpile of weapons is reliable and modernized. CTBT runs counter to this objective.

Nuclear tests are the only demonstrated way to assure confidence in the reliability and safety of our nuclear weapons. The CTBT will diminish our ability to fix problems within the nuclear stockpile and make safety improvements. We have long relied on testing these extremely complicated weapons to demonstrate both their safety and effectiveness.

The Clinton Administration falsely claims that every Administration since Eisenhower has supported CTBT. What the President fails to say is that no other Administration has sought a test ban at zero yield like the current Administration. Frankly, this is a dangerous proposition for the reliability and safety of our arsenal. Former Secretary of Defense, James Schlesinger, explained the problem:

> * * * new components or components of slightly different materials must be integrated into weapon designs that we deployed earlier. As this process goes on over the years, a simple question arises: Will this design still work?
>
> That is why reliability testing is essential. As time passes, as the weapon is retrofitted, we must be absolutely confident that this modified device will still induce the proper nuclear reaction. That is why non-nuclear testing, as valuable as it is, is insufficient. It is why talk of a test ban with zero nuclear yield is irresponsible.

Mr. Schlesinger's point is well taken. Make no mistake, the effects of a zero yield test ban will be catastrophic for U.S. security interests.

The CTBT would also make it very extremely difficult to meet new weapons requirements. Throughout American military history, advances in air defense and anti-submarine warfare have created a need for new weapons, and testing has saved the lives of U.S. airmen. For example, nuclear testing was required to make the B83 bomb of the B–1B aircraft to allow the plane to drop its payload at a low altitude and high speed and escape the pending explosion. The bottom line is a test ban would harm modernization efforts, and jeopardize the lives of our men and women in uniform.

Furthermore, the CTBT will do nothing to stop proliferation, even if testing is thwarted. This treaty is based on the flawed assumption that prohibiting nuclear testing will stop rogue nations from developing nuclear weapons. However, this assumption fails to acknowledge that rogue nations could likely be satisfied with crude devices that may or may not hit intended targets. Killing innocent civilians does not seem to be a concern of leaders like Saddam Hussein of Iraq or Kim Jong-Il of North Korea. The only thing predictable about rogue nations is their unpredictability. Lack of testing is not a security guarantee. South Africa and Pakistan long maintained an untested arsenal, in spite of bold nuclear aspirations. To presume that absence of nuclear test equals enhanced security is dangerous proposition.

It is also very disturbing that ratification of this treaty would abandon a fundamental arms control principle that has been insisted upon for the last two decades—that the United States must be able to ''effectively verify'' compliance with the terms of the treaty. Verification has meant that the United States intelligence is able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests.

Because the CTBT bans nuclear test explosions no matter how small their yield, it is impossible to verify. Low-yield underground tests are very difficult to detect with seismic monitors. In previous Administrations, CTBT negotiations focused on agreements that allowed explosions below a certain threshold because it is impossible to verify below those levels. As the CTBT is impossible to verify, cheating will occur, and U.S. security will be undermined.

Mr. President, I stand with all Americans today in expressing concern about the growing nuclear threat across the globe. The real question before us is whether ratification of the Comprehensive Test Ban Treaty will increase our own national security. Unfortunately, the answer is no. The sad truth about the CTBT is that it would be counterproductive and dangerous to America's national security. Moreover, I think the Senate must recognize that the implications of ratification of the CTBT is ultimate nuclear disarmament of the United States. If the U.S. cannot maintain a safe and reliable stockpile, and is barred from testing them, disarmament will be the de facto policy. The United States cannot afford this dangerous consequence. Nuclear deterrence has protected America's national and security interests in the midst of a very hostile world. I urge my colleagues to vote against this treaty.

Mr. JOHNSON. Mr. President, the United States Senate has the opportunity to take another important step in ridding the world of the threat of nuclear war by ratifying the Comprehensive Nuclear Test Ban Treaty (CTBT). It was three years ago when the United States joined nations from around the world in signing a treaty banning nuclear explosives testing. It is up to the Senate to ratify this treaty and re-establish the United States as the world leader in efforts to stop nuclear proliferation.

Over forty years ago, President Dwight D. Eisenhower began an effort to end nuclear testing. During this time, the United States and five other nations conducted 2,046 nuclear test explosions—or an average of one nuclear test every nine days. The United States has not tested a nuclear weapon since 1992 when Congress and President Bush agreed to a moratorium on nuclear testing.

Countries who sign the CTBT agree to stop all above-ground and underground nuclear testing. The treaty also sets up an extensive system of monitors and on-site inspections to help ensure that countries adhere to the treaty. Finally, the treaty includes six ''safeguards'' proposed by the President; the most important of which, allows the United States to remove itself from the conditions of the treaty at any point the Congress and the President determine it would be in the Nation's interest to resume nuclear testing. The current Chairman of the Joint Chiefs of Staff, four former chairmen of the Joint Chiefs of Staff, numerous former military leaders, and an equal number of acclaimed nuclear scientists and nobel laureates support ratification of the CTBT.

My support for the CTBT comes with an understanding of the limitations associated with stopping countries and rogue nations from developing, testing, and deploying nuclear weapons. Opponents of the CTBT claim that it is not a perfect document and therefore threatens the security of our Nation. While I agree that the CTBT is not the definitive answer in stopping nuclear proliferation, I contend that it is an important step in the ongoing process to prevent nuclear war in the future.

The CTBT will not threaten our national security. Most importantly, the treaty bans the ''bang'', not the ''bomb.'' The United States already possesses the largest and most advanced nuclear weapons stockpile in the world. I agree that maintaining a strong nuclear deterrent is in our country's national security interest. Data collected from over 40 years of nuclear testing, coupled with advanced scientific computing will ensure the reliability and safety of our nuclear weapons without testing. As I mentioned before, the United States can also withdraw from the CTBT at any time to conduct whatever testing our country feels is necessary.

In fact, the CTBT will enhance our national security. The CTBT will limit the ability of other countries to acquire nuclear capabilities, and it will

severely constrain the programs of countries that currently have nuclear weapons. With or without the CTBT, the United States has a critical national security requirement to monitor global testing activities. Verification requirements built into the CTBT will provide our country with access to additional monitoring stations we would not otherwise have. For example, the CTBT requires the installation of over 30 monitoring stations in Russia, 11 in China, and 17 in the Middle East. These are in addition to the on-site inspections of nuclear facilities that are also allowed under the treaty.

Additional monitoring stations and on-site inspections are only effective if the countries we are most concerned with actually ratify the treaty. Granted, there is no guarantee that the United States' ratification of the CTBT will automatically mean that India, Pakistan, China, and Russia will follow suit. However, it is an even greater chance that these countries will be less inclined to ratify the treaty if our country does not take the lead. For those who doubt the likelihood of other countries ratifying the CTBT, I point to the example of the Chemical Weapons Convention (CWC). It can not be refuted that the United States ratification of the CWC facilitated ratification by Russia, China, Pakistan, and Iran. Ratification by the United States is required to bring the CTBT into force, and ratification by the United States will strengthen our diplomatic efforts to influence other states to sign and ratify the treaty.

The CTBT will not rid the world of nuclear weapons and it may not even prevent all nations from conducting some kind of nuclear tests. However, the CTBT provides the best tool available for the United States to continue its efforts to combat nuclear proliferation without jeopardizing our own national security. I urge my Senate colleagues to join me in supporting this important treaty and restoring America's leadership on this issue.

Mr. GRAMS. Mr. President, the Senate's responsibility for advice and consent on treaties places a grave responsibility on the institution and its members. There is a very high bar that treaties have to meet, a two-thirds vote in the Senate. That is for good reason. Our nation takes our treaty obligations seriously, and the Senate is the final check on flawed or premature commitments. While I support the goal of controlling nuclear proliferation, it is becoming clear the Comprehensive Test Ban Treaty (CTBT) is not in the best interests of this nation.

After a meeting with the President, personal discussions with some of our nation's top diplomats, including former Secretary of State Henry Kissinger, and participation in hearings held by the Foreign Relations Committee, I harbor reservations about this treaty in its current form and question if it would truly be in the nation's best strategic interest as we move into the 21st Century.

Specifically, the treaty fails to address the key questions of verifiability and reliability: can the results that treaty supporters hope to achieve be verified, and can the treaty ensure the continued reliability of our nation's stockpile?

Since I have been in the Senate, I have voted for three arms control treaties. However, in my judgment, this zero-yield test ban is not in our best interest. We would not be able to verify compliance with the Treaty or ensure the safety and reliability of our nuclear arsenal. Six former Defense Secretaries, two former CIA Directors from the Clinton Administration, and two former Chairmen of the Joint Chiefs of Staff, including Minnesota's General Vessey, have concluded that ratification of the CTBT would be incompatible with our nation's security interests.

The original official negotiating position of the Clinton Administration was to have a treaty with a finite duration of 10 years that permitted low-yield nuclear tests and would have forced countries such as Russia and China into a more reliable verification monitoring regime. If the Administration had negotiated a treaty along those lines, I think it would have had a workable result with a good chance of being ratified.

Instead, the Administration agreed to a treaty of unlimited duration and a zero-yield ban that prohibits all nuclear tests; a treaty which is clearly unverifiable and a clear departure from the positions of all previous Administrations, both Democratic and Republican. For instance, President Eisenhower insisted that low-yield nuclear tests be permitted. President Kennedy ended a three-year moratorium on nuclear tests, saying the U.S. would ''never again'' make that kind of error. President Carter opposed a zero-yield test ban while in office because it would undermine the U.S. nuclear deterrent. No other Administration has ever supported a zero-yield ban which prohibits all nuclear tests.

Ronald Reagan's words, ''Trust but verify,'' remain a guiding principle. But a zero-yield ban is not verifiable. While the exact thresholds are classified, it is commonly understood that the United States cannot detect nuclear explosions below a few kilotons of yield. We know that countries can take advantage of existing geologic formations, such as salt domes, to decouple their nuclear tests and render them undetectable. Also, advances in commercial mining capability have enabled countries to muffle their nuclear tests, allowing them to conduct militarily significant nuclear explosions with little chance of being detected.

Should technical means of verification fail, the onsite inspection regime is extremely weak. If we suspect a country has cheated, thirty out of fifty-one nations on the Executive Council have to agree to an inspection. It will be extremely difficult to reach this mark given that the Council established under the treaty has quotas from regional groups and the U.S. and other nuclear powers are not guaranteed seats. If an inspection is approved, the suspected state can deny access to particular inspectors and can declare a 50-square kilometer area off limits. These are exactly the type of conditions we rejected in the case of UNSCOM in Iraq.

As to the question of reliability, we all recognize that our nuclear deterrent is effective only if other nations have confidence that our nuclear stockpile will perform as expected. A loss of confidence would not only embolden our adversaries, it would cause our allies to question the usefulness of the U.S. nuclear guarantee. We could end up with more nuclear powers rather than fewer.

There is a very real threat the credibility of our nuclear deterrent will erode if nuclear testing is prohibited. Historically, the U.S. often has been surprised by how systems which performed well in non-nuclear simulations of nuclear effects failed to function properly in an actual nuclear environment. Indeed, it was only following nuclear tests that certain vulnerability to nuclear effects was discovered in all U.S. strategic nuclear systems except the Minuteman II.

The Stockpile Stewardship Program is advertised as an effective alternative to nuclear testing. I hope it will enable us to avoid testing in the near future. However, many of the critical tools for the Stockpile Stewardship Program have not been developed. For example, the high-powered laser system which supposedly will have the capacity to test the reliability and safety of our nuclear stockpile was scheduled to come on line in 2003, but has now been pushed back two years later. We should make sure that alternatives to nuclear testing are fully capable before we commit to abandoning testing.

There also are very real safety concerns which we must address when dealing with aging materials and components of weapons that can degrade in unpredictable ways. Right now, only one of the nine types of weapons in our nuclear stockpile have all available safety features in place, because adding them would have required nuclear testing. It doesn't make sense to effectively freeze our stockpile before all of our weapons are made as safe as possible. We must make sure that the members of our armed forces who handle these weapons are not placed in jeopardy, and the communities which are close to nuclear weapons sites are not endangered.

Furthermore, this treaty would not ensure U.S. nuclear superiority. As John Deutch, Henry Kissinger and Brent Scowcroft stated in a recent op-ed, ''no serious person should believe that rogue nations such as Iran or Iraq will give up their efforts to acquire nuclear weapons if only the United States ratifies the CTBT.'' There is already a

nuclear Non-Proliferation Treaty (NPT). Any threshold state that is ready to test has already broken the norms associated with that treaty. There is no reason to believe that the CTBT regime, which has no real enforcement mechanism, will succeed where the NPT has failed. Nations that are habitual violators of arms control treaties will escape detection, building new weapons to capitalize upon the U.S. deficiencies and vulnerabilities created by the CTBT.

While I support continuing the current moratorium on nuclear testing, it seems premature for the United States to consider ratifying the CTBT. I can envision a time, however, when ratification of a much better negotiated treaty could benefit our nation—but not until we have developed better techniques for verification and enforcement, and the advanced scientific equipment we need for the stockpile stewardship program.

Mr. LAUTENBERG. Mr. President, we are about to begin a new century—a new millennium with new opportunities to make the world a safer place. The United States must be taking the lead in pursuing those opportunities. Which will be possible when this Senate ratifies the Comprehensive Test Ban Treaty which is our best hope for containing the threat of nuclear war.

Unchecked testing of nuclear weapons is the single greatest threat to world peace—and to the security of the United States—as we enter the 21st century. I know none of my colleagues want nuclear weapons falling into the hands of hostile people. None of us want emerging nuclear powers to develop advanced weapons of mass destruction.

The CTBT is not a magic wand, but it would make it more difficult for other countries to develop sophisticated nuclear weapons. But unless we act now to ratify this treaty, those remain very real possibilities—with potentially catastrophic consequences.

Most of us here grew up during a time when the threat posed by nuclear weapons manufactured by the former Soviet Union were a day-to-day, ever-present reality. That particular danger, of course, is part of history now. But that doesn't mean the United States or any other country can rest easy. In fact, in some ways, the dangers are even greater today.

Forty years ago, we at least knew who the enemy was. We knew where to target our defenses. Unless we ratify this treaty and play a role in enforcing it, we won't be completely sure which countries are moving ahead with a nuclear weapons program.

Over just the last year and a half, India and Pakistan have conducted missile tests, and Pakistan's elected government has just been overthrown by a military coup. These developments make it more urgent than ever that we hold the line on any further nuclear weapons testing world-wide.

That is exactly what this treaty promises to do. In fact, it represents the sort of historic opportunity that was only a dream during the Cold War. An opportunity to create an international monitoring system that would be our best assurance that no country's nuclear testing program moves any further than it already has. But that won't happen without this country's participation.

The United States must take the lead in transforming the CTBT from a piece of paper into a force for global security. Our decision to ratify will have a profound effect on the way this treaty is perceived by the rest of the world. 154 nations have signed the CTBT, but many of those countries will ratify it only if the United States leads the way. And every nation with nuclear technology must ratify this agreement before it comes into force.

Every President since Dwight D. Eisenhower has stressed the importance of controlling nuclear weapons worldwide. And I hope everyone here will remember that this treaty has strong support from military weapons experts, religious groups, scientists and world leaders.

Even more importantly, the American people support ratification of this document. They know how important it is and prove it in polls when they say 82% view the treaty ratification as essential. They will remember how we vote on this issue. And it has to be pretty tough to explain to voters who want their families protected why you didn't vote to ban testing of nuclear weapons.

I know the argument has been made that this treaty will somehow compromise our own defenses. But that's a pretty shaky theory. The United States can maintain its nuclear stockpile without testing, using the most advanced technology in the world. So ratifying this treaty won't leave us without a nuclear edge, it will preserve it. At the same time, it will signal our commitment to a more secure and lasting world peace.

A number of our colleagues and other people as well have suggested that we don't have the required two-thirds majority to ratify this treaty. As a result, President Clinton has asked that we delay this historic vote a little longer. I am prepared to support that approach with great reluctance because rejecting this essential treaty outright would be the worst possible outcome. But a delay should give my colleagues who are skeptical of this treaty the chance to better understand how it will enhance our nation's security and why it has the support of the American people.

I hope that, sometime within the next year, we will have the opportunity to continue this debate and provide the necessary advice and consent to ratify a treaty that would create a more peaceful world in the next century.

I yield the floor.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the Comprehensive Test Ban Treaty.

First, let me say I do believe my colleagues and I share the goal of decreasing the number of weapons of mass destruction found throughout the world. With that aside, my utmost concern is for the safety of each American, and I take very seriously my constitutional responsibility to review the Comprehensive Test Ban Treaty as it relates to the security of American citizens. I must take into consideration not only the present state of the world, but the future as well.

I have, in the past, supported moratoriums on nuclear testing. In 1992, I voted in favor of imposing a 9-month moratorium on testing of nuclear weapons with only limited tests following the moratorium. Since the Eisenhower Administration, each President has sought a ban on nuclear testing to some degree. However, never before has an administration proposed a ban on nuclear testing with a zero-yield threshold and an unlimited time duration.

The goal of the Comprehensive Test Ban Treaty, also known as CTBT, is to ban all nuclear testing. However, I have not been convinced this treaty is in the best interests of the United States. From the lack of clear definitions to the incorrectness of underlying assumptions to the verification and enforcement provisions, I believe the treaty is fundamentally flawed. And, these flaws cannot be changed by Senate amendment.

I want to take a few moments to discuss my concerns regarding the Comprehensive Test Ban Treaty.

Verification is critical to the enforcement of any treaty. Without verification, enforcement cannot truthfully occur. The Clinton Administration has called for zero-yield under the CTBT. No yield. This means there should be no nuclear yield released when an explosion occurs. There is agreement among the Administration, the intelligence community and the Senate that a zero-yield threshold cannot be verified.

The issue of zero yield takes on another level of importance when it becomes clear that zero-yield is not the standard defined in the Treaty. It is the standard interpreted by President Clinton. Nowhere in the Treaty is there a definition of what is meant by a ''test.'' Other countries, notably Russia, have not interpreted the Treaty in the same manner. We don't know how China has interpreted the ban on ''tests.'' We don't know because we cannot verify that China and Russia are not testing. Therefore, not only do we have a potential standard that is impossible to verify, but other countries have the ability to interpret the Treaty differently and act upon their interpretation, and the United States will not be able to enforce the higher standard.

A second major concern of mine involves our existing nuclear stockpile. The cold war may be a thing of the past, but threats to our nation's security exist today. Our nuclear stockpile

exists for a reason, and not only are new weapon technologies essential to our defense, it is also critical to maintain the security and safety of existing weapons.

Proponents of the CTBT maintain the United States does not need to conduct nuclear tests to maintain the integrity of our existing stockpile because of President Clinton's Stockpile Stewardship Program. The Stockpile Stewardship Program relies upon computer modeling and simulations as a substitute for testing. I believe the intent of the Stockpile Stewardship Program is good. However, I am not confident in the ability of the Stockpile Stewardship Program to keep our existing stockpile safe. One-third of all weapons designs introduced into the U.S. stockpile since 1985 have required and received post-deployment nuclear tests to resolve problems. In three-fourths of these cases, the problems were discovered only because of ongoing nuclear tests. In each case, the weapons were thought to be reliable and thoroughly tested.

I see three problems with the Stockpile Stewardship Program as it exists today. First, the technology has not been proven. In 1992 laboratory scientists proposed a series of tests to create the data bases and methodologies for stockpile stewardship under a ban on nuclear testing. These tests were not permitted. At the very least, actual nuclear tests are necessary to produce an accurate computer simulation. Second, data from past tests don't address aging, which is a central problem in light of the highly corrosive nature of weapon materials. Shelf life of U.S. nuclear weapons is expected to be 20 years, and many weapons are reaching that age. Without testing we will not have confidence in refurbished warheads. My third concern relates to China. Apparently, China has acquired the ''legacy'' computer codes of the U.S. nuclear test program. The Clinton administration proposes to base its efforts to assure stockpile viability on computer simulation which is highly vulnerable to espionage—and even to sabotage—by introducing false data. There is no such thing as a secure computer network.

The Comprehensive Test Ban Treaty will not go into effect until 44 specific countries both sign and ratify the Treaty. In addition to the United States, China, Russia, North Korea, Iran, India and Pakistan have yet to ratify, and India and Pakistan have not even signed the Treaty. The argument is made that U.S. ratification would quickly lead to ratification by these other countries. I would reply by saying that—as the Treaty is constructed—each of these countries could indeed sign and ratify the Treaty. Then, they could proceed with low-yield nuclear testing which cannot be verified.

Even if nuclear testing is suspected, under the terms of the CTBT, any inspection must be supported by 30 of the 51 members of an Executive Council elected by all State Parties to the Treaty. And, the United States is not even guaranteed a position on the Executive Council. Furthermore, onsite inspections are subject to a number of limitations. First, inspection activities are subject to time limits (25 days.) Any collection of radioactive samples must be accompanied by an approval by a majority of the Executive Council. No State Party is required to accept simultaneous on-site inspections on its territory. And finally, the State party under inspection may refuse to accept an observer from the State party requesting the inspection. There is currently a supporter of inspection limitations similar to these; his name is Saddam Hussein.

Effective arms control treaties can be extremely helpful in limiting the spread of weapons of mass destruction. Moratoriums on nuclear testing and limiting the yield of tests have highlighted the ability of the United States and other responsible countries to shape the current environment while protecting against the intentions of rogue states. I remain hopeful that our technology will one day rise to the level of verifying a zero-yield nuclear test ban. I remain hopeful that China, Russia, India and Pakistan may one day commit themselves—in both words and actions—to cease developing and testing nuclear weapons. Until that day, or until a Treaty is brought before the Senate that can be verified and fairly enforced, I will continue to support policy that protects American citizens. And in this case, it means opposing the Comprehensive Test Ban Treaty.

Mrs. MURRAY. Mr. President, I rise to join my colleagues in voicing my strong support for Senate ratification of the Comprehensive Test Ban Treaty.

I joined many of my colleagues in calling for Senate consideration of the CTBT. But I must say, I am very disappointed in the process put into place for the consideration of this hugely important issue.

This Senate is failing our great tradition of considering treaties without partisan political influences. So many giants in American history have argued for and against treaties right here on the Senate floor.

Senator Henry ''Scoop'' Jackson from my own State of Washington was one of these giants. Following his death in 1983, Charles Krauthammer wrote the following in Time magazine:

> The death of Senator Henry Jackson has left an empty stillness at the center of American politics. Jackson was the symbol, and the last great leader, of a political tradition that began with Woodrow Wilson and reached its apogee with John Kennedy, Lyndon Johnson, and Hubert Humphrey. That tradition—liberal internationalism—held that if democratic capitalism was to have a human face, it had to have a big heart and strong hand.

Scoop believed in that strong hand. Senator Jackson was one of the Senate's workhorses on defense issues. Few had the intimate knowledge of defense and foreign policy matters that Scoop did. And this expertise extended to arms control issues as well. Jackson was famous for taking apart arms control agreements and forcing the Executive Branch and his congressional colleagues to understand fully the matter at hand. And, Jackson was a leader at perfecting arms control agreements that fully protected U.S. interests.

Senator Jackson was a defense giant throughout the cold war. He championed his country's defense from the days of FDR to Ronald Reagan's first term as President. Yet, he managed to vote for every single arms control treaty that came before the Senate. He tackled the issues and he protected U.S. interests and national security with absolute devotion to country free from partisan politics. Jackson epitomized the Senate at its best; senators working together without time constraints; senators holding the Administration accountable; senators engaged to strengthen U.S. foreign and defense policy.

Sadly, this Senate has taken a different course. Few can argue with any sincerity that the Senate has given the CTBT a thorough consideration. The treaty's certain defeat was dictated by partisanship before a single hearing was held on the issue. Advise and consent, the Senate's historical and constitutional duty has been laid aside by a majority party currying favor with extremist political forces.

In spite of the pre-determined fate of the CTBT, I want to take a few minutes to briefly explain my strong support for the Comprehensive Test Ban Treaty.

The arguments used to end nuclear testing in 1992 are just as valid today.

My service in the Senate has largely mirrored the U.S. moratorium on nuclear weapons tests. President Bush wisely halted U.S. nuclear weapons testing after a thorough review of our nuclear weapons arsenal and particularly the safety, reliability and survivability of our stockpile.

The directors of our nuclear weapons laboratories, numerous prestigious weapons scientists, prominent military leaders and many others remain convinced that the United States can safely maintain its nuclear weapons stockpile without nuclear testing.

The CTBT freezes in place U.S. supremacy in nuclear weaponry.

The United States maintains a 6,000 warhead nuclear arsenal. This arsenal is the result of more than 1,000 nuclear weapons tests. Our nuclear weapons program is without equal in the world.

Dr. Hans Bethe, Nobel Prize winning physicist and former Director of Theoretical Division at the Los Alamos Laboratory wrote the President on this very point in early October. Dr. Bethe's letter states:

> Every thinking person should realize that this treaty is uniquely in favor of the United States. We have a substantial lead in atomic weapons technology over all other countries.

We have tested weapons of all sizes and shapes suitable for military purposes. We have no interest in and no need for further development through testing. Other existing nuclear powers would need tests to make up this technological gap. And even more importantly, a test ban would make it essentially impossible for new nuclear power to engage.

Here's a leading nuclear scientist, a Nobel Prize winning physicist, and he says the CTBT is ''uniquely in favor of the United States.'' To me, this is an immensely powerful argument in favor of CTBT.

Failure to ratify the test ban treaty will send a disastrous message to the international community.

Already our closest allies are calling upon the United States to ratify the CTBT. Many countries urging the U.S. to ratify the treaty are the same countries covered by the U.S. nuclear umbrella including our closest NATO allies.

Given our unmatched nuclear superiority, is the United States' national interest advanced by working with the global community to combat potential nuclear threats? The answer to me is a resounding yes.

The United States is safer if the world is working together to combat any proliferation threats. Without the CTBT, the global effort to combat proliferation will be seriously undermined and U.S. credibility and sincerity will be jeopardized.

Our efforts to contain and control a nuclear arms race in South Asia will be undermined. The global resolve to contain proliferation in the Middle East in countries like Iran and Iraq will diminish. Rogue states like North Korea will not face the same international resolve on weapons experimentation and development. It will be easier for nations like China to modernize its nuclear weapons program if the CTBT does not enter into force. Our already difficult efforts to work with a fraying nuclear establishment in Russia will also be setback by the U.S. failure to lead the effort to end nuclear weapons testing once and for all.

The CTBT is largely a creation of the United States. For more than 40 years, Republican and Democratic Administrations have pushed the world to end nuclear weapons testing. President Clinton signed the CTBT upon its successful negotiation in 1996. More than 140 countries have signed the treaty. Some 40 countries have ratified the treaty. U.S. ratification of the CTBT is one of the last remaining hurdles to the treaty entering in force.

Mr. President, I will cast my vote with absolute confidence for ratification of the Comprehensive Test Ban Treaty.

Mr. DEWINE. Mr. President, we live in dangerous and uncertain times. The global threats to peace and security known well to us during the Cold War have been replaced by terrorist states and rogue nations with growing nuclear arsenals. Historically, existing international arms control agreements have made our nation, and our world, a safer place. The United States has been a world leader to reduce global nuclear tests. Several nuclear test ban treaties already are in effect, including the 1963 Limited Test Ban Treaty (LTBT), which banned nuclear blasts in the atmosphere, space, and underwater; the 1974 Threshold Test Ban Treaty (TTBT), which banned tests on devices above 150 kilotons; and the 1990 Peaceful Nuclear Explosion Treaty.

Unfortunately, the Comprehensive Test Ban Treaty will not provide the same protections as these other weapons treaties. That is why I cannot support it.

I am against the CTBT for two fundamental reasons: 1. The Treaty does not guarantee us an ability to maintain a safe, viable, and advanced nuclear stockpile; and 2. The Treaty does not provide effective verification and enforcement if other nations violate the Treaty.

The Clinton administration has proposed replacing our testing system with a computer simulated Stockpile Stewardship Program. Right now, we simply do not know if this program can serve as a reliable surrogate for testing. We do not know if computer simulations can mimic accurately the functions of actual testing. We do not know if computer simulations can provide adequate information so we can modernize and our devices in response to changing threats and new weapons systems. What we do know is that in order for our own nuclear defenses to be an effective deterrent, they must be able to work. Ratification of the CTBT would close off the only means that currently can ensure the reliability, safety, and security of our nuclear defense stockpile.

I also am opposed to the CTBT because it does not provide adequate verification and enforcement mechanisms. Nations will be able to conduct nuclear tests well below the detection threshold of the Treaty's current monitoring system. If a rogue nation, like Iraq, conducts a nuclear test, and the United States insists on an on-site inspection, the treaty first would require 30 of 51 nations on the CTBT executive council to approve the inspection. If approved, the country to be inspected could still declare up to 50 square kilometers as being ''off limits'' from the inspection. How can measures like this ensure other nations will comply with the CTBT? They simply can't.

The national security of our nation would not be served with the adoption of the current CTBT. I believe ratification of the CTBT could compromise our national security. The Senate should defeat its ratification.

Ms. MIKULSKI. Mr. President, I rise to support the Comprehensive Nuclear Test-Ban Treaty.

This is a sad day for the Senate. Despite limited debate on this issue, the appeal of the President and bi-partisan pleas of over 51 Senators to delay consideration of this treaty, the Majority Leader has decided to force our vote on this treaty. The very nature and timing of the issue requires that we come together and act in a responsible, nonpartisan manner. We are faced with an historic opportunity to send nations around the world an important, powerful message—let's make sure it is the right message and that we vote to ratify this important treaty.

Ratification will strengthen—not weaken—America's national security. We must remember that ratification will not force America to abandon or alter its current practice regarding nuclear testing—we stopped nuclear testing seven years ago. And why did we stop nuclear testing? Because we have a robust, technically sophisticated nuclear force and because nuclear experts affirm that we can maintain a safe and reliable deterrent without nuclear tests. This is also one reason why we should ratify the CTBT.

Another reason to ratify the CTBT is that it will strengthen our national security by limiting the development of more advanced and more destructive nuclear weapons. As we all know, we have the most powerful nuclear force in the world. Thus, limiting the development of more advanced and destructive nuclear weapons limits the power of rogue nations around the world from strengthening their own nuclear arsenal. It allows America to maintain its nuclear superiority.

Full ratification and implementation of the CTBT will also limit the possibility of other countries from acquiring nuclear weapons. Furthermore, it will provide us with new mechanisms to monitor suspicious activities by other nations. For example, it provides for a global network of sensors and the right to request short notice, on-sight inspections in other countries.

But failure to ratify the CTBT will jeopardize our national security as well as the security of countries around the world. If we fail to act, the treaty cannot enter into force for any country. Let us not forget that nuclear competition led Pakistan and India to conduct underground nuclear testing over one year ago. Without this treaty, nuclear competition will only continue to grow and to spread. Without this treaty, underground nuclear testing will not only continue but will be carried out by even more countries—not by our allies, but rather, by our enemies.

I am dismayed that we are even forced to consider this vital treaty in light of the current unrest in Pakistan and India. Now, more than ever, we must demonstrate national unity.

We must listen to the experts who urge us to ratify the treaty—the Secretaries of Defense and Energy, the Directors of the National Weapons Laboratories and the Nobel laureates. We must listen to national leaders around the world beseeching us to ratify the treaty—asking us to act as a responsible international leader and to serve as a positive example for other nations to follow. And most important, we

must listen to the American people—the majority of whom are pleading with us to make our world a safer place and to ratify this treaty.

Let us not forget that 152 countries have signed the CTBT. America led these countries by being the first to sign the treaty. Other major nuclear powers, such as Britain, France, Russia and China followed our lead. To date, 41 countries have ratified. Although we will not be the first country to ratify, let us not be the first country to jeopardize its very existence.

We live in a dangerous world—where terrorists and rogue nations are developing the most repugnant weapons of mass destruction. We need to think clearly about what message we are sending today to the rest of the world—to our allies and to our adversaries. Our actions today will influence action by countries around the world. If we ratify, other countries will follow suit and ratify. Our failure to ratify will go beyond encouraging other nations to follow suit. It will prevent the very entry into force of this historic agreement.

Let us send a powerful message to our neighbors around the world and ratify this historic treaty. Let us ratify the treaty and guarantee a safer future for our children by strengthening the security of our country and of the world.

Mr. ROBERTS. Mr. President, there are few responsibilities of the Senate more important than the constitutional duty to offer our advise and consent on treaties.

After long deliberation and after a series of classified and unclassified hearings, I have determined that I cannot support ratification of the Comprehensive Test Ban Treaty. There are serious flaws in this document that could endanger our national security in the future.

Make no mistake, the world is a dangerous place. We must deal with the world as it is, not as we wish it were. And we must approach ratification of this treaty with only one view; does it advance the cause of world peace without jeopardizing our own security.

The treaty fails on both counts.

First, this treaty is not verifiable. I cannot vote for a treaty that will bind the United States, but which will be ignored by other nuclear nations.

There are differing opinions concerning the ability to detect nuclear testing. But the issue is more complex than just detecting a detonation of a nuclear device with a yield greater than allowed by the treaty. If, for example, if a detonation occurred and we decided that we should inspect the site, how would we do the inspection?

First, 31 nations have to agree that a violation has occurred before site inspections would be authorized. The chances of 31 nations agreeing a violation has occurred are remote. But why do proponents of the treaty think a nation that has just violated the treaty will allow an inspection? You need to look no further than Iraq to appreciate the difficulty in inspecting a nation that wants to obfuscate such testing.

Just a quick review of the significant events that escaped our intelligence community in the recent past do not give confidence that they will uncover violations of this treaty. Our intelligence officers missed the development of the advanced missile development by North Korea, they failed to recognize the signs that both India and Pakistan were going to test nuclear weapons, they provided incorrect information resulting in our bombing the Chinese Embassy in Belgrade, and they failed to provide sufficient information to prevent us from conducting a missile attack on a pharmaceutical plant in Khartoum.

Additionally, there was confusion over the exact number of nuclear tests conducted by India and Pakistan.

Secondly, ratification of this treaty will not reduce development or proliferation of nuclear weapons. A basic truth for any nation is that it will act in a manner that best suits its national interests. The downside of our military dominance compared to the rest of the world is that it forces weaker nations to rely on weapons of mass destructions as a counter to our conventional strength. Russia and China have both publicly stated that a new reliance on nuclear weapons is necessary to ''balance'' our dominance. Rogue nations cannot possibly challenge us with conventional weapons and therefore feel compelled to acquire or develop nonconventional weapons.

This treaty will not stop or slow down the development of nuclear weapons if a nation deems these weapons as vital to their national interests. Russia and China will not be deterred from enhancing their nuclear weapon performance simply because they have signed this treaty.

Yet, our own nuclear defense program would be limited under the treaty.

Third, the Stock Pile Stewardship program as outlined will not guarantee safe and reliable nuclear weapons. This is a technical area. But there is considerable differences of opinion between impressive scientists about whether we can maintain our stock pile as safe and reliable without nuclear testing. Without such assurance of safety and reliability and with the knowledge that the United States will maintain a nuclear deterrent for the foreseeable future, I cannot support such a treaty that would potentially put our stockpile at risk.

Treaty proponents will argue that any time the appropriate leaders of defense, energy and the scientific community say we must test to insure reliability and safety, we can withdraw from the treaty. I have little confidence that once this treaty is approved, ''pulling the sword Excaliber from the stone'' would seem a trivial task compared to withdrawal from a nuclear test ban treaty.

The point is that once the treaty is signed, we need to be confident that we can maintain a safe, reliable nuclear stockpile. We have no such confidence today—perhaps the technology will be in place in 5–15 years—and therefore we should not jeopardize our nuclear deterrent by agreeing to this treaty.

Because we cannot verify whether other nations are following the treaty, because the treaty does not halt or prevent proliferation of nuclear weapons and because the treaty could lead to reduced reliability and safety of our nuclear stockpile, I cannot support its ratification.

Mr. JEFFORDS. Mr. President, the Senate finds itself in a very uncomfortable position today. We have before us one of the most important treaties negotiated this decade, the Comprehensive Test Ban Treaty. It is not perfect. It does not do everything we wish it would. Its verification provisions are not air-tight, and its sanctions for violators are not particularly stiff.

I understand many of my colleagues' uneasiness about the treaty. Prior to last week, there had been no deliberate consideration of the CTBT before any Senate committee. Members have had little opportunity to learn about the treaty and have their questions addressed. A significant portion of the Senate has just in the last two weeks begun to carefully examine the details of the treaty. This is no way to conduct the ratification process on a matter of such importance to national security, and puts Senators in a very uncomfortable position. For some time, I have urged the Foreign Relations Committee to hold hearings on this treaty and allow this debate to begin. But for better or worse, this is the situation we find ourselves in, and having exhausted appeals for a delay in the vote, I trust my colleagues will do their best to thoroughly evaluate what is now before them.

Implementation of the CTBT would bring, however, a significant improvement in our ability to stop the proliferation of nuclear weapons. The Test Ban Treaty would constrain the development of new and more deadly nuclear weapons by nations around the globe by banning all nuclear weapon test explosions. It would also establish a far-reaching global monitoring system and allow for short-notice on-site inspections of suspicious events, thereby improving our ability to detect and deter nuclear explosions by other nations. The fact that the CTBT was signed by 154 nations is a major tribute to American diplomacy. Many of these nations are now looking to America for leadership before they proceed to ratification of the treaty, and under the provisions of the treaty, it will not enter into force until the United States has ratified.

Rejection of the test ban treaty could give new life to dormant nuclear testing programs in countries like Russia and China. It could also renew dangerous, cold war-era nuclear arms competitions. And we would have a very

difficult time asserting our leadership in urging any nation to refrain from testing. Not only would we lose an historic opportunity to lock in this agreement among nations, we would undermine the power of our own diplomacy by not following through on an initiative that we have spearheaded.

Critics charge that we cannot be 100 percent certain that we can detect any test of any size by any nation. I would concede that is true. But when it comes to national defense, nothing is 100 percent certain. We can never be sure any weapon will work 100 percent of the time. We can be certain, however, that this treaty will improve our ability to constrain the nuclear threat today and in the future. We owe it to our children and our grandchildren to add this important weapon to our defense arsenal.

I urge my colleagues to vote for ratification of the Comprehensive Test Ban Treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want to inform my colleagues on this side—I apologize for it—the most I can give any colleague is 2 minutes. I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, with this fateful vote tonight the world becomes a more dangerous place. That is what our top military leaders are telling us. To quote General Shelton, the Chairman of the Joint Chiefs:

> The world will be a safer place with the treaty than without it. And it is in our national security interest to ratify the treaty.

Secretary of Defense Bill Cohen says that this treaty will ''help cap the nuclear threat.''

Mr. President, we no longer have standing, when we defeat this treaty, to tell China or India or Pakistan or any other country: Don't test nuclear weapons.

We will have lost our standing, and I believe will have lost our bearings. By rushing headlong into this vote tonight and defeating a treaty which 150 nations have signed—it was said a few moments ago that our lab Directors say that the treaty would endanger their safety and reliability testing.

I ask unanimous consent that a joint statement of the lab Directors be printed in the RECORD saying that ''we are confident that a fully supported and sustained Stockpile Stewardship Program will enable us to continue to maintain America's nuclear deterrent without nuclear testing.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY THREE NUCLEAR WEAPONS LABORATORY DIRECTORS: C. PAUL ROBINSON, SANDIA NATIONAL LABORATORIES, JOHN C. BROWNE, LOS ALAMOS NATIONAL LABORATORY, AND C. BRUCE TARTER, LAWRENCE LIVERMORE NATIONAL LABORATORY

''We, the three nuclear weapons laboratory directors, have been consistent in our view that the stockpile remains safe and reliable today.

''For the last three years, we have advised the Secretaries of Energy and Defense through the formal annual certification process that the stockpile remains safe and reliable and that there is no need to return to nuclear testing at this time.

''We have just forwarded our fourth set of certification letters to the Energy and Defense Secretaries confirming our judgment that once again the stockpile is safe and reliable without nuclear testing.

''While there can never be a guarantee that the stockpile will remain safe and reliable indefinitely without nuclear testing, we have stated that we are confident that a fully supported and sustained stockpile stewardship program will enable us to continue to maintain America's nuclear deterrent without nuclear testing.

''If that turns out not to be the case, Safeguard F—which is a condition for entry into the Test Ban Treaty by the U.S.—provides for the President, in consultation with the Congress, to withdraw from the Treaty under the standard ''supreme national interest'' clause in order to conduct whatever testing might be required.''

Mr. LEVIN. Mr. President, our three allies, in an unprecedented move, have directly appealed to this Senate to ratify this treaty. Great Britain, France, Germany, directly appealed to this Senate.

Finally, it is unprecedented that this Senate would defeat a treaty of this magnitude with this speed without a report even from the Foreign Relations Committee. I think we are doing a real disservice to world peace and stability by defeating this treaty.

I thank my friend for the time he has yielded me.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. If when the vote occurs on the Resolution of Ratification it does not achieve 67 votes, what happens to the treaty?

The PRESIDING OFFICER. The treaty would then stay on the calendar until the end of the Congress.

Mr. BIDEN. Further parliamentary inquiry: At the end of the Congress, what would then happen to the treaty?

The PRESIDING OFFICER. The treaty would then be returned to the Foreign Relations Committee.

Mr. BIDEN. I thank the Chair. I yield the floor.

Mr. HELMS. I yield to the distinguished Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to be notified at 2½ minutes. I am going to split my time with Senator SHELBY who has not arrived. I will take my 2½, and then when he arrives, he will use the other 2½ minutes.

If America does not form a nuclear umbrella to protect world peace, who will? To whom will our allies look to protect them from an incoming ballistic missile? Only America can do that, and there are only two ways we have to deter a rogue nation from lobbing a nuclear missile into some other country. The first is a missile defense system which belatedly we are now deploying. It is not yet ready, but we are on the way. That is No. 1. No. 2 is the ability to be sure we have a safe and secure and viable nuclear arsenal.

This is not a treaty that has been debated for 20 years. It is not the same treaty that preceding Presidents negotiated. It is different in this respect: Every other President held firm for the United States to test at a low level. President Clinton gave that up. That is part of the reason this treaty is before us and why the other countries came in because the low-level testing is not able to be detected. No other President gave in on that issue.

Secondly, no other President gave in on the issue of permanence. The idea that we would unilaterally disarm ourselves in perpetuity is irresponsible.

I do not like the fact we are taking up this treaty now. I do not want to send a bad signal. But most of all, I do not want to leave ourselves and our allies unprotected from some rogue nation that has nuclear capabilities, and we know there are many.

I want to go back and look at the record, and let's talk about peace through strength. It was not peace through weakness and unilateral disarmament that stopped the Cold War. It was peace through strength. We cannot let that go away by signing a treaty that is not in our interests. There are other avenues. There is renegotiating the treaty so we can test at a low level, so we will be able to say to the world: We have a nuclear arsenal, so do not even think about lobbing a nuclear missile at us or any of our allies. We could renegotiate the treaty so it has a term or a timetable. There are alternatives. I hope we will not be rammed into doing something that is wrong for our country because there are alternatives.

Mr. President, I ask unanimous consent that an excerpt of testimony from General Shalikashvili in a March 1997 appropriations hearing be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS—SENATE APPROPRIATIONS HEARING, MARCH 1977

NUCLEAR WEAPONS TESTING

Senator HUTCHISON. Second, I am always interested in the Department of Energy's role in the maintenance and storage of our nuclear stockpile. I would like to ask you a general question.

Are you confident that they are doing everything that you think is prudent in maintaining and storing our weapons? Do you think we are maintaining and storing enough? And do you think we can rely on a safe and reliable nuclear stockpile when we have banned any testing?

General SHALIKASHVILI. The answer is yes, and let me tell you what I base this on.

I think it is 2 years ago that the President established a system where each year the Secretary of Defense, the Secretary of Energy, and the Commander of our Strategic Forces, now General Habiger in Omaha, have to certify that the stockpile is safe and reliable. The system is such that if any one of

them reports that it is not so, then the President has to consult with Congress on that issue.

Senator HUTCHISON. How do they tell when you cannot actually test? Do you think the computer modeling is sufficient? Do you think the testing is sufficient when you can't test?

General SHALIKASHVILI. The Energy Department has proposed and the Secretary of Defense has agreed with the establishment of a science-based stockpile verification program. It is a very costly program. To stand it up—and I might have my number off but not by much—it is about $4 billion a year, to establish the laboratories, the computer suites, and all of that, to establish it.

What I monitor is whether—this year, for instance, in the energy budget there is approximately $4 billion toward the science-based stockpile verification program. Just 10 days ago I was in Omaha to get a briefing from General Habiger on how he is coming along on making the judgment that this year the stockpile is still safe and reliable.

Not only is he in constant communications with the nuclear laboratory directors who work that issue, he also has a panel of prominent experts on the subject who report to him. Based upon his observations, because he monitors what is on the missiles and so on, his discussions with the labs and the report that he gets from the panel that is established just to answer that question, last year, for the first time, he made the judgment that it was safe. He tells me that, unless something comes up before he reports again, he is going to again certify this year.

With each year that goes by and we are further and further away from having done the last test, it will become more and more difficult. That is why it is very important that we do not allow the energy budget to slip, but continue working on this science-based stockpile verification program and that we get this thing operating.

But even then, Senator, we won't know whether that will be sufficient not to have to test. What we are talking about is the best judgment by scientists that they will be able to determine the reliability through these technical methods.

Senator HUTCHISON. Do you think we should have some time at which we would do some testing just to see if all of these great assumptions are, in fact, true?

How can we just sit here and say gee, we really hope this works and then be in a situation of dire emergency and have them fizzle?

General SHALIKASHVILI. I don't know. I won't pretend to understand the physics of this enough. But I did meet with the nuclear laboratory directors and we talked about this at great length.

They are all convinced that you can do that. But when I ask them for a guarantee, they cannot give it to you until all of the pieces are stood up. Obviously, if we stand it up, and we cannot do that, then we will have to go back to the President and say we will have to test.

Hopefully, it will work out. But we are still a number of years away before we will have that all put together so that we can tell you for sure whether it will work or not.

Senator HUTCHISON. Well, mark one Senator down as skeptical.

General SHALIKASHVILI. Mark one Chairman of the Joint Chiefs of Staff joining you in that skepticism. I just don't know.

But I know that if you do not help us to make sure that energy puts that money against it and does not siphon it off for something else, then I can assure you we won't get there from here.

The PRESIDING OFFICER. The Senator has used 2½ minutes.

Mrs. HUTCHISON. I thank the Chair. I reserve 2½ minutes for Senator SHELBY.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is with regret, after 25 years in this Chamber, a Chamber I love so much, that I say it is a travesty the Senate is on the verge of rejecting the Comprehensive Nuclear Test-Ban Treaty. The idea of a treaty banning all nuclear tests has been around since President Dwight Eisenhower called for one more than 40 years ago when I was 19 years old.

Today, there is broad agreement around the world that a test ban treaty is necessary and, I point out to my colleagues, we have not conducted a nuclear test since President Bush signed legislation to establish a moratorium on nuclear testing in 1992.

Mr. President, 152 nations have signed this treaty. They are abiding by its terms, but if we vote against ratification, if we vote against advising and consenting, the Senate will abdicate our Nation's role as the world leader in support of nonproliferation. The 100 people in this body representing a quarter of a billion people will abdicate our Nation's responsibility to ourselves and the world.

I am bewildered at the arguments made by some of my colleagues because the United States, which enjoys an immense global nuclear advantage over all other countries, will only find that position eroded if a global ban on testing is not realized.

Treaty opponents make two main arguments: that it is unverifiable and that the safety and reliability of our own weapons will be endangered without testing. In my judgment, both arguments fail miserably.

As I said before, no treaty is 100% verifiable, and the fact is that any nation bent on developing a nuclear weapon can fashion a crude device, with or without this treaty. But without the explosive testing that this treaty prohibits, it will be extremely difficult to build nuclear weapons small enough to be mounted on delivery vehicles.

The critical question we should be asking is if this treaty will make it significantly harder for potential evaders to test nuclear weapons. The answer is a resounding yes. This treaty establishes a monitoring system that includes over 300 stations that will help locate the origin of a test. Last year, when India tested two nuclear devices simultaneously, the seismic waves that they created were recorded by 62 of these prototype stations.

Once a test has been detected, the treaty has a short-notice on-site inspection regime so questionable incidents can be resolved quickly. In short, the treaty makes it much more difficult for signatory nations to test nuclear weapons without alerting the international community and incurring their collective condemnation.

The argument that the CTBT will somehow undermine the safety and reliability of our own stockpile is likewise flawed. We have conducted over 1,000 nuclear tests during the last 54 years, the most of any country in the world. We have extensive knowledge of how to build and maintain nuclear weapons reliably. Moreover, the Clinton Administration is planning a 10 year, $45 billion Stockpile Stewardship Program that will develop unprecedented supercomputing simulations that will further ensure the continued reliability of our weapons.

I question whether we need to spend that much money, but I find it ironic that many of the voices who are questioning the technical merits of Stockpile Stewardship Program are the same people who want to spend tens of billions more on a National Missile Defense System that has shown modest technical progress, to say the least.

We have a treaty before us which will curb the proliferation of nuclear weapons. It should have been ratified years ago. I urge my colleagues to join me in setting aside short-term politics. Vote for the instruments of ratification. The Senate should be the conscience of our Nation, the conscience of the world. If we vote this down, it is not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HELMS. Mr. President, I yield 3 minutes to the distinguished Senator from Alaska, Mr. STEVENS.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am not opposed to the concept of a comprehensive test ban treaty.

If we are able to maintain our own nuclear deterrent and the umbrella of nuclear protection we have extended to our allies, a ban on testing under a fair treaty could be very much in our national interest.

Clearly we do not want other countries to develop sophisticated nuclear weapons, the sort that are light enough to go on ICBMs that could reach our country. A verifiable test ban would seriously hinder other countries from developing those sophisticated weapons.

However, today we cannot indefinitely maintain with certainty the safety and reliability of our nuclear weapons. So while proponents of the treaty make valid points about the benefits that may be obtained with regard to nonproliferation, we are not yet prepared to assume the risks that would be imposed upon us if we give up the ability to test our own weapons.

As Paul Robinson, the Director of the Sandia National Laboratory, put it:

> Confidence in the reliability and safety of the U.S. nuclear weapons stockpile will eventually decline without nuclear testing * * * Whether the risk that will arise from this decline in confidence will be acceptable or not is a policy issue that must be considered in light of the benefits expected to be realized by a universal test ban.

I have considered the risks on both sides of the this issue, and I come to

the conclusion that a test ban should remain our goal, but we are not yet in a position to enter into an indefinite ban.

We hope over time to reduce the risks of maintaining our stockpile without testing using a science-based Stockpile Stewardship Program. But that program is not yet ready.

Our lab Directors believe it will take another 5 to 15 years to prove the program can be a success.

As John Browne, the Director of the Los Alamos National Laboratory has said, he is ''concerned about several trends that are reducing [his] confidence. These include annual shortfalls in the planned budgets, increased numbers of findings in the stockpile that need resolution, an augmented workload beyond our original plans, and unfunded mandates that cut into the program.''

I hope the Senate can delay a vote on this treaty. It is in our national interest to ask others to abide by a ban as we are doing, and our ability to make that request will be reduced if we vote against ratification today.

However, on whole, the risk to our national security is greater if we prematurely agree to an indefinite ban. For that reason, I hope we will put off the vote on this treaty, but, if we have to vote, in the interest of national security, I will vote against the ratification of this treaty at this time.

I thank the Senator for the time.

Mr. LEAHY. Mr. President, I yield 15 minutes out of our time to the distinguished senior Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. President, I regret that the Senate has arrived at this juncture, that we are forging ahead with a vote that many, if not most, of us believe is ill-timed and premature. The outcome is a foregone conclusion—the Senate will reject the Comprehensive Test Ban Treaty. I sincerely hope that this vote is being driven by something other than pure partisan politics, but for the life of me, I fail to see it. Nevertheless, here we are, and vote, it appears, we will.

In the consideration of a matter as important as a major arms control treaty, we need, at a minimum, sufficient time to examine the issue, sufficient opportunity to modify the treaty, and last, but not least, the answers to a few basic questions.

First, do we support the objectives of the treaty? In the case of the CTBT, I think it is quite possible that a large majority of the Senate does support the goal of banning live nuclear weapons tests worldwide. I suspect that the 80 percent or more approval ratings that we hear in reference to this treaty are based on that question.

Second, is the treaty in the national security interests of the United States? Would the security of the United States be enhanced if we could flash-freeze the practice of nuclear weapons testing worldwide, or are we leaving ourselves frozen in time while other nations march forward? Given our vast superiority in both numbers and technology over other nations, including Russia, it would seem that a freeze on testing could be an advantage to the United States, if—and it is a big if—other nations fully respect the treaty.

Third, does the treaty accomplish its objectives? This is where the questions become more difficult. Verification is a legitimate issue, as is the security of the U.S. nuclear weapons stockpile. What will the impact be on our national security if some countries cheat on the treaty, and others simply refuse to ratify it? Can we really trust an untested Stockpile Security Program to maintain our arsenal of nuclear weapons, and what signal will we be sending to the rest of the world if we find flaws in the program or in our weapons, flaws that mandate live testing to fix the weapons? These types of questions require time and research to fully explore. We have neither the time nor the information we need on this treaty.

Finally, can the treaty be improved by the addition of amendments, reservations, understandings or the like? Few documents that come before this body are perfect, and treaties are no exception. It is easy to criticize, easy to find fault, easy to point out the flaws—it is much easier to renounce a piece of legislation or a treaty than to improve it. We have heard a fair amount of discussion about the safeguards to be attached to this treaty. That is all well and good, but I wonder if they are good enough. I wonder how much scrutiny Senators have really given those safeguards. Could they be improved, or perhaps expanded? Maybe we need more safeguards. The point is, under these circumstances, we do not have the ability to fully explore ways to strengthen this treaty, and perhaps make it acceptable to more Senators.

A treaty of this nature—one that would bar the United States from testing its stockpile of nuclear weapons in perpetuity—deserves extensive study, careful debate, and a floor situation that allows for the open consideration of amendments, reservations, or other motions.

Treaties of this importance, of this impact on the Nation, are not to be brushed off with a political wink and a nod. Treaties of this importance must be debated on the basis of their merits, not calibrated to the ticking of the legislative clock.

As the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN, noted on Friday, in comparison with Senate consideration of other national security treaties, the Comprehensive Test Ban Treaty has been given short shrift indeed. The 1988 Intermediate-Range Nuclear Forces Treaty (INF), which was considered during a time in which I served as Majority Leader, was the subject of 20 hearings before the Senate Foreign Relations Committee, 12 hearings before the Senate Armed Services Committee, a number of hearings in the Intelligence Committee, and eventually, nine days of Senate floor debate. The SALT II Treaty, which again was considered when I was Majority Leader, was the subject of 21 hearings by the Foreign Relations Committee, and nine hearings by the Armed Services Committee before President Carter and I reached agreement in 1980 that, as a result of the seizure of the U.S. embassy in Tehran, consideration of the treaty should be suspended.

The Comprehensive Test Ban Treaty is of equal importance and deserves the same consideration as those earlier treaties affecting our national security. Senator WARNER and Senator LEVIN, the chairman and ranking member of the Senate Armed Services Committees, and their respective staffs, did a yeoman's job in scheduling three back-to-back days of hearings on the Treaty last week. They managed to wedge an enormous amount of information into a remarkably brief window of opportunity. They deserve our thanks and our commendations.

But what are we left with at the end of the process? What we are left with is a cacophony of facts, assessments, and opinions. Few in this chamber are steeped in the intricacies of the Comprehensive Test Ban Treaty. I am not. Few of us have a full enough understanding of the treaty to sift the competing opinions that we have heard this week and to draw informed conclusions.

It is often said that the devil is in the details. To accept or reject this treaty on the basis of such flimsy understanding of the details as most of us possess is a blot on the integrity of the Senate, and a disservice to the Nation.

Mr. President, I refer now to the Federalist No. 75 by Alexander Hamilton. Let me quote a bit of what he says in speaking of the power of making treaties.

> Its objects are contracts with foreign nations, which have the force of law, but derive it from the obligations of good faith. They are not rules prescribed by the sovereign to the subject, but agreements between sovereign and sovereign. The power in question seems therefore to form a distinct department, and to belong properly neither to the legislative nor to the executive. . . .
>
> However proper or safe it may be in government where the executive magistrate is an hereditary monarch, to commit to him the entire power of making treaties, it would be utterly unsafe and improper to entrust that power to an elective magistrate of four years duration. . . . The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind as those which concern its intercourse with the rest of the world to the sole disposal of a magistrate, created and circumstanced, as would be a president of the United States.
>
> . . . It must indeed be clear to a demonstration, that the joint possession of the power in question by the president and senate would afford a greater prospect of security, than the separate possession of it by either of them.

In The Federalist Essays, Number 75, Alexander Hamilton lays out a compelling case for the fundamental and essential role that the Senate must play in the ratification of a treaty.

Mr. President, in accordance with what Hamilton said, in these words that I just spoke, we should pause to take his words to heart. He leaves no room for quibble, no margin for question. The Senate is a vital part of the treaty-making equation. And yet, on this treaty, under this consent agreement, the Senate has effectively abdicated its duty.

This is an extraordinary moment. The Senate is standing on the edge of a precipice, approaching a vote that is, by all accounts, going to result in the rejection of a nuclear arms control treaty. All of us are by now aware of a coup d'etat which has occurred in one of the more unstable nuclear powers in the world—Pakistan—a state that conducted underground tests of nuclear weapons just last year, but which in recent weeks, sent signals that it would sign the Comprehensive Test Ban Treaty.

While the two events are not necessarily related, the Senate's rejection of this treaty, coming on the heel of this coup d'etat, could send a powerful message to the as-yet-unfamiliar government in Pakistan. Would it not be prudent to assess this new situation, with all of its potential ramifications to our own security situation, before we act on this treaty? I believe all of us know that it would.

But, Mr. President, I fear that what is driving the Senate at this moment instead of prudence or the security interests of the United States, is political agenda. Indeed, it is political agenda that has brought us to this uncomfortable place, and it is political agenda which blocks our exit from it, despite the desire of most members to pull back.

Once we have disposed of this vote, if the Comprehensive Test Ban Treaty is returned to the Senate at some future date, I urge the leaders to work together to re-examine it in a bipartisan fashion. We have a number of ready made vehicles to do so—the Foreign Relations Committee, the Armed Services Committee, the Intelligence Committee, and the National Security Working Group, of which both leaders are members. Our leaders should sit down with the experts whose opinions represent both sides of the Treaty debate. They should talk to the Russians, eyeball to eyeball. They should talk to our allies, eyeball to eyeball. An opinion piece in the New York Times is no substitute for face-to-face talks with the leaders of Britain, France and Germany. We have made the effort on other treaties, and we should do no less for this Treaty.

And above all, we should undertake this examination of the treaty on a bipartisan basis. No treaty of this importance is going to receive the consideration that it deserves without the cooperation of the leaders of both parties. It is just that simple.

Mr. President, I look forward to the day when we can deliberate the full implications of the Comprehensive Test Ban Treaty. What we do on this treaty will affect national—and international—security for generations to come. We owe it to the Senate and to the Nation to give this Treaty thorough and informed scrutiny, to improve it if needed, to approve it if warranted, or to reject it if necessary. That is our charge under the Constitution, and that is the course of action that I hope we will be given another opportunity to pursue.

In closing, Mr. President, I cannot vote today either to approve or to reject the ratification of the Comprehensive Test Ban Treaty. I will do something that I have never before done in my 41 years in the United States Senate. I will vote ''Present.'' I will do so in the hope that this treaty will sometime be returned for consideration, under a different set of circumstances, in which we can fully and dispassionately explore the ramifications of the treaty and any amendments, conditions, or reservations in regard to it.

Mr. President, I yield the floor.

Mr. HELMS. I yield 4 minutes to the distinguished Senator from New Hampshire, Mr. SMITH.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

Mr. President, the Senate now has acquired two documents which are very revealing in this debate, new information. I have a memorandum here which makes clear that neither the Department of Defense nor the Joint Chiefs of Staff were privy to the Department of Energy's lobbying effort vis-a-vis the White House to forgo all nuclear testing under the CTBT. This was never—in the words of a senior DOD official—coordinated with the Defense Department or the military.

These documents make it very clear that the Clinton administration ignored national security concerns expressed directly to the President of the United States in negotiating the CTBT and a further reason that the treaty should be rejected.

Mr. President, I ask unanimous consent to have printed in the RECORD a memorandum, dated September 8, 1994, to the President of the United States from Hazel O'Leary.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF ENERGY,
Washington, DC, September 8, 1994.

MEMORANDUM FOR: THE PRESIDENT.

From: Hazel R. O'Leary.

Subject: Hydronuclear Experiments at the Nevada Test Site Under the Moratorium on Nuclear Testing.

I. Summary

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on whether the United States should conduct hydronuclear experiments at the Nevada Test Site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium. At the very least, the U.S. should decide to defer a decision on whether to conduct hydronuclear experiments until after the Nuclear Non-Proliferation Treaty (NPT) Extension Conference next spring and not take any actions which prejudice an ultimate decision on whether to conduct these experiments.

II. Discussion

Under your leadership, the United States has taken a world leadership role in enacting and maintaining a nuclear testing moratorium and actively pursuing a test ban treaty. These efforts are essential elements of the comprehensive approach this Nation has undertaken to prevent the proliferation of nuclear weapons. We must be vigilant to ensure that actions are not taken which could undermine these essential objectives.

The reasons to, at a minimum, defer a decision on conducting hydronuclear experiments are compelling.

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and; that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term. Additionally, the JASON group, a high-level, independent technical evaluation team assessing the Stockpile Stewardship program for the U.S. Government, weighed the limited technical value of hydronuclear experiments against the costs, the impact of continuing an underground testing program at the NTS, and U.S. non-proliferation goals and determined that on balance they opposed these experiments.

Publicly affirming the U.S. commitment to conduct hydronuclear experiments would highlight the issue at the Conference on Disarmament. This could undermine the comprehensive nuclear test ban negotiations by providing nations that are not fully committed to a comprehensive nuclear test ban an opportunity to use U.S. conduct as a convenient excuse for their opposition. Significant progress on the test ban treaty is essential if the priority objective of achieving an indefinite extension of the Nuclear Non-Proliferation Treaty is to be successful in spring 1995.

A request for funding in fiscal year 1996 to preserve the hydronuclear experiment option will be difficult to defend to the Congress since it is not technically essential to conduct these experiments to preserve stockpile reliability and safety. Additionally, because of the controversial nature of hydronuclear experiments, a request for funding at this time may invite the Congress to enact legislation restricting funding for this purpose. This would tie the hands of the Executive Branch in the negotiation of a comprehensive test ban treaty and may force a change in the Administration's current negotiating position and strategy. Alternatively, if the Congress withheld its approval of funding, this will create ambiguity concerning U.S. policy and intentions on this sensitive issue, further complicating the comprehensive test ban negotiations.

As a member of your cabinet, with responsibility, with others, for carrying out your non-proliferation and national security agenda, I believe strongly that a decision to

conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is tactically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 budget request and also not to conduct these experiments under a moratorium.

Mr. SMITH of New Hampshire. Mr. President, I further ask unanimous consent to print in the RECORD a memorandum for Dr. John Deutch, chairman of the Nuclear Weapons Council, from Dr. Harold Smith, staff director of the Nuclear Weapons Council.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

For: Dr. John Deutch, Chairman NWC.

From: Dr. Harold Smith, Staff Director NWC.

Subject: Secretary O'Leary's Letter to the President on Hydronuclear Experiments (HN).

BACKGROUND

Letter dated September 8, 1994 from Secretary O'Leary to the President was received in my office today by FAX as a bootleg copy from Los Alamos National Laboratory—copies were not distributed to OSD, DoD, JS, NSC or the Deputies.

Letter clearly circumvents the established IWG process being pursued through the NSC.

THE O'LEARY LETTER (SENT AS AN ATTACHMENT)

Section I.

''. . . strongly urge you to . . . not conduct, or prepare to conduct hydronuclear experiments during the existing moratorium''—circumvents the IWG Deputies forum established by NSC to decide this issue in an Interagency process

Section II.

''. . . not technically essential to conduct hydronuclear experiments at this time''—HNs must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN as a diagnostic for stockpile problems is of limited value

''. . . technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term''—HNs provide direct experimental testing of an unaltered (real) pit—no other technique provides this capability

''. . . the JASON group . . . opposed these experiments.''—The JASON's draft report indicated that HN experiments have limited technical value, but their assessment was lacking in scope and depth—the JASONs received one briefing and asked no questions in developing their position—NRDC white paper was the basis for their conclusions

''. . . could undermine the CTBT negotiations . . .''— speculative

''A request for funding in FY 1996 . . . difficult to defend to the Congress . . .''—ability to justify funding for HNs with Congress should be based on the need to maintain a safe and reliable stockpile

''As a member of your cabinet with responsibility with others for carrying out your nonproliferation and national security agenda''—the national security agenda should include Stockpile Stewardship that includes the ability to conduct a meaningful experimental program

AE opinion—HNs will provide unique data to be combined with other experimental and analytical data to significantly improve confidence in the safety and reliability of the stockpile

Mr. SMITH of New Hampshire. Mr. President, in the summary of the document to the President of the United States from Hazel O'Leary, the Energy Secretary, she said:

After careful and extended debate within the executive agencies, you are to be presented with a decision memorandum on whether the United States should conduct hydronuclear experiments at the Nevada test site (NTS) under the moratorium on nuclear testing. Although the views of the Department of Energy on this matter are reflected in that decision memorandum, I want to take this opportunity to strongly urge you to decide that the U.S. should not conduct, nor prepare to conduct, hydronuclear experiments during the existing moratorium.

In other words, the Secretary of Energy is asking the President of the United States to ignore the recommendations of the experts.

She states further in this memorandum to the President:

It is not technically essential to conduct hydronuclear experiments at this time. The Department of Energy has determined that the existing nuclear stockpile of the United States is safe and reliable and that technical means other than hydronuclear testing can maintain the stockpile in this robust condition for the near term.

She concludes in the memo to the President:

As a member of your cabinet with responsibility, with others, for carrying out your nonproliferation and national security agenda, I believe strongly that a decision to conduct, or to prepare to conduct, hydronuclear experiments under a nuclear testing moratorium is technically unwise and substantively unnecessary at this time. I urge you to decide not to authorize preparations for these experiments in the fiscal year 1996 . . . .

That is a very interesting memorandum from the Secretary of Energy to the President of the United States.

Now let us hear what the experts had to say. This is very interesting. In a memorandum from Dr. Harold Smith to John Deutch, Nuclear Weapons Council: Background, letter dated September 8 from Secretary O'Leary to the President was received in my office today by fax as a bootleg copy from the Los Alamos National Laboratory. Copies not distributed to OSD, DOD, Joint Staff, NSC or the Deputies, not distributed and not copied.

Then the subject, and it begins to analyze the O'Leary memo. Let me quote a couple of items. In the memo from O'Leary to the President, she says: Strongly urge you to not conduct or prepare to conduct hydronuclear experiments. They say: This circumvents the IWG deputies forum established by the NSC to decide this issue in an interagency process.

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. HELMS. One more minute.

Mr. SMITH of New Hampshire. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. The Senator has been yielded 1 additional minute.

Mr. SMITH of New Hampshire. The second point in the O'Leary memo says: not technically essential to conduct hydronuclear experiments at this time. Hydronuclear experiments must be conducted while the stockpile is safe and reliable to acquire baseline data, otherwise HN, or hydronuclear, testing, as a diagnostic for stockpile problems, is of limited value.

These are the experts saying this in response.

Finally: Hydronuclear tests provide direct experimental testing of an unaltered real pit. No other technique provides that capability. This is what the experts in the Clinton administration believed. They were end run by the Secretary of Energy on a political decision, which basically said, don't worry about the science, just move forward with the policy.

This is outrageous. It flies in the face of every single point the President has made in saying we should pass this treaty.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I yield 2 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Mr. President, I have a strong sense of deja vu today.

On September 22, 1963, the Senate, on a bipartisan basis, ratified the Limited Test Ban Treaty by a vote of 80–19. I was present in the Chamber, in the gallery, as a young 21-year-old student observing my country in action and studying government and politics. I was very proud of the Senate on that day.

I was very proud of President Kennedy when, on October 7, 1963, he signed the instruments of ratification of the Limited Test Ban Treaty in the treaty room at the White House.

Today I am saddened. I am saddened by our rush to judgment. I am saddened that our Nation may see a rejection by this Senate of the first real treaty in terms of arms limitation in 70 years.

We are in the strongest military posture I think we have been in as a nation. As such, we are certainly more secure today than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, certainly more secure than when President Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and certainly more secure than when President Bush submitted the START I treaty for Senate ratification in 1992. Of all the nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries.

The treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea, and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions, all bets are off. Finally, even if

all the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

President Kennedy said, when he signed our first real nuclear test ban treaty: In the first two decades, the age of nuclear energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater.

Mr. President, it is my hope that at the end of today's work, this Senate can say the same.

I thank the Chair.

Mr. HELMS. Mr. President, I yield 4 minutes to the distinguished Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized for 4 minutes.

Mr. SHELBY. Mr. President, I rise in opposition to the Resolution of Advice and Consent to the Ratification of the Comprehensive Test Ban Treaty.

Last Thursday, I testified before the Senate Committee on Foreign Relations, in my capacity as chairman of the Select Committee on Intelligence, to present my views on the ability of the Intelligence Community to monitor compliance with the CTBT. Today, I would like to make certain general observations, in addition to addressing issues involving CTBT monitoring and verification. By the way: monitoring and verification are different. Monitoring is objective. Verification is subjective; it involves determining the significance of information obtained through monitoring.

First, as a general matter, I believe that the treaty will serve as a stalking horse for denuclearization. I do not accuse all of the treaty's supporters of seeking that goal. Yet, a test ban agreement whose first operative sentence appears on its face to outlaw the explosion of nuclear weapons, even in a war of self-defense, surely raises profound questions about the long-term viability of any nuclear deterrent.

I fear that the treaty will both undermine and delegitimize our nuclear deterrent. When I say ''undermine,'' I refer to the effect of ratification of, and adherence to, this treaty on the weapons in our nuclear stockpile.

Senators KYL, WARNER, and others have ably addressed this issue in the course of the debate. I will not belabor it further, other than to cite, as others have, the conclusion of former Secretaries of Defense Rumsfeld, Cheney, Schlesinger, Weinberger, Laird, and Carlucci. These highly regarded public servants have determined that ''over the decades ahead, confidence in the reliability of our nuclear weapons stockpile would inevitably decline, thereby reducing the credibility of America's nuclear deterrent.'' This alone is reason for the Senate to withhold its advice and consent to the treaty.

With respect to delegitimizing our nuclear deterrent, Article I of the treaty prohibits ''any nuclear weapon test explosion or any other nuclear explosion.'' I understand that the U.S. Government does not view that prohibition as applying to the use of nuclear weapons.

The President's 1997 transmittal message to the Senate included an article-by-article analysis of the treaty. This analysis explains that the U.S. position in the negotiations was that ''undertakings relating to the use of nuclear weapons were totally beyond the scope'' of the CTBT. The analysis does not make clear whether all other signatories agreed with the U.S. view or whether they acquiesced in it or did something else. It is unfortunate that the CTBT text does not incorporate the U.S. understanding. We are asked to give our advice and consent to that text and only that text.

Article 15 of the treaty bars reservations, even one clarifying the meaning of Article I. Because the U.S. understanding of the scope of the prohibition on other nuclear explosions cannot be incorporated in a reservation to the treaty, the U.S. position may be subject to challenge as a matter of law. After all, one normally looks at negotiating history only if the treaty text is unclear. I hope the administration will address this issue to my satisfaction.

In the meantime, along with many other concerns about this treaty, I question the wisdom of negotiating an agreement that relegates our right of self-defense to the fine print.

I would also draw the attention of Senators to the language of the preamble to the CTBT. The administration points to the preamble for support for its narrow reading of the open-ended language of Article I. The administration notes, correctly, that the preamble does not refer to the ''use'' of nuclear weapons. In the administration's view, the treaty therefore cannot be read to apply to the use of nuclear weapons. Yet, a close reading of the preamble raises more questions than it answers over the ultimate purpose of the CTBT. I hope everybody shares my abhorrence of nuclear weapons. But merely wishing to put the nuclear genie back in the bottle will not accomplish that goal.

The one certainty about the CTBT is that, if ratified, the United States will obey it to the letter. Other countries' record of deception and denial with respect to nuclear testing is such that we cannot have the same confidence. And, in the world of the blind, the one-eyed is king.

I have supported well-negotiated, well-considered reductions in our nuclear forces. But it is a fact that the American nuclear deterrent has served our Nation well and has served the world well. The United States, under Democratic and Republican administrations, backed by a strong and credible nuclear deterrent, faced down the Soviet threat and served as a force for peace and stability around the world.

Therefore, Mr. President, I would not start down this path. Even if the Senate approved the CTBT today, it would be years before the treaty took effect. And by then, decisions would have been made affecting the future of our nuclear deterrent that may be irrevocable.

The second reason I intend to vote against advice and consent is that I am convinced that the treaty cannot achieve the goals its proponents have described: to prevent the nuclear powers from developing new nuclear weapons and to stop the proliferation of nuclear weapons.

While I cannot go into classified details, as my colleagues are aware, the Washington Post recently reported that Russia continues to conduct what may be low-yield nuclear tests at its Arctic test site. Russia reportedly is undertaking this action in order to develop a new low-yield weapon that will be the linchpin of a new military doctrine. These Russian activities are of particular concern. There is evidence, including public statements from the Russian First Deputy Minister of Atomic Energy, Viktor Mikhailov, that Russia intends to continue to conduct low-yield hydro-nuclear tests—that is, nuclear tests—and does not believe that these are prohibited by the treaty.

With respect to proliferation, Acting Undersecretary of State John Holum has stated that, with the CTBT in effect, it will be ''very difficult for new countries to develop nuclear weapons.'' Yet, Director of Central Intelligence George Tenet has stated that ''[n]uclear testing is not required for the acquisition of a basic nuclear weapons capability . . . [and] is not critical for a first-generation weapon.'' North Korea, Iraq, and Iran are seeking this kind of weapon.

Third, it is my considered judgment, as Chairman of the Intelligence Committee, that it is impossible to monitor compliance with this treaty with the confidence that the Senate should demand—I repeat, demand—before providing its advice and consent to ratification.

Simply put, I am not confident that we can now, or, in the foreseeable future will be able to, detect any and all nuclear explosions prohibited under the treaty.

I have a great degree of confidence in our ability to monitor higher yield explosions at known test sites. I have markedly less confidence in our capabilities to monitor lower yield and/or evasively conducted tests, including tests that may enable states to develop new nuclear weapons or improve existing weapons.

I should also repeat in this context North Korea, Iran, and Iraq can develop and deploy nuclear weapons without any nuclear tests at all.

With respect to monitoring, in July 1997, the intelligence community issued a National Intelligence Estimate entitled ''Monitoring the Comprehensive Test Ban Treaty Over the Next 10 years.'' While I cannot go into classified details, I can say that the

NIE was not encouraging about our ability to monitor compliance with the treaty—nor about the likely utility of the treaty in preventing countries like North Korea, Iran, and Iraq from developing and fielding nuclear weapons.

The NIE identified numerous challenges, difficulties, and credible evasion scenarios that affect the intelligence community's confidence in its ability to monitor compliance.

Because the details are classified, and because of the inherent difficulty of summarizing a highly technical analysis covering a number of different countries and a multitude of variables, I recommend that Members review this document with the following caution: I believe that newly acquired information and other developments require a reevaluation of the 1997 estimate's assumptions and underlying analysis on certain key issues. I believe such a new analysis will increase concern about monitoring the CTBT. A preliminary summary of the Intelligence community's revised judgment was provided to the committee late last Friday. This document, along with the NIE and the transcript from last week's hearing is available to Members in S–407.

Proponents of the treaty argue, in essence, that we will miss no test of strategic significance. Despite the U.S. inability to monitor compliance at any test level, proponents place their faith in multilateral monitoring aids provided under the treaty: the International Monitoring System, a multinational seismic, infra-sound, hydroacoustic, and radio-nucleide detection system; and the CTBT's on-site inspection regime.

Based on a review of the structure, likely capabilities, and procedures of these multilateral mechanisms, which will not be operational for a number of years, and based on the intelligence community's own analysis, I believe that these mechanisms will be of little value. For example, the IMS will be technically inadequate to monitor the most likely forms of noncompliance.

The IMS seismic system was not designed to detect ''evasively'' conducted tests. These are precisely the kind of tests Iraq or North Korea are likely to conduct.

In addition, the IMS suffers from having been designed with diplomatic sensitivities rather than effective monitoring in mind. Under the so-called ''non-discriminatory'' framework, no country will be singled out for attention. All countries—Iraq and Ireland, North Korea and Norway—will receive the same level of verification.

Lastly, it will be 8 to 10 years before the system is complete.

Because of these shortcomings, and for other technical reasons, I am afraid that the IMS is likely to muddy the waters by injecting questionable data into what will inevitably be highly charged debates over possible violations.

With respect to OSI, I believe that the onsite inspection regime invites delay and deception. For example, U.S. negotiators originally sought an ''automatic green light'' for on-site inspections. Yet, because of the opposition of the People's Republic of China, the regime that was adopted allows inspections only with the approval of 30 of the 51 countries on the Executive Committee. Proponents of ratification, especially, will appreciate the difficulty of rounding up the votes for such a super-majority.

I am troubled by the fact that if the United States requested an inspection, no U.S. inspectors could participate in that inspection, and we could send an observer only if the inspected party approved. I am also disturbed by the right of the inspected party to declare areas up to fifty square kilometers off-limits to inspection or to impose severe restrictions on inspectors in those areas.

I understand that these provisions mirror limitations sought by Saddam Hussein on UNSCOM inspectors. This leads me to believe that OSI stands for ''Option Selected by Iraq.'' Even if inspectors do eventually get near the scene of a suspicious event, the evidence—which is highly perishable—may well have vanished.

The recently-reported activity at Russia's Arctic test site raises questions both as to our monitoring capabilities and Russian intentions under the CTBT. The Washington Post reported that Russia continues to conduct possible low-yield nuclear tests at its Arctic test site. The Washington Post also reported that the CIA cannot monitor such tests with enough precision to determine whether they are nuclear or conventional explosions.

Mr. President, I have tried to convey some serious concerns about the practicality of this treaty, and that is extremely difficult to do in an unclassified forum and in such a short time.

I urge my colleagues, as they consider their position on this treaty, to immerse themselves in the details. For further information on treaty monitoring and the reported activities at the Russian test site, I urge Members to review the materials available in S–407.

In closing, Mr. President, I would like to make some general points.

First, I believe that, when foreign and national security policies come before the Senate, we must put the Nation's interests first.

Second, while arms control agreements may be useful to the extent they advance our national interests, they are not a substitute for sound policy. Good agreements are an instrument of good policy. Bad agreements, pursued for agreement's sake, do not serve our Nation's interests.

Lastly, some of my colleagues have held out the option of withdrawal from the treaty, should it be ratified yet somehow fail to lead to the Golden Age that proponents envision.

Let me be clear. If this treaty is ratified, there will be no turning back.

The history of cold war arms control agreements is instructive. In 1972, the United States signed the Interim Agreement on the Limitation of Strategic Offensive Arms, generally known as SALT I, together with the SALT I Anti-Ballistic Missile treaty.

On May 9, 1972, Ambassador Gerard Smith unilaterally declared that ''[i]f an agreement providing for more complete strategic offensive arms limitations were not achieved within five years, U.S. supreme interests could be jeopardized.'' He continued, ''Should that occur, it would constitute a basis for withdrawal from the ABM Treaty.''

In fact, no such agreement was reached in five years or in ten years or in 15 years. Not until 1991, almost 20 years after SALT I, when START I was signed, did the United States and the Soviet Union reach such an agreement. At no point did the United States invoke the Supreme Interest clause to withdraw from the ABM Treaty.

It is difficult to imagine the circumstances in which an administration would withdraw from the CTBT.

In closing, Mr. President, I believe that there are many reasons to oppose this treaty. The effect on our nuclear stockpile, the inability of the treaty to achieve its goals, and our inability to monitor compliance are each sufficient reason to withhold advice and consent to ratification.

Mrs. FEINSTEIN. Mr. President, I yield myself 3 minutes. Mr. President, I rise today to express my support for the Comprehensive Nuclear Test Ban Treaty. Unfortunately, the vote outcome today looks to be a tragedy of major proportions. It will leave the world a far less safe place and means the United States relinquishes its imperative as a leader in nuclear nonproliferation. I would like to take a few minutes to explain why I support this treaty, and to address some of the arguments presented by those who are opposed to this Treaty.

I support the Comprehensive Test Ban Treaty because I believe it strengthens the U.S. ability to play a leadership role in global nuclear nonproliferation. The treaty is a key element of the global non-proliferation regime, and if the U.S. fails to ratify the CTBT, it sends a clear message around the world that the development and possession of nuclear weapons are acceptable. As former U.S. Ambassador to India Frank Wisner expressed in a letter earlier this year, if the U.S. walks away from the CTBT ''I do not want to contemplate treaty failure here followed by a breakdown with India and Pakistan and the effect these moves will have on rogue states like Iraq, Libya, Iran and North Korea.''

Second, the CTBT will constrain the development of nuclear capabilities by rogue states, as well as the development of more advanced weapons by declared nuclear states. Any significant nuclear program requires extensive testing, and while a rogue state might develop a primitive first generation

weapon without testing, that testing would not be adequate to develop a sophisticated weapon. And, because new types of weapons also require testing, the CTBT will also curb the ability of states which already possess nuclear weapons from developing more advanced designs. As John Holum, Acting Undersecretary of State and the former Director of the Arms Control and Disarmament Agency, has noted, the United States does not need tests; proliferators need tests.

Third, the CTBT will improve the U.S. ability to detect and deter nuclear tests. The American Geophysical Union and the Seismological Society of America, in a joint statement issued on October 6, found that when the International Monitoring System—with over 300 seismic, hydroacoustic, infrasound, and radionuclide monitoring stations—is in operation, no nation will be able to elude them, even with a small-yield test.

And, finally, the CTBT will make the world a safer place and safeguard U.S. national security interests. The treaty constrains the development of nuclear weapons by other states. That is good. It provides the United States with additional means to detect nuclear activities of other countries. It provides the United States with means and leverage to act if we discover that other states are, in violation of the treaty, developing nuclear weapons. And, given the size and sophistication of the U.S. nuclear arsenal—second to none in every respect—it preserves U.S. nuclear superiority and our deterrent capability. It will help make the world a safer place. It is in the national interest.

The Joint Chiefs believe that this Treaty safeguards U.S. interests. Former Chiefs, including Generals Colin Powell, John Shalikashvili, David Jones, and Admiral Crowe all endorse the treaty. Presidents of both parties, from Eisenhower and Kennedy to President Clinton have worked for a ban on nuclear test explosions. The NATO alliance has endorsed the Treaty. And other leading U.S. military and diplomatic figures—including Paul Nitze, Admiral Turner, Admiral Zumwalt—all support this treaty and believe that it makes the U.S. more secure in the world, not less.

Let me now address several of the arguments that have been raised by opponents of this treaty: That it is not verifiable; that it will compromise the reliability and integrity of the U.S. nuclear arsenal; that the U.S. needs to maintain the ability to improve our nuclear arsenal and that we can only do so with additional tests; and that others, such as North Korea and Iran, will develop nuclear weapons under the CTBT while our hands are tied.

First, several opponents of this treaty have commented that it is impossible for the CTBT to offer a 100% foolproof means of detecting low-yield tests.

It is true that the CTBT will not provide the means for 100% verification of low-yield tests—those tests less than one kiloton in size. But it is undeniable that the additional seismic monitors, including a system that will be well-calibrated to pick up tests smaller than one kiloton (in areas of interest) and the treaty's on-site verification provisions, will increase our current verification capabilities. As the statement of the American Geophysical Union and the Seismological Society of America asserts, the CTBT will add significant capabilities to what we can now detect, and the increased likelihood of detection will serve as a real deterrent to any state contemplating a test.

In addition, as physicist and arms control expert Sidney Drell has noted, ''very low yield tests are of questionable value in designing new nuclear weapons or confirming that a new design will work as intended.'' In other words, even if the CTBT is not 100% verifiable for small-yield tests, tests of this size are only of a limited utility to a state seeking to develop nuclear weapons.

Second, questions have been raised about the adequacy of the Science Based Stockpile Stewardship Program to maintain the reliability and integrity of U.S. weapons systems.

Simply put, according to General Shalikashvili in testimony before Congress, ''our warheads, having been adequately tested in the past, continue to be safe and reliable.'' With the Stockpile Stewardship Program, further nuclear testing is not necessary to maintain the safety and reliability of the U.S. arsenal. The U.S. has conducted over 1,000 nuclear tests. We have a high level of knowledge and sophistication and sufficient data to maintain the safety and reliability of our weapons. The U.S. does not need to conduct further nuclear tests—it is other states that need to test if they seek to develop nuclear programs, and it is precisely tests by other states that the CTBT will constrain or prevent.

In fact, because the U.S. does not need to continue to test, in 1992 President Bush signed into law legislation that established a moratorium on U.S. testing, and we have not tested a weapon in six years.

Each year the heads of Los Alamos, Sandia, and Lawrence Livermore have certified that the U.S. stockpile is safe and reliable. There is every indication that, aided by sophisticated computer modeling and other stockpile stewardship initiatives, they will be able to continue to make these certifications. In fact, in a February 2, 1998 statement, the three lab heads stated that ''We are confident that the Stockpile Stewardship program will enable us to maintain America's nuclear deterrent without nuclear testing.''

Critically—and this point should not be overlooked or ignored by opponents of the treaty—if at any point the United States finds that it can not continue to certify the safety and reliability of our nuclear weapons, under the President's safeguards package incorporated in the Democratic Amendment, the U.S. will maintain the prerogative to pull out of the CTBT and conduct tests or take whatever measures are necessary to maintain stockpile integrity. In other words, our very ability to maintain stockpile safety is a condition of U.S. participation in the CTBT.

Third, questions have been raised as to whether the U.S. needs to continue to test to maintain the ability to improve our nuclear arsenal to face the security challenges that lie ahead.

While the CTBT might constrain our ability to develop whole new classes of weapons, the CTBT does allow us to make modifications to our weapons, including casings, detonators, batteries, and arming systems. In a letter to President Clinton, Dr. Hans A. Bethe, head of the Manhattan Project's theoretical division and professor of physics emeritus at Cornell University, states that ''If any component shows signs of deterioration it will be refabricated. If the fuel itself is degrading, it will be refreshed.''

Parts that wear out can be replaced, and modifications can be made that will improve the capabilities of our nuclear arsenal. Thus, for example, in 1996 a B–61–7 nuclear bomb was modified to a B–61–Mod V earth penetrating weapon by hardening the outer casing. Unlike the B–61–7, the B–61–Mod V has additional capability to penetrate hardened targets.

In other words, the CTBT, while effectively preventing other states from developing nuclear weapons, will still allow the United States to modify its arsenal to meet the challenges that we may face in the years ahead.

Finally, there is the argument that under the CTBT other states—especially such states as North Korea or Iran—will do what they want while our hands will be tied.

In the final analysis some states will do what they want in violation of the norm established by the international community anyway. In other words, they will seek to develop nuclear weapons whether or not the CTBT is in force.

The real question, then, is if the CTBT will make it easier or more difficult for these states to develop nuclear weapons.

For example, with or without the CTBT the U.S. will face problems verifying small-yield tests. And the fact of the matter is that without the CTBT, relying only on national intelligence means, we will have greater difficulty in detecting any tests and less leverage to do anything about it if we do.

Again, to quote General Shalikashvili,

> On the issue of verification we have concluded that a Comprehensive Test Ban Treaty will actually put us in a better position to obtain effective verification than we would have without the Treaty. The Treaty does not provide ''perfect verification,'' but that

level of verification that would allow us to detect, to identify and to attribute that level of testing that could undercut our nuclear deterrent.

The CTBT may thus deter some from going forward with nuclear developments entirely—India and Pakistan have indicated that they would adhere to a test ban, for example—and for those it will not deter, it will make the development of nuclear weapons that much more difficult, and perhaps impossible.

I do not believe the CTBT, or any treaty for that matter, can prevent a determined state from doing what the treaty forbids. But that is neither the right nor the fair standard to measure the treaty against. One cannot let the perfect be the enemy of the good.

The bottom line is that by any measure the CTBT will make the development of nuclear weapons by other states more difficult, will add to the U.S. ability to detect tests, and will enhance U.S. national security by preventing the spread of nuclear weapons while assuring that the U.S. maintains a strong and capable nuclear deterrent second to none. And we also know that failure of the U.S. to ratify the CTBT will have disastrous repercussion.

The United States has led the international effort to keep the nuclear genie in the bottle for the past five decades. As we prepare to enter a new century we should not now uncork that bottle, and make our legacy to the twenty-first century the unleashing of a global nuclear weapons race.

Although I do not believe that this is the appropriate time for this Senate to vote on this treaty, I urge my colleagues to support ratification of the CTBT.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I rise today to explain why I intend to vote against the Comprehensive Test Ban Treaty (CTBT). I think that the words of President Ronald Reagan serve as the most appropriate and powerful way to begin this discussion. President Reagan frequently reminded us, ''We must always remain strong, so that we will always be free.'' The first question we must ask ourselves as we consider this vote is whether the CTBT jeopardizes the strength that the American people have relied upon for 50 years to ensure that this Nation remains free and at peace. Unfortunately, after careful consideration, I have concluded that the CTBT does jeopardize our strength by causing real harm to the very backbone of America's security—its safe, reliable, and credible, nuclear deterrent.

Some of my colleagues have argued that the Senate should postpone final action on the CTBT, that defeating the treaty today sends the wrong message to the world, that somehow the Senate would be signaling to rogue states and others that the United States thinks it is acceptable to develop nuclear weapons. I could not disagree more. The Senate will reject this treaty because it harms America's nuclear deterrent and because it does nothing meaningful to ensure that the spread of nuclear weapons is halted. Regardless of the outcome of the CTBT vote, the world should know that this Senate remains committed to preventing the spread of nuclear weapons, and that we will continue to support the strongest possible actions against proliferant states.

Nor should the rest of the world misinterpret another aspect of the Senate's rejection of the CTBT. The main message of the Senate's action today is that our constitutional democracy, with its cherished checks and balances, is alive and well. Through the wisdom of our Founding Fathers, the Constitution makes the treaty-making power a shared power. The Senate, through its obligation to provide advice and consent to treaties, acts as the ''quality control mechanism'' to ensure that the President does not bind the Nation to an international commitment that is not in its best interests. Before the United States is bound by the terms of an international agreement such as the CTBT, the President and the Senate must both agree to its terms. In rejecting the CTBT, the Senate is sending an explicit message that the United States does not have an international legal obligation to adhere to the provisions of the treaty. If the President were to determine that the United States must conduct tests to ensure the safety or reliability of our nuclear arsenal, the United States would be entitled to do so.

Perhaps most importantly, the Senate's rejection of the CTBT will send a clear message that the United States will not sign up to flawed treaties that are not in the nation's interest. And the men and women who represent the United States in international negotiations will know that when they stand up to negotiating partners in order to protect America's interests in future treaty negotiations, the Senate will not only support them, it will expect them to forcefully advocate a position that protects those interests.

Supporters of the CTBT would have the American people believe that to cast a vote against the treaty is merely a political act designed to embarrass the President. I do not see how anyone who has actually watched the Senate's careful deliberations—both in its committees and the floor—in recent weeks can honestly reach such a conclusion. I think that what the Senate had done through its thorough hearings and floor debate is to demonstrate beyond any reasonable doubt that this treaty faces certain defeat because of the substantive arguments against it that have been persuasively been presented to this body. The inescapable fact about the CTBT is that it is a fatally flawed treaty—it jeopardizes this Nation's nuclear deterrent, it will not contribute to the cause of nonproliferation, and it is unverifiable and unenforceable.

Although these arguments have already been made in depth here on the floor, they bear reinforcement as Senators prepare to cast their votes.

First, the CTBT threatens the Nation's nuclear deterrent—the very backbone of America's security for the past 50 years. To have an effective nuclear deterrent, we must have absolute confidence in the safety and reliability of our nuclear weapons. This requires periodic nuclear tests to ensure that we understand, for example, the effects of aging on our weapons and the best way to mitigate those effects. Again, as with the maintenance of any complex weapon, we must be able to test, to detect technical or safety problems that arise in our nuclear stockpile.

The administration's Stockpile Stewardship Program may well help the United States to better understand our nuclear arsenal, but it is unproven, it may never be an adequate substitute for actual tests, and it is already behind schedule.

A week's worth of expert testimony bears this out. As C. Paul Robinson, the current Director of Sandia National Laboratory, testified before the Armed Services Committee last week:

> I and others who are, or have been, responsible for the safety and reliability of the U.S. stockpile of nuclear weapons have testified to this obvious conclusion [that testing is the preferred methodology] many times in the past. To forego that validation through testing is, in short, to live with uncertainty.

Second, the CTBT will not contribute to the cause of nonproliferation. Countries will make decisions about whether to pursue nuclear weapons based on hard-headed calculations of their security interests. This fact has been demonstrated time and again. The existence of an ''international norm'' against the pursuit of nuclear weapons, created by the 1968 Nuclear Non-Proliferation Treaty (NPT), has not stopped a number of states, including Iran, Iraq, and North Korea from attempting to develop nuclear weapons. Furthermore, the United States has not tested in 8 years, yet in that same timeframe, five other nations have tested.

Third, the CTBT is unverifiable, meaning that states who choose to violate the CTBT may never be caught, and it is unenforceable, meaning that violators who are caught will likely go unpunished. As the October 3 Washington Post pointed out, a recent assessment by the Central Intelligence Agency concluded that the CIA ''cannot monitor low-level tests by Russia precisely enough to ensure compliance with the CTBT.''

And as C. Paul Robinson, the Director of Sandia National Laboratory, said in testimony before the Armed Services Committee on October 7:

> . . . [c]ompliance with a strict zero-yield requirement is unverifiable. The limitations of verifiability introduce the possibility of inconsistent observance of the ban under the threshold of detectability.

Speaking to the issue of lack of enforceability, our colleague RICHARD LUGAR recently noted:

This treaty simply has no teeth . . . . The CTBT's answer to illegal nuclear testing is the possible implementation of sanctions. It is clear that this will not prove particularly compelling in the decisionmaking processes of foreign states intent on building nuclear weapons. For those countries seeking nuclear weapons, the perceived benefits in international stature and deterrence generally far outweigh the concern about sanctions that could be brought to bear by the international community.

Mr. President, for all the reasons my colleagues and I have cited throughout this debate, I believe the only prudent course is for the Senate to demonstrate strength and good sense worthy of Ronald Reagan by rejecting this flawed CTBT.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Dr. Henry Kissinger to the chairman of the Foreign Relations Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HENRY A. KISSINGER,
October 13, 1999.

Hon. JESSE HELMS,
Chairman, Foreign Relations Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As you know, I—together with former National Security Adviser Brent Scowcroft and former CIA Director and Deputy Secretary of Defense John Deutch—had recommended in a letter dated October 5th to Senators Lott and Daschle and in an op-ed in the October 6th Washington Post that a vote on ratification of the Comprehensive Nuclear Test Ban Treaty be postponed to permit a further discussion and clarification of the issues now too controversial. This having proved unachievable, I am obliged to state my position.

As a former Secretary of State, I find the prospect that a major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

My concerns are as follows.

IMPORTANCE OF NUCLEAR WEAPONS

For the entire postwar period, the American nuclear arsenal has been America's ultimate shield and that of our allies. Though we no longer face the same massive threat that we did during the Cold War, new dangers have arisen. Our nuclear arsenal is our principal deterrent to the possible use of biological and chemical warfare against America, our military, and our allies.

VERIFICATION

Almost all experts agree that nuclear tests below some yield threshold remain unverifiable and that this threshold can be raised by technical means. It seems to me highly dangerous to leave such a vacuum regarding a matter fundamentally affecting the security of the United States. And the fact that this treaty is of indefinite duration compounds the problem. The CIA's concerns about recent ambiguous activities by Russia, as reported in the media, illustrate difficulties that will only be compounded by the passage of time.

Supporters of the treaty argue that, because of their small yield, these tests cannot be significant and that the treaty would therefore ''lock in'' our advantages vis-à-vis other nuclear powers and aspirants. I do not know how they can be so sure of this in an age of rapidly exploding technology and whether, on the contrary, this may not work to the advantage of nations seeking to close this gap. After all, victory in the Cold War was achieved in part because we kept increasing, and not freezing, our technological edge.

NUCLEAR STOCKPILE

I am not a technical expert on such issues as proof testing, aging of nuclear material, and reworking existing warheads. But I find it impossible to ignore the concern about the treaty expressed by six former Secretaries of Defense and several former CIA Directors and National Security Advisers. I am aware that experts from the weapons laboratories have argued that there are ingenious ways to mitigate these concerns. On the other hand, there is a difference between the opinion of experts from laboratories and policymakers' confidence in the reliability of these weapons as our existing stockpile ages. When national security is involved, one should not proceed in the face of such doubts.

SANCTIONS

Another fundamental problem is the weakness of the enforcement mechanism. In theory, we have a right to abrogate the treaty when the ''supreme national survival'' is involved. But this option is more theoretical than practical. In a bilateral treaty, the reluctance to resort to abrogation is powerful enough; in a multilateral treaty of indefinite duration, this reluctance would be even more acute. It is not clear how we would respond to a set of violations by an individual country or, indeed, what response would be meaningful or whether, say, an Iranian test could be said to threaten the supreme national survival.

NON-PROLIFERATION

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

I hope this is helpful.

Sincerely,

HENRY A. KISSINGER.

Mr. KYL. Mr. President, I will read excerpts from the letter. It is instructive that Henry Kissinger has written the following:

As a former Secretary of State, I find the prospect that major treaty might fail to be ratified extremely painful. But the subject of this treaty concerns the future security of the United States and involves risks that make it impossible for me to recommend voting for the treaty as it now stands.

He then went on to talk about the experts who believe the treaty to be unverifiable, and then the concerns expressed by the CIA about recent ambiguous activities with respect to Russia; the impossibility, on his part, to ignore the concerns expressed by people such as the former Secretaries of Defense, CIA Directors, and National Security Advisers; and the weakness of the enforcement mechanism of the treaty.

He concludes in the following fashion:

I am not persuaded that the proposed treaty would inhibit nuclear proliferation. Restraint by the major powers has never been a significant factor in the decisions of other nuclear aspirants, which are driven by local rivalries and security needs. Nor is the behavior of the rogue states such as Iraq, Iran, or North Korea likely to be affected by this treaty. They either will not sign or, if they sign, will cheat. And countries relying on our nuclear umbrella might be induced by declining confidence in our arsenal—and the general impression of denuclearization—to accelerate their own efforts.

For all these reasons, I cannot recommend a vote for a comprehensive test ban of unlimited duration.

Mr. COVERDELL. Will the Senator yield?

Mr. KYL. Yes.

Mr. COVERDELL. Mr. President, I think this is a most important letter, but the date makes it unique.

Mr. KYL. The date of the letter is today, October 13, 1999, on the eve of our vote.

Mr. President, let me conclude by thanking all of the people who have testified on both sides of this, especially Dr. James Schlesinger, Jim Woolsey, and people who came early to the Senate and helped inform those of us who were eager to learn what we needed to know about this. I am especially grateful, as I said, to Dr. Schlesinger for his willingness to do that, as well as to testify before the committee.

I also thank Senator JOHN WARNER and Senator JESSE HELMS, both of whom have spent a great deal of time conducting extremely informative hearings. I also thank Senator JOE BIDEN from Delaware, who has conducted himself very well on his side of the debate.

I reserve any additional time.

Mr. BIDEN. Mr. President, I yield 2 minutes to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise in support of the Comprehensive Nuclear Test Ban Treaty.

I strongly believe that the Comprehensive Test Ban Treaty—or CTBT—is in our nation's national security interests. But before I discuss my reasons for supporting the Treaty, let me first say why the Senate—even those who are unsure of the Treaty—should support the Resolution. The past week of debate over the issue has only underscored the arguments for its ratification.

I have spoken before about the history of the CTBT. Let me reiterate some of its history and why it is important to Iowans.

On October 11, 1963, the Limited Test Ban Treaty entered into force after being ratified by the Senate in an overwhelming, bipartisan vote of 80–14 just a few weeks earlier. This treaty paved the way for future nuclear weapons testing agreements by prohibiting tests in the atmosphere, in outer space, and underwater. This treaty was signed by 108 countries.

Our nation's agreement to the Limited Test Ban Treaty marked the end

of our nation's above ground testing of nuclear weapons, including those at the U.S. test site in Nevada. We now know, all too well, the terrible impact of exploding weapons over the Nevada desert. Among other consequences, these tests in the 1950's exposed millions of Americans to large amounts of radioactive Iodine-131, which accumulates in the thyroid gland and has been linked to thyroid cancer. ''Hot Spots,'' where the Iodine-131 fallout was the greatest, were identified by a National Cancer Institute report as receiving 5–16 rads of Iodine-131. The ''Hot Spots'' included many areas far away from Nevada, including New York, Massachusetts and Iowa. Outside reviewers have shown that the 5–16 rad level is only an average, with many people having received much higher exposure levels, especially those who were children at the time.

To put that in perspective, federal standards for nuclear power plants require that protective action be taken for 15 rads. To further understand the enormity of the potential exposure, consider this: 150 million curies of Iodine-131 were released by the above ground nuclear weapons testing in the United States, about three times more than from the Chernobyl nuclear power plant disaster in the former Soviet Union.

It is all too clear that outlawing above-ground tests were in the interest of our nation. I strongly believe that banning all nuclear tests is also in our interests. This is a view shared by many leading Iowans. I request unanimous consent that a recent editorial from the Des Moines Register be placed in the RECORD.

October also marked some key steps for the Comprehensive Test Ban Treaty or CTBT. On October 2, 1992, President Bush signed into law the U.S. moratorium on all nuclear tests. The moratorium was internationalized when, just a few years later, on September 24, 1996, a second step was taken—the Comprehensive Test Ban Treaty, or CTBT, was opened for signature. The United States was the first to sign this landmark treaty.

Mr. President, President Clinton took a third important step in abolishing nuclear weapons tests by transmitting the CTBT to the United States Senate for ratification. Unfortunately, the Senate has yet to take the additional step of ratifying the CTBT. I am hopeful that we in the Senate will ratify the Treaty, and continue the momentum toward the important goal of a world wide ban on nuclear weapons testing.

Many believed we had conquered the dangerous specter of nuclear war after the Cold War came to an end and many former Soviet states became our allies. Unfortunately, recent developments in South Asia remind us that we need to be vigilant in our cooperative international efforts to reduce the dangers of nuclear weapons. This weeks coup in Pakistan only makes clearer the need for a nuclear test ban treaty.

The CTBT is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. Its ''zero-yield'' prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The Treaty would also establish a far-reaching verification regime that includes a global network of sophisticated seismic, hydro-acoustic and radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

It is vital to our national security for the nuclear arms race to come to an end, and the American people recognize this. In a recent poll, more than 80 percent of voters supported the Treaty.

It is heartening to know that the American people understand the risks of a world with nuclear weapons. It is now time for policymakers to recognize this as well. There is no better way to honor the hard work and dedication of those who developed the LTBT and the CTBT than for the U.S. Senate to immediately ratify the CTBT.

It's ratification is clearly in America's and the worlds security interests. It would make the world a safer place for our children and grandchildren. Its defeat could well trigger a major new arms race in Asia—a prospect that should send chills down the backs of us all.

The choice is clear.

Mr. President, I have read through the treaty as best I could and looked at some of the annexes and protocols thereto. In there, there is a list of about 317 monitoring stations that would be put in place if we ratify this treaty. Right now, I understand there are about 100. So we will have three times more monitoring stations than we have right now. So to those who say we might not be able to absolutely detect every explosion over a certain amount, or under a certain amount, quite frankly, we will have a lot more monitoring stations by ratifying this treaty than we have right now.

Secondly, if the explosions are so small as to be undetectable, there are provisions in the treaty that allow for a state to have an onsite inspection. So there is a whole process it goes through so we can have an onsite inspection to determine whether or not it was a nuclear explosion.

Lastly, the treaty does contain a supreme interest clause in accordance with which a state party may withdraw from the treaty upon 6 month's notice, et cetera, if it determines that extraordinary events related to the subject matter of the treaty have jeopardized its supreme interest. So, at any time, if the United States, or any other sovereign nation, decides it is in their supreme interest to withdraw from the treaty, they can do so by giving 6 month's notice.

Lastly, if anybody ever had any doubt about why we ought to be ratifying this treaty, the headline in this morning's paper ought to say it all: Army Stages Coup In Pakistan. Troops Arrested Prime Minister.

In part, it says:

> India expressed deep concern with the government's ouster and put its army on high alert.

If nothing else, this ought to tell us to ratify this treaty, or else we are going to have more nuclear explosions in South Asia. It is a powder keg waiting to happen. We ought to ratify the treaty.

Mr. HELMS. Mr. President, I yield 2 minutes to the Senator from New Mexico, Mr. DOMENICI.

Mr. DOMENICI. Mr. President, as I said earlier this week, I oppose this treaty for two major reasons: (1) the treaty cannot be considered apart from other major arms control agreements in to which the United States has entered; and (2) Science-Based Stockpile Stewardship has not yet been given enough time to prove whether or not it will give us the assurance we need in the reliability and safety of our nuclear weapons without physical testing.

However, the vote by the Senate today to reject this treaty was ill-timed and this poor timing could have adverse consequences in the world. No need exists now for a vote; after all, the United States is not now testing and has no plans in the immediate future to do so. This has been recognized by proponents and opponents of this treaty who have asked for delay in the vote.

I have attempted, with many others, during the last 2 weeks to help forge some path out of the parliamentary impasse in which the Senate is currently involved. Nonetheless, that has not been successful. We have not found any such path. I think that is unfortunate. Nonetheless, I might say treaties don't really die, even when they are defeated; they are returned to the Executive Calendar of the Senate. Therefore, we will have another chance to debate the Comprehensive Test Ban Treaty in the next Congress, or years thereafter. It may very well be that, by then, my concerns about the overall strategic arms strategies and their relationship to the Comprehensive Test Ban Treaty can be alleviated. And if the potential for stockpile stewardship during that decade can be realized, perhaps I will be able to vote for the treaty in the future.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 2 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, my father, over a half century ago, wrote an article the day after Hiroshima, and he focused on the problem of a proliferation of atomic bombs and nuclear weaponry. He was worried about his children, and he was worried about his grandchildren to come.

Today I come to the floor of the Senate, and I say I really was hoping this

Senator would be a part of a vote that would ratify the Comprehensive Test Ban Treaty. I think it would be an enormous step forward for our children and our grandchildren in our effort to put a stop to the proliferation of these weapons of mass destruction.

I will say very honestly and truthfully to my colleagues that I don't understand why we didn't put this vote off. I don't understand why Senators, on a procedural vote, voted to essentially go forward with this vote today. I think the defeat of this agreement is an enormous step backward for humankind. I think it is a profound mistake.

I think now I have to say to the people in Minnesota and to the people in our country I am saddened that this treaty is going to be defeated. I don't think we should have this vote. But to the American people and Minnesotans, hold each and every Senator accountable.

I yield the floor.

Mr. HELMS. Mr. President, I yield 5 minutes to the distinguished Senator from Virginia, the Old Dominion State, Mr. WARNER.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished chairman. I thank the distinguished ranking member.

This has been, under the limitations, an excellent debate for the Senate. This is my 21st year in the Senate, and I can think of few debates in that time that have been as informed as this one. I strongly disagree with a very dear friend, Brent Scowcroft, who described this debate otherwise. While not a Member of the Senate, he is one whom I respect. His remarks were reported widely in the newspapers this morning.

This has been a good debate. Senators on both sides have stood up and displayed courage. Our two leaders, Senator LOTT and Senator DASCHLE, have displayed the courage of their convictions. In the many consultations over the past week that I have had with the distinguished chairman and ranking member, and our leadership, I have always left with the belief that they placed the security interests of this country foremost, as each day decisions had to be made regarding this treaty.

I also say to my dear friend, Senator MOYNIHAN, I thank him for the leadership he has shown. We embarked together on a bipartisan effort, and we were joined by a very significant number of our colleagues—whose names will be a part of the RECORD at a later time—in an effort simply to recognize that in the course of the hearings and in the course of conversations and consultations with so many people not only here in the United States but across the seas, that there were clearly honest differences of opinion from individuals who have spent much of their lifetime on this subject—honest differences of opinion.

But lacking is that burden of proof, some would say beyond a reasonable doubt, that this treaty would not put at risk the security of this country by virtue of the terms of the treaty as presently written.

This treaty requires that we put at risk in perpetuity—not just today, not just tomorrow, but in perpetuity—a stockpile which today is safe and credible, which tomorrow will be safe and credible—for the foreseeable next few years to come. Let there be no doubt in anyone's mind of that fact. But can we say that that will be the case forever?

As our military examined this treaty, it is clear that they said we support the treaty, but only if the safeguard is in place which says we can get out of the treaty if the President makes that determination, and only if the Stockpile Stewardship Program—the computer simulations which are to replace actual testing—can be put in place and proven to ensure that our nuclear stockpile remains credible and safe.

The Record before the Senate today does not justify that support. It does not say that each of the components of the Stockpile Stewardship Program will be in place and will work in a way that will put our stockpile, in the future, in the same category that it is in today. We do not know. There is a reasonable doubt. We simply do not know. For that reason, regrettably, I shall have to vote—that vote occurs shortly—against this treaty.

But I say that honest individuals have done their very best in this Senate, and I thank all those beyond the Senate who have made very valuable contributions to this debate.

I shall put in the RECORD, by unanimous consent, further documentation on the laboratory directors. Of all the testimony that came before the Armed Services Committee, the testimony of the lab directors was the most compelling. And indeed, that of the intelligence community, which, in a sense, asked for more time to do the work they thought necessary in assessing our ability to monitor this treaty. And many former Secretaries of Defense had an honest difference of opinion.

As Senator KYL, who has worked so hard on this treaty and probably knows it better than anyone else, has said clearly—Secretary Kissinger, one of several Secretaries of State who have expressed their opinions—has now indicated his opposition. These are men and women who have spent their lifetime on this subject. Reasonable doubt is to be found there.

Lastly, the laboratory Directors: I would like to respond to some of my colleagues and the media's mis-portrayal of the testimony given at last Thursday's hearing before the Senate Armed Services Committee by the Directors of the three National Labs—Dr. Paul Robinson of Sandia National Laboratory, Dr. C. Bruce Tarter of the Lawrence Livermore Laboratory, and Dr. John C. Browne of Los Alamos National Laboratory. It is important to have a full picture of what was said at our hearing last week Many of these statements used by my colleagues and the media were taken out of context. For instance, the line of questioning that the Ranking Member engaged in with the Lab Directors on whether they were ''on board'' with the treaty, I believe has been mis-characterized. I'd like to read from the transcript the exchange that occurred between the Ranking Member and the Lab Directors.

> Senator LEVIN. What you are telling us is that if this safeguard and the other safeguards are part of this process that you can rely on, that in your words, Dr. Robinson, you are on board in terms of this treaty; is that correct?
>
> Dr. ROBINSON. I am on board that science-based stockpile stewardship has a much higher chance of success and I will accept it as the substitute.
>
> Senator LEVIN. For what?
>
> Dr. Robinson. I still had other reservations about the treaty——

At this point, Dr. Robinson was cut off and was unable to finish his answer. In response to this line of questioning, a Senator from the minority side, said that he ''detected an uneasiness on the part of some of those who testified'' and expressed concern that Dr. Robinson's response that he had other concerns with the treaty was ''blurred''.

Senator LEVIN then asked Dr. Tarter, Director of Lawrence Livermore Labs, to respond to the same question, Dr. Tarter responded:

> A simple statement again: It is an excellent bet, but it is not a sure thing.
>
> Senator LEVIN. My question is, are you on board, given these safeguards?
>
> Dr. TARTER. I can only testify to the ability of stockpile stewardship to do the job. It is your job about the treaty.
>
> Senator LEVIN. Are you able to say that, providing you can rely on safeguard F and at some point decide that you cannot certify it, that you are willing under that condition to rely on this stewardship program as a substitute for actual testing?
>
> Dr. TARTER. Yes.

Dr. Tarter never said that he was ''on board with the treaty.'' In fact, he attempted to avoid directly answering Senator LEVIN's question. Clearly, Dr. Tarter was uncomfortable with this line of questioning. It was only after Senator LEVIN significantly modified the question by adding certain qualifications that Dr. Tarter finally responded affirmatively.

Senator LEVIN asked Dr. Browne whether he was on board with the treaty and Dr. Browne responded:

> Senator Levin, if the government provides us with the sustained resources, the answer is yes, and if safeguard F is there, yes.

Dr. Browne said that he was ''on board with the treaty'' but only if certain conditions were met.

In examining the complete record and considering the manner in which the responses were elicited, it is clear that the labs directors had reservations about the treaty. They were clearly uneasy with the question and the manner in which they were questioned. They were certainly not enthusiastic in indicating any support for the treaty—even with the qualifications (i.e., safeguards) that were added.

In addition to the previous line of questioning the transcript includes numerous statements by the Lab Directors which I believe, taken together, indicate that these experts have serious issues with this treaty as well as the Stockpile Stewardship program. I note that the endorsement in January 1998 of the CTBT by Generals Colin Powell, John Shalikashvili, David Jones, and Admiral William Crowe, former chairman of the Joint Chiefs of Staff, was conditioned, like that of the Lab Directors, on the six safeguards submitted by the President along with the treaty to the Senate for advice and consent which included a Stockpile Stewardship program to ensure a high level of confidence in the safety and reliability of nuclear weapons in the stockpile.

Here are some of the statements by the Lab Directors on the Stockpile Stewardship program:

Dr. Browne, Director of Los Alamos stated:

Each year, through a comprehensive program of surveillance of the stockpile, we find one or more problems in each weapons system that may require attention. . . . we have identified several issues that, if they had occurred when testing was active, most likely would have been resolved by nuclear testing.'' He went on to state: ''The issue that we face is whether we will have the people, the capabilities, and the national commitment to maintain . . . confidence in the stockpile in the future, when we expect to see more significant changes. Although we are adding new tools each year, the essential tool kit for stockpile stewardship will not be complete until some time in the next decade.

Dr. Tarter, Director of the Lawrence Livermore stated:

I think we have a challenging program [stockpile stewardship], one that is very difficult to achieve. I think, although both the administration and the Congress have had increasing levels of support for the stewardship program over these past years, they have not quite met what we said was necessary to achieve the program on the time scale that we believed was necessary in view of the aging of the designers and of the weapons. I think we all feel under a great deal of stress to try to make those deadlines with the current resources. . . . So I think to date I would give the program a—I think we have done a good job. I think we have learned things. It is not a perfect job, but I think it has been a very, very good start. I think the challenge lies in the longer term, and I think . . . if I had one simple phrase I think that the stewardship program with sustained support is an excellent bet, but it ain't a sure thing.

Dr. Robinson, Director of Sandia, stated:

I question the expectations many claim for this treaty. . . . I think we have got to specify with a lot more character what is the real purpose of the treaty. I secondly discuss [in his written statement] a lot of the important technical considerations as we have tried to substitute other approaches, which has come to be known as the science-based Stockpile Stewardship Program, for the value that tests had always provided us in previous decades. I can state with no caveats that to confirm the performance of high tech devices—cars, airplanes, medical diagnostics, computers, or nuclear weapons—testing is the preferred methodology. . . . My statement describes the work involved in attempting to substitute science-based stockpile stewardship. It is an enormous challenge, but I agree, much very good work has been done. Much has been accomplished. But we still cannot guarantee that we will ultimately be successful. Science-based stockpile stewardship is the best way we know of to mitigate the risk to the extent that is possible.

. . . But the question and where we (those who support or oppose testing and the treaty) differ the greatest is what is the best way to achieve that peace with stability. At least two very dichotomous approaches. Is the world better off with nuclear weapons in the hands of those who value peace the highest, who will maintain their nuclear arsenals in order to deter aggression and to prevent major wars, or would the world be better off it there were no more nuclear weapons, and is there really a sound plan for how you might ever achieve that?

In addition, an exchange between Senator REED and Dr. Robinson on the Stockpile stewardship Program occurred as follows:

Senator REED. Let me just ask another question, which, as I understand it, part of the effort on the Stockpile Stewardship Programs is massive computational projects. Which, if carried out, will allow you to go back and analyze data that we have accumulated for years and years and years, which has never been fully analyzed. Does that offer any additional sort of opportunities to increase your sense of reliability that, without testing, we can go ahead and more accurately protect the stockpile?

Dr. ROBINSON. You are quite correct. The legacy data that we have, the correct statement is not that it has not been analyzed, it has not been successfully predicted by the models. We have gaps in our understanding. As we improve the codes, as we add the third dimension—we are presently going from two dimensional calculations to three-dimensional calculations—a key test of the success of these simulation codes will be how well does it predict those things we could not understand in the past. So that is a very key part of the science-based Stockpile Stewardship Program.

There were also statements on the value of testing. One of the most powerful statements was given by Dr. Robinson from Sandia. He said:

. . . there are black issues, white issues, but mostly a lot of gray. But, I can say from my own experience over the years, I have seen that same kind of scientific debate. But when you then carried out a test and looked at the predictions of various people in the debate, the answer became very clear. The test has a way of crystallizing answers into one or the other and ending that grayness. And that is something that will be missing in a future state.

. . . the President presented to you with the treaty and which he and certainly we believe are conditions for ratification. The most important of those by far is Safeguard F. We kept stressing to the White House, we cannot be sure that science-based stockpile stewardship will mature in time to handle a serious safety or reliability problem as these weapons age. Without it, without the ability at that point to test, we would be powerless to maintain the U.S. first line of defense, its strategic deterrent force.

After hearing their testimony first hand, I do not know how anyone could state that the Lab Directors vigorously supported this treaty. When you examine the entire record it is clear that the Lab Directors—the experts on the safety and reliability of America's nuclear stockpile—have reservations about the treaty and the Stockpile Stewardship Program. Their support for this treaty is tempered by specific qualifications and stipulations. I urge each and every one of you to review the full testimony of these most important witnesses.

Lastly, the laboratory Directors:

The lab Directors have said, based on their careers of 15 or 20 years, they cannot guarantee that the present Stockpile Stewardship Program will match or even approach in, say, 5, 10, or 15 years the sound data that we have gotten through 50 years of testing—actual testing. We are not about to resume actual testing. We don't have to at this point in time, but we might in the future.

But every Senator should think about the fact that they are casting a vote that commits the United States in perpetuity. The road to arms control, whatever the goal is at the end—peace in the world—building blocks and steps have been laid both by Republicans and Democrats. Every President, and others, has worked on these agreements. Neither side should take the majority of the credit; it has been shared equally. And a hope and a prayer of this Senator is that we continue as a nation to lead in taking positive, constructive steps in arms control.

So it is with regret that I believe this treaty has that degree of reasonable doubt, imposing restriction in perpetuity on one of our most valued strategic assets, and I cannot support it.

I yield the floor.

Mr. BIDEN. Mr. President, I yield to the Senator from New York 1 minute.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to thank, above all Members in this body, the chairman of the Armed Services Committee, Senator WARNER, who is opposed to this treaty, as I am in support.

Together we have addressed a letter to our distinguished leaders, Senator LOTT and Senator DASCHLE, asking that the matter be put off until the next Congress, as the President has requested be done.

Sir, this morning I don't think we had a handful of signatures on that letter. At this moment, we have more than half the Members of this body—as the day has gone by, the realization of what an enormous decision we are making with so very little consideration has sunk in.

Sir, we spent in my time in this body 38 days debating the Panama Canal Treaty. The Treaty of Versailles—equally important—was debated 31 days in 1919 and 24 days in 1920.

Note that it was passed over, because a treaty does not die once it has simply been voted down; it remains on the calendar.

But I would like to express the hope that before the debate is over, the distinguished Senator from Virginia might place in the RECORD the letter

which we addressed to the leaders and perhaps, if he wishes, the signatures we have so far received. He indicates he would be willing to do that. I thank him and I thank my leader, Senator BIDEN.

Mr. BIDEN. After consultation with the chairman of the committee, they are going to reserve the remainder of their time so we will not go back and forth with proponents and opponents until they indicate they want to.

I yield 2 minutes to the Senator from Pennsylvania.

Mr. SPECTER. I thank my colleague from Delaware for yielding. I support the treaty because I think the balance of risks are in favor of ratifying this treaty. It is not without risk, but it is not in perpetuity. The United States may withdraw at any time that it chooses. If we reject this treaty, it is an open invitation to other nations to test. I think that is a greater risk than the risks involved in ratifying the treaty. The events of the last 24 hours in Pakistan show the undesirability of having the Pakistanis test in their race with the nation of India, not to speak of the other nations, Iran, Iraq, North Korea.

I suggest the President of the United States call the majority leader of the Senate and try to work this out. More than that, of the Senators here, many who are opposed to the treaty think we should not vote it down. It is not over until it is over. I believe it is possible for the President to say to the majority leader what would satisfy the majority leader to take this treaty out of the next Congress. And I believe the majority leader could convene the Republican caucus—and we can do that yet this afternoon or into the evening on this momentous matter. I think it is still possible to avoid this vote to give extra time for security measures, to give extra time for testing, but not to cast a vote which will be a vote heard around the world to the detriment of the United States.

Mr. BIDEN. Mr. President, I yield 3 minutes to the distinguished Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I support the Comprehensive Test-Ban Treaty, CTBT, a treaty which I believe is in our national security interests.

Although it appears regrettably that the required votes of two-thirds of the Senate do not exist at this point, I nonetheless hope that as many of my colleagues as possible will vote to ratify this treaty since we cannot procedurally seem to be able to set the treaty aside.

Since 1992, the United States has abided by a unilateral moratorium on nuclear weapons testing. Despite the absence of testing during these past 7 years, our nuclear weapons stockpile has been maintained, our nuclear deterrent has remained formidable, and our national security has not been threatened. Because our nuclear arsenal remains safe and reliable today, the United States has no plans to test these weapons any time soon.

Also during these past 7 years of our moratorium on nuclear testing, the United States negotiated and signed the CTBT. We signed this treaty recognizing that discouraging other nuclear powers and would-be nuclear powers from testing these weapons would lessen the unthinkable possibility that the nuclear option would ever be employed. In fact, halting advancement in nuclear weapons development and limiting the number of nuclear-capable military states, locks in a status quo in which the United States has an enormous military advantage. This treaty makes the United States militarily stronger, not weaker.

One of the wisest aspects of the CTBT is its requirement that all of the world's 44 nuclear capable nations ratify the treaty for it to enter into force. This means that North Korea, Iran, and others that pose the greatest potential threat to the United States and our allies must join us in being a party to this treaty before the United States relinquishes the option of nuclear testing.

Another strong aspect of the CTBT is that it is accompanied by 6 critical safeguards that the Joint Chiefs of Staff insisted upon before agreeing to support it. I would note that the sixth and most significant to these safeguards is included in the resolution which is before us today. It requires the United States to withdraw from the CTBT under the supreme national interests clause if the Secretaries of Energy and Defense cannot certify the reliability of our nuclear arsenal. This safeguard gives Americans the assurance that they will continue to be protected by a robust and credible and nuclear deterrent under the CTBT.

I believe this treaty is very much in the interests of the United States. It will help prevent the spread of nuclear weapons worldwide, while ensuring a huge U.S. advantage in nuclear weaponry that has deterred would-be aggressors for many years. I urge my colleagues to support ratification of this treaty.

Mr. KYL. Might I inquire of the distinguished chairman of the committee if I could make a brief statement.

Mr. HELMS. Mr. President, I yield to the distinguished Senator from Arizona.

Mr. KYL. Mr. President, deterrence has long been a primary component of U.S. security policy. In the cold war, nuclear weapons were the backbone of our national deterrent. The threat of unacceptable damage in response to aggression was central to inhibiting the Soviet Union's expansionist aims. Moreover, the credibility of the U.S. nuclear guarantee provided for ''extended deterrence'' against attacks on our friends and allies.

While the conditions today are much different from the past, our nuclear weapons continue to serve as an essential hedge against a very uncertain future with both Russia and China, two states that highly value their own nuclear forces. Equally important, deterrence—backed by credible nuclear forces—remains the first line of defense against an even broader range of threats than in the past, including rogue states armed with weapons of mass destruction.

The nuclear balance of terror that once defined our relationship with the Soviet Union is no longer central in our relations with Russia. Yet, even as we work to achieve a more democratic and open Russia, nuclear weapons appear to play a growing role in Moscow's security strategy, including declaratory policy and defense planning. Whether to overcome conventional weakness or as a means to retain one of its last vestiges of superpower status, Russia is continuing to modernize its nuclear forces. The retention of thousands of theater nuclear weapons, the deployment of the new mobile SS–27 ICBM, and the continuing investment in its massive nuclear weapons infrastructure demonstrate how important these weapons are to Moscow and lend credence to the concerns that Russia may have recently tested new nuclear weapons to provide the foundation for its future security strategy.

There are many fundamental questions about Russia's political and economic future that today can not be answered with certainty. What is clear, however, is that Russia will continue to possess formidable, modern nuclear forces no matter how these questions are answered over time. For this reason, it remains imperative for us to retain a credible nuclear deterrent capability to guard against the reversal of our relations with a potentially hostile and nuclear-armed Russia.

The strategic uncertainties associated with China are even greater than those with Russia. There are clear indications of qualitative improvements and quantitative increases to the Chinese nuclear arsenal. The Cox committee found that China is actively pursuing miniaturized nuclear warheads and MIRV technology, developing more accurate and ballistic missiles, and building a larger arsenal. Recent Chinese tests of a new medium-range ballistic missile, the DF–31 and public declarations of its development of enhanced radiological weapons serve to reinforce these findings. Similarly, a recent National Intelligence Estimate forecasts increases in the Chinese strategic arsenal and investment in technologies, such as penetration aids, designed to defeat any United States missile defense.

Perhaps most disturbing, the strategic intentions of both Russia and China appear increasingly antagonistic toward the United States. This past August they jointly announced a strategic partnership as a counterweight to what they termed U.S. ''hegemonic ambitions.'' As he met with Chinese President Jiang Zemin, President Yeltsin declared himself ''in fighting form, ready for battle, especially with Westerners,'' and complained that ''some

nations are trying to build a world order that would be convenient only for them, ignoring that the world is multi-polar.'' Given the uncertainties surrounding the future political and military developments in these two states, experience and prudence suggest the need for a hedge that only credible nuclear forces can provide.

While deterrence of rogue states armed with weapons of mass destruction is very different than deterrence as we understood it in the cold war, an overwhelming retaliatory capability—and the fear of a possible nuclear repsonse—remains critical to countering this new set of ever more dangerous threats. Despite sustained and determined efforts to de-legitimize our nuclear weapons, and assertions that their utility ended with the cold war, our nuclear weapons are essential in this context. Conventional superiority alone is not sufficient. Looking at the only real world experience we have in deterring the use of chemical and biological by rogue leaders—the Desert Storm case—it appears that the threat of a nuclear response was a major factor in the Iraqi decision to forego the use of their weapons of mass destruction.

An in-depth study of United States security policy in the 21st century, conducted last year by the National Defense University and Livermore National Laboratory, concluded that nuclear weapons would remain critical both to hedge against Russia and China, as well as to deter rogue states that will seek to challenge us in regions of vital interest. This same study concluded that: ''Retaining the safety, reliability, security, and performance of the nuclear weapons stockpile in the absence of underground nuclear testing is the highest-risk component of the U.S. strategy for sustaining deterrence.'' For over 40 years, testing was seen as essential to the credibility of our deterrent forces and our commitments to friends and allies. The CTBT, if ratified by the United States, would call into question the effectiveness and reliability of this essential component of our national security strategy.

In the annual statement of U.S. National Strategy, President Clinton has affirmed the view of his predecessors for more than half a century—nuclear weapons are vital to the security interests of the United States. It is not surprising then that one of the safeguards offered by the White House to diminish the risk inherent in accepting a permanent ban on nuclear weapons testing through the Comprehensive Test Ban Treaty CTBT is to attempt to sustain the existing inventory of nuclear weapons through what is known as the Stockpile Stewardship Program, SSP. The aim of the SSP is to utilize the data from more than 1,000 U.S. atmospheric and underground nuclear tests legacy code combined with advanced diagnostic and experimental facilities now under development in the SSP to assess the aging properties of nuclear weapons. It is hoped that the SSP will enable U.S. nuclear weapon scientists and engineers to model and simulate nuclear phenomena with sufficient fidelity and reliability to permit judgements to be made about whether or not a particular weapon or class of weapons will continue to be safe and reliable. In short, whether or not U.S. nuclear weapons will remain a credible deterrent.

The administration's approach is an extraordinarily risky one—far more so than can be discerned from administration statements on the subject. This is so because the way risks are multiplied in the program. First, the CTBT prevents the United States from using the technique for assuring the reliability of stockpile—the detonation of the nuclear weapon to be confident that the aging of the nuclear components have not diminished confidence in its safety and reliability. Second, the CTBT prevents the United States from testing new weapon designs—the approach we have taken over the past half century to make sure our nuclear weapon stockpile kept pace with what was required to deter. Third, the CTBT offers as an alternative to testing, the SSP. Let's examine each of these elements of risk in turn.

First, the design of nuclear weapons is a highly empirical process. Vast computer networks and theoretical physicists notwithstanding, testing has been an indispensable dimension of nuclear weapon development, production, and deployment. This is so because the environment within a nuclear weapon is unlike anything in nature. Materials exposed to decades of nuclear radiation behave in ways scientists do not know how to predict. Gold, for example, corrodes in a nuclear environment—a property not evident in nature. We do know know what will happen over time to the nuclear components of a weapon and how the aging process will affect the weapon. This has been addressed in the past by detonating weapons after a fix has been installed in a weapon that appears to be adversely affected by age. Because there is no theoretical basis that has been validated through testing to certify weapon safety and reliability, testing has been indispensable. The United States ceased its nuclear weapon testing program in 1992, but had never undertaken an effort to ascertain whether or not it could model and simulate the aging properties of nuclear weapons with sufficient reliability to permit the certification of the weapons in the stockpile.

Nuclear weapons now in the stockpile—eight types plus one additional type in reserve—means that we have concentrated our deterrent in relatively few weapon designs. In the mid-1980s, we had 32 types of nuclear weapons in the stockpile. The average age of the weapons in the stockpile is 15 years—more than has ever been the case in the past, and well beyond U.S. experience. We simply do not know what the long-term implications of aging are on nuclear weapons. We do know that there are consequences from the aging process, because problems resulting from aging have been identified in the past. However, as we were able to conduct underground tests, the aging process did not degrade the safety and reliability of the stockpile. If the CTBT is ratified, we may not have an opportunity to do this in the future because the process for utilizing the supreme national interest provisions of the treaty to withdraw are themselves an impediment to sustaining deterrence.

Second, the CTBT will prevent the United States from testing new nuclear weapon designs should the need to sustain deterrence call for new designs. Many new designs were required during the cold war to sustain deterrence. Identifying some circumstances that could give rise to a requirement for new weapon designs is not difficult. The weapons retained in the U.S. inventory after the cold war are primarily designed to strike urban-industrial targets (reflecting the policy of mutual assured destruction) and hardened targets on or near the earth's surface. The change in the technology of underground construction has fundamentally changed the economics of locating military targets in deep underground locations. In Russia, for example, despite its severely depressed economic circumstances, has invested $6 billion since 1991 in a deep underground military facility in the southern end of the Ural Mountains. The underground facility at the site is located under nearly 1,000 feet of granite—one of scores of deep underground sites—that could not be held at risk with the current nuclear weapon stockpile. Similar underground facilities exist in other declared or undeclared nuclear weapon states. It is possible that some future President may decide that new weapon design(s) are needed to sustain deterrence. He will be prevented from doing so if the CTBT is ratified.

Third, the alternative to testing, the SSP, is an extraordinarily risky approach to sustaining deterrence. The United States has not conducted a testing program to verify that the modeling and simulation of the existing stockpile or new designs can be maintained or implemented using the experimental and diagnostic facilities of the SSP. No testing has taken place since 1992, but the SSP will not be fully operational until 2010 or beyond. One of the most important of these facilities—the National Ignition Facility, NIF—has proven to be both a technical and cost challenge. Last month the Congress was confronted by a one-third jump in the cost of this program. The entire SSP—budgeted at $4.5 billion—is certainly underfunded, as the NIF experience demonstrates. For the SSP to be successful, all of its numerous experimental and diagnostic facilities have to work perfectly to assure that the safety and reliability of the stockpile can be certified indefinitely. It is one

thing to take such a technical and financial risk in an environment where testing is unconstrained. It is quite another to bet on the enduring success of a program—the SSP—that has already been shown to have unforeseen cost, technical, and schedule difficulties. The extent of these difficulties has not yet even been ascertained by the executive branch—much less an independent determination by the Congress. The risks to the ability to sustain deterrence under the CTBT are simply too large for the Congress to accept. The CTBT should not be ratified.

CTBT proponents claim that the treaty is an important tool in the fight against nuclear proliferation. This is simply inaccurate.

A test ban will provide no obstacle to a proliferator who seeks a first-generation-or even a second-generation-nuclear weapon. One of the two bombs the United States dropped on Japan to end WWII was an untested design. South African built and deployed six nuclear weapons without testing the design. Pakistan obtained a workable design from China, and thus needed no nuclear tests of its own.

Faced with these facts, treaty proponents often resort to the claim that the CTBT will establish an international norm against nuclear proliferation. Again, history teaches us differently. There is already an international norm against proliferation embodied in the Nuclear Nonproliferation Treaty—the NPT. Over 130 nations have signed the NPT and, by doing so, have forsworn nuclear weapons development. As an aside here, I guess we can say the CTBT is to get nations to promise not to test the weapons that they promised not to develop under the NPT.

The international norm of nuclear nonproliferation-the one supposedly established by the NPTB was broken by Iraq, which tried to develop nuclear weapons clandestinely. And, the norm is violated even today by North Korea, which remains in noncompliance with the NPT. Two nations not party to the NPT, India and Pakistan, also broke the international norm.

Other arms control norms are readily and repeatedly broken as well. There are too many examples to cite here today, but let me give you one. The United States forswore biological weapons and led the world in signing the Biological Weapons ban. The Soviet Union signed too, but secretly kept inventing and manufacturing ever more potent biological weapons. Other nations, including Iraq, have also made such weapons.

The point here is that norms do nothing to prevent development of heinous weapons by nations that view it in their security interests to do so. They are driven by their own perceptions of threat, not by a desire to adhere to a norm established by the United States or the international community.

Ironically, the CTBT might actually promote nuclear proliferation. I say this for two reasons.

First, it my promote proliferation by damaging the U.S. nuclear umbrella. United States allies such as Japan, South Korea, Germany, and Italy have long depended on United States nuclear strength to provide them the ultimate protection. Indeed, the United States persuaded South Korea and Taiwan to give up their own nuclear weapons programs by promising them protection.

U.S. nuclear testing has signaled to allies, and to potential enemies, that the United States nuclear arsenal is effective and that the United States is committed to using such weapons if absolutely necessary. Without nuclear testing, there is no question that United States confidence in the stockpile will decline. Our enemies and allies alike will read this silent signal as a local of commitment to maintaining-and using, if necessary-the nuclear deterrent.

As U.S. confidence in the stockpile declines over time, it is likely that our allies confidence in the nuclear umbrella will similarly decline. This could head to allies reevaluating their own security needs. (If the U.S. umbrella appears insufficient, might they not consider developing their own nuclear deterrents?

The second reason that I say that the CTBT may promote proliferation is that it will result in significantly increased interactions between the U.S. weapons design community and the international academic community. This could, and probably will, result in the transfer of weapons-relevant data. Let me explain.

The U.S. stockpile stewardship program, the one intended to take the place of nuclear testing, relies on markedly increased collaboration between nuclear weapons specialists and the open scientific community. The program encourages open exchange of new nuclear research between the U.S. weapons laboratories and the international scientific community. The role that the stewardship program envisions for unclassified researchers extends far beyond peer review and the occasional preventatives meeting. Bit involves U.S. highly likely that these Occasional presentations meeting energy the quit involves Program, to participate in attempt to develop tool sot replace

There will be five university research centers and a host of other researchers funded by 5 year grants totaling tens of millions of dollars. It is highly likely that these researchers in the unclassified world, working closely with nuclear weapons scientists on the stewardship program, will gain an improved understanding of nuclear explosives phenomena. And, of course, there will be no way to prevent the further dissemination this understanding.

In summary, the CTBT will not further the cause of nuclear nonproliferation. Quite the opposite, it will likely result in promoting nuclear proliferation.

The Comprehensive Test Ban Treaty submitted to this Senate by President Clinton is not verifiable. This means that, despite the vast array of expensive sensors and detection technology being established under the treaty, it will be possible for other nations to conduct militarily significant nuclear testing with little or no risk of detection.

What is militarily significant nuclear testing? Our definitions of the term might vary, but I think we'd all agree that any nuclear test that gives a nation information to develop newer, more effective weaponry is militarily significant.

In the case of the United States, nuclear tests with yields between 1,000 tons and 10,000 tons are generally large enough to provide ''proof'' data on new weaponry designs. Other nations might have weaponry that could be assessed at even lower yields. For the sake of argument, however, let's be conservative and assume that other nations would also need to conduct tests at a level above 1,000 tons to develop a new nuclear weapon design.

The verification system of the CTBT is supposed to detect nuclear blasts above 1,000 tons, so it would seem at first glance that it will be likely that most cheaters would be caught. We need to look at the fine print, however. In reality, the CTBT system will be able to detect tests of 1,000 tons or more if they are nonevasive. This means that the cheater will be caught only if he does not try to hide his nuclear test. But, what if he does want to hide it? What if he conducts his test evasively?

It is a very simple task for Russia, China, or others to hide their nuclear tests. One of the best known means of evasion is detonating the nuclear device in a cavity such as a salt dome or a room mined below ground. This technique called ''decoupling'' reduces the noise, or the seismic signal, of the nuclear detonation.

The change in the signal of a decoupled test is so significant—it can be by as much as a factor of 70—that it will be impossible for any known technology to detect it. For example, a 1,000-ton evasive test would have a signal of a 14-ton non-evasive test. This puts the signal of the illicit test well below the threshold of detection.

Decoupling is a well-known technique and is technologically simple to achieve. In fact, it is quite possible that Russia and China have continued to conduct nuclear testing during the past 7 years, while the United States has refrained from doing so. They would have been able to test, without our knowing, by decoupling.

There are also other means of cheating that can circumvent verification. One is open-ocean testing. A nation could put a device on a small seaborne platform, tow it to the middle of the ocean, and detonate it anonymously. It would be virtually impossible to attribute the test to the cheater.

If the CTBT were not going to affect U.S. capabilities, it would not be important whether the treaty is verifiable

or not. The fact is, however, the CTBT will freeze the U.S. nuclear weapons program and will make it impossible to assess with high confidence whether the current stockpile is reliable. And, because the treaty is not verifiable, it will not effectively constrain other nations in the same way. That means that they will ultimately be able to gain advantage.

Let me stress here that my assessment is not based on partisan opinions. The non-verifiability of the CTBT is well-known and has been affirmed by the U.S. intelligence community. We have no business signing up to an unverifiable treaty, particularly one that could so adversely affect the strength and effectiveness of our nuclear deterrent.

Mr. President, seismology has come a long way in the past half-century, but it still measures only earth vibrations, not Treaty compliance. Let's save time by stipulating that earth vibrations caused by most nuclear explosions will be detected by the CTBT's International Monitoring System (IMS). Then we can focus discussion on the political process by which detection of ''events'' lead to identification of nuclear tests, and by which identification of tests leads to verification of noncompliance with a Treaty.

In combination, the United States and IMS will reliably detect thousands of seismic events every year. But that does not mean that either system, independently or in combination, can reliably identify low yield nuclear explosions.

Seismic networks are scientific tools that must be calibrated against real world occurrences of what they measure. Once seismologists know that a given seismic signal was a nuclear test of a given yield at a given location, their network is calibrated for nuclear explosions of comparable magnitude at that location. For events of different magnitudes and/or in different locations, seismic signal identification is subjective. Like a few dozen CPAs interpreting the same IRS rule, each event will be interpreted differently depending on who is making the judgment and who their client is. This is particularly true, of course, for smaller events and those that occur in parts of the world—where nuclear explosions have not previously been recorded.

The fact of such uncertainty is not in dispute. No one can specify now, or in the foreseeable future, how large a nuclear test must be before it can be reliably identified as a nuclear test by the IMS. The best case would involve fully decoupled tests in locations where seismologists know both the precise magnitude of previous tests and the consequent seismic reading generated by those tests. The worst case would involve clandestine tests in uncalibrated regions that are decoupled. Even in best case circumstances no one disputes the uncertainty of identifying low yield nuclear events—no matter where they are conducted. Some believe these uncertainties extend to events of several kilotons, fully decoupled. In any case, no improvements of the United States and IMS systems that can be expected in the foreseeable future will alter those judgments.

Mr. President, that is why CTBT proponents stress seismic capabilities in terms of detection capability, which, unlike identification capabilities, can be calculated. But detection relates exclusively to the seismic network's ability to sense events, and again I stress it is identification, not detection that underpins verification.

A violator can decrease even a detected seismic magnitude by ''decoupling''—that is, conducting a nuclear test in an underground cavity that muffles an explosion. Treaty proponents will argue that construction of such cavities is a nontrivial engineering task. It is hard to measure such difficulty because our experience in decoupling is more limited than, say, Russia's. But to decouple a 10-kiloton explosion so that it cannot be identified requires a cavity that countries of greatest concern are certainly capable of constructing.

To help resolve such uncertainties, the CTBT includes the right to conduct on-site inspections (OSI). But decisions to exercise that right will be based on the level of voting countries' confidence in events identified by the IMS seismic network.

Thirty current members of the rotating 51-member CTBT Executive Council must agree that an OSI should be conducted. It is clear from the negotiating record that some countries, including China, would view a request for OSI as a hostile act.

The fact, coupled with identification uncertainties for low yield events, makes it very unlikely that the Executive Council will ever get the votes needed to request OSI for lower yield tests. For larger yields, in calibrated regions, where event-identification would be less ambiguous, OSI requests would be more likely to get the required support, but hardly needed to identify the event.

For seismic events that could be low yield tests, the precise location of that event will be very uncertain, and the area that would need to be examined with OSI would be prohibitively large. Impression in locating an event, coupled with the inspected state's rights under the CTBT's ''managed access'' principle, assures that an approved OSI will never conclusively identify an event.

Past experience has shown that to achieve consensus—even within the United States—on the identification of low yield events will be very difficult. Past experience has also shown that other countries—most of whom do not have the detection resources the United States has—will weigh OSI decisions against the political reality that target state will perceive OSI as a hostile action.

The bottom line, Mr. President, is that OSI approval will be most likely in cases where they are needed least, least likely in cases where they are needed most, and of marginal utility when they are conducted.

Even if a detected seismic event is categorized as a nuclear test, it still has to be attributed to a CTBT party. What if it takes place in international waters? What if a suspected government feigns surprise and attributes the undertaking to a non-state actor, known or unknown, acting within its borders? What if the precise location cannot be specified and the suspect state has sensitive facilities in the area surrounding the event's apparent epicenter? In short, the IMS is designed to support a bulletproof CTBT regime. It will generate lots of suspecting, very little detecting, still less identifying, little or no attributing, and a virtual absence a verified noncompliance.

Mr. President, none of this would matter except that the United States will never conclude that the accumulated uncertainties are sufficient to justify our abrogation of the treaty. Anti-nuclear interests, knowing full well that a foreign nuclear test has occurred, will always be able to obscure the evidence or moderate the U.S. response. That is true already, of course, but Treaties reside in a rarefield political and legal atmosphere in the U.S. from which abrogation is never taken lightly.

These are the weapons the United States relied on defeat two monstrous twentieth century tyrannies and to deter threats for over a half-century. I do not wish to subordinate their deterrent power, their safety, their modernization, or their reliability to the vagaries of this detection-identification-verification conundrum. The IMS system was not, and could not have been, designed to verify clandestine tests. Thus, to whatever extent our ratification of the CTBT relies on the integrity of verification it should be soundly defeated.

CTBT proponents are fond of saying that this treaty is the longest sought, hardest fought arms control agreement. They point out that negotiation of a nuclear test ban first began with President Eisenhower, and continued on-and-off through the administrations of several presidents.

In truth, the Clinton CTBT is very different from the test bans sought by past presidents. An old name has been put on a new treaty. We need only look at history to see that what President Clinton's administration negotiated is not at all consistent with the treaty sought by his predecessors.

When President Eisenhower undertook negotiations for a test ban, he purposefully excluded low-yield nuclear testing for at least two reasons. First, he knew that the United States would need to conduct such low-level tests to assure that the U.S. stockpile was as safe and reliable as possible. Second, he knew that such testing is readily concealed, so banning them would not be verifiable. And, like Eisenhower, subsequent U.S. Presidents

held fast to the position that any test ban must allow for low-yield testing.

President Clinton, separating himself from past presidents, declared that the United States would undertake a zero-yield nuclear test ban. He made this decision against the advice of the majority of his cabinet, including the Secretaries of Defense and State, and against the advice of the leaders of the national laboratories. That is, President Clinton unilaterally determined that the U.S. would deny itself the ability to conduct the low-level testing necessary to assure us that the weapons in our stockpile are functional and usable.

President Clinton's decision is particularly astounding when you realize that other nations will not be similarly constrained. They will be able to test low-yield devices. Why? Because the CTBT does not define what is meant by a nuclear test. In other words, the treaty does not say that it is a zero-yield ban. That is something that President Clinton imposed on the United States as its own interpretation of the treaty. Thus, when Russia conducts low-yield tests to assure reliability of its own arsenal, it will not be technically in violation of the CTBT.

A second reason that Clinton's CTBT is quite different from the test bans sought by past presidents is duration. Clinton's treaty is of unlimited duration. All previous presidents understood that it was very important to limit the length of the treaty to a few years, thus requiring renewal periodically. This would place the burden upon those who want a test ban to prove that it is in the security interests of the United States to continue the ban. Instead, Clinton's treaty does the opposite: it makes getting out of the treaty very difficult. And, as we have seen from the ABM Treaty, it is politically very difficult to leave a treaty, even when it is no longer relevant or in your security interests.

A third major difference that makes Clinton's CTBT different from past test bans is its lack of verifiability. All past presidents stated that they would only support a treaty that is effectively verifiable.

Verifiability may not seem to be a very significant issue, but it is indeed terribly important. We all know that the United States will adhere scrupulously to the CTBT is we in the Senate give our advice and consent to ratification. Other nations, however, have repeatedly demonstrated that they are willing to violate their arms control commitments. North Korea is currently in violation of the Nuclear Nonproliferation Treaty, under which it promised not to pursue nuclear weapons. Russia has violated a host of arms agreements, including the ban on production of biological weapons.

If the United States abides by a test ban, whereas other nations are able to continue testing undetected, the United States will ultimately be disadvantaged. Others will be able to assure confidence in their stockpiles, but the United States will not. Others will be able to continue to develop newer, more modern nuclear weapons, whereas the U.S. program will be frozen. Others will be able to test any fixes to problems that develop with their stockpiles, whereas the United States will not be able to do so.

This treaty is not well-thought-out and contains provisions that will ultimately harm the U.S. nuclear deterrent. Furthermore, the zero-yield interpretation by President Clinton is unacceptable. We should reject this treaty in the interests of our own security.

CTBT proponents assert that the DOE's Science Based Stockpile Stewardship Program (SSP) can maintain the safety and reliability of the nation's nuclear weapon stockpile without nuclear testing. I emphasize that this is an assertion, an unproven, undemonstrated assertion. Dr. Seigfried Hecker, as Director of Los Alamos National Laboratory in 1997, in response to a question from Senator KYL, has stated ''. . . we could not guarantee the safety and reliability of the nuclear stockpile indefinitely without nuclear testing.'' By agreeing to ratification of the CTBT the Senate would accept abandoning nuclear testing, the only proven method for assuring the safety and reliability of our nuclear deterrent, to embrace the unproven, unvalidated SSP.

Nuclear deterrence is a vital element of our national security structure. President Clinton, in sending us this treaty reaffirmed that he views the maintenance of a safe and reliable nuclear stockpile to be a supreme national interest of the United States. If this is the case, how we can accept an unproven SSP as the basis for our confidence in the nuclear stockpile? If SSP were an established capability, and a not a set of research programs, most of which will not reach fruition for years, and the predictions of SSP had been thoroughly compared with the results of nuclear tests specifically designed to validate the new SSP, with positive results, then and only then could I consider abandoning nuclear testing in favor of SSP.

Can you imagine any reputable company abandoning one accounting systems for another without making sure that the new system's results agreed with the old? Can you imagine any reputable laboratory abandoning one calibration tool for another before ensuring that the new tool agreed with the old tool? But this is what we are being asked to do if we give our advice and consent to the CTBT. In an area where the supreme national interest of the United States is at stake we are being asked to endorse SSP as a replacement for nuclear testing without knowing if SSP works. Clearly the sensible course of action is to pursue SSP but calibrate its predictions, validate its new computer models, step-by-step, year-by-year by direct comparison with the results of nuclear tests specifically designed to test SSP. Then, if the SSP is shown to be a reliable replacement for nuclear testing, we could consider whether we would wish to be a party to a treaty banning nuclear testing. We must retain the ability to conduct underground nuclear tests to ensure the reliability and safety of our existing weapons and to establish whether SSP works.

I would like to remind my colleagues that this body, in 1987, required the Department of Energy to design a program very like what I have described, but even more encompassing. The Senate Armed Services Committee language for the fiscal year 1998 authorization bill required that DOE prepare a report on a program which would prepare the country for further limitations on nuclear testing beyond the 150 kiloton yield cap then in place. The committee recognized that the sophisticated weapons in the U.S. inventory might not be sustainable under further test limitations and required DOE to describe a program that would ''. . . prepare the stockpile to be less susceptible to unreliability during long periods of substantially limited testing.'' DOE was also required to ''. . . describe ways in which existing and/or new types of calculations, non-nuclear testing, and permissible but infrequent low yield nuclear testing might be used to move toward these objectives.'' This latter requirement might be viewed as the progenitor of SSP. DOE responded to this requirement by designing a test-ban readiness program which anticipated a ten year, ten nuclear test per year program which would address the objectives required by the Senate, which included the development and validation, by comparison with nuclear tests, of new calculational tools and non-nuclear testing facilities. I must hasten to add that this program described by DOE was never fully funded because throughout the Reagan and Bush administrations further limitations on nuclear testing were not viewed as necessary or desirable. A CTBT was stated to be a long term goal.

The stark differences between the Senate's requirement and the DOE response and the path taken by the Clinton administration could not be more stark. There was no period of preparation for this CTBT before us. The DOE was not instructed to implement the design and testing of robust replacement warheads. The DOE was not funded to procure and validate new calculational and non-nuclear testing facilities. Instead, nuclear testing stopped without warning. Even the few nuclear tests that might have allowed some preparation were denied. Dr. Hecker wrote to Senator KYL, ''We favored conducting such tests with the objective of preparing us better for a CTBT.'' However all tests were ruled out by the Clinton administration for policy reasons. This was years before the President signed the CTBT.

Nuclear weapon safety has always been a paramount concern of the United States. Throughout the history of its nuclear weapons program the United States has made every effort to ensure that even in the most violent of accident situations there would be the minimum chance of a nuclear explosion or radioactive contamination. The adoption of the CTBT will abandon this important commitment.

I am very concerned that a CTBT will stand in the way of improving the safety of U.S. nuclear weapons. All experts agree that nuclear weapon safety cannot be improved without the ability to conduct nuclear tests to confirm that the weapons, once new safety features are incorporated, are reliable. The CTBT makes pointless any attempts to invent new, improved safety feature because they could never be adopted without nuclear testing. Of even greater concern is that the CTBT even eliminates the possibility of improving the safety of current weapons through the incorporation of existing, well understood safety features.

Unfortunately, few people know that many of our current weapons do not contain all the safety features that already have been invented by the DOE Laboratories. A White House Backgrounder issued July 3, 1993, in conjunction with President Clinton's decision to stop all u.S. testing, acknowledges ''Additional nuclear tests could help us prepare for a CTBT and provide some additional improvements in safety and reliability.'' President Clinton thought it was more important not to undercut his nonproliferation goals!

I am less ready to ignore the safety of the American people. If we accept the CTBT, we will be accepting a stockpile of nuclear weapons that is less safe than it could be. I, for one, want no part in settling for less than the best safety that can be had. Should a U.S. nuclear weapon become in evolved in a violent accident which results in deaths and damage due to the spread of radioactive plutonium, I do not want to be in the position of explaining how I, by consenting to ratification of the CTBT, prevented the incorporation of safety measures that would have prevented these tragic consequences.

CTBT proponents will cite certifications of safety by the laboratory directors and the administration that the stockpile is safe. They apparently believe that procedures will make up for the lack of safety features. The Chernobyl nuclear reactor accident provides us with an example of what happens when procedures are counted on to ensure safety rather than putting safety mechanisms in place. Chernobly is not the only example where counting on human operators to follow procedure for ensuring safety has failed. It had been DOE's objective to install safety features which were inherent to guarantee, to the maximum extent possible, that neither through accident nor malevolent intent could human actions cause unacceptable contamination. Has this policy been abandoned because it is inconvenient to an administration determined to have a CTBT at any cost?

We have spent considerable money to incorporate advanced safety features in some existing weapons. Were we wasting our money? Is there some reason why it is OK to have some weapons less safe than others? I am not challenging that each weapon may be as safe as it could have been made at the time it was built. But safety standards change and now we may have to live without current weapon systems for a very long time. The American people deserve the safest weapons possible. We have gone from expecting seat belts, to expecting antilocking brakes and air bags in our automobiles. We know we could have insensitive high explosive and fire-resistant pits and enhanced nuclear detonation safety devices in every stockpile weapon. But we do not! We know each additional safety features decreases the probability of catastrophic results from an accident involving a nuclear weapon. We have no business entering into a CTBT until every weapon in our inventory is as safe as we know how to make it. I cannot justify a lesser standard and I hope you join me in this view and not give advice and consent to the ratification of the CTBT.

Mr. President, there are numerous reasons to oppose this treaty, many of which have been discussed here already. But I would like to focus on one feature of this agreement that is, in my view, sufficient reason by itself for rejecting ratification, and that is the treaty's duration.

This is an agreement of unlimited duration. That means that, if ratified, the United States will be committing itself forever not to conduct another nuclear test.

Think of that—forever. Are we so confident today that we will never again need nuclear testing—so certain that we are willing to deprive all future commanders-in-chief, all future military leaders, all future Congresses, of the one means that can actually prove the reliability of our nuclear deterrent?

Now, proponents of this treaty will say that this is not the case—that this commitment is not forever—because the treaty allows for withdrawal if our national interest requires it. And proponents of the treaty promise that if we reach a point where the safety and reliability of our nuclear deterrent cannot be guaranteed without testing, well then all we need do is exercise our right to withdraw and resume testing. This so-called ''supreme national interest'' clause, along with Safeguard F, in which President Clinton gives us his solemn word that he will consider a resumption of testing if our deterrent cannot be certified, is supposed to reassure us.

But the fact, Mr. President, is that this reassurance is a hollow promise, and supporters of the treaty know it.

The fact is that if the critical moment arrives and there is irrefutable evidence that we must conduct nuclear testing to ensure our deterrent is safe, reliable, and credible, those same treaty supporters will be shouting from the highest mountain that the very act of withdrawing from this treaty would be too provocative to ever be justified, that no narrow security need of the United States could ever override the solemn commitment we made to the world in agreeing to be bound by this treaty.

And if you don't believe that will happen, Mr. President, you need only look at our current difficulties with the 1972 ABM Treaty. It provides a chilling glimpse of our nuclear future, should we ratify this ill-conceived test ban.

Like the Comprehensive Test Ban Treaty, the ABM Treaty is of unlimited duration. It, too, includes a provision allowing the United States to withdraw if our national interests so demand. It's difficult to imagine a situation in which national security interests and treaty obligations are more clearly mismatched than with the ABM Treaty today, but its supporters insist that withdrawal is not just ill-advised but actually unthinkable. And the voices wailing loudest about changing this ossified agreement are the same ones urging us today to entangle ourselves in another treaty of unlimited duration.

Think of the ways in which the ABM Treaty is mismatched with our modern security needs. The treaty was conceived in a strategic context utterly unlike today's, a bipolar world in which two superpowers were engaged in both global rivalry and an accompanying buildup in strategic nuclear forces. Today, one of those superpowers no longer exists, and what remains of it struggles to secure its own borders against poorly armed militants.

The arms race that supposedly justified the ABM Treaty's perverse deification of vulnerability has not just halted, it's reversed, and no thanks to arms control. Today Russian nuclear forces are plummeting due not to the START II agreement—which Russia has refused to ratify for nearly 7 years—but to economic constraints and the end of the cold war. In fact, their forces are falling far faster than treaties can keep up; arms control isn't controlling anything—economic and strategic considerations are. Similar forces have led the United States to conclude that its forces can also be reduced. Thus, despite a strategic environment completely different from the one that gave birth to the ABM Treaty, its supporters stubbornly insist that we must remain a party to it.

In 1972, only the Soviet Union had the capability to target the United States with long-range ballistic missiles. Today, numerous rogue states are

diligently working to acquire long-range missiles with which to coerce the United States or deter it from acting in its interests, and these weapons are so attractive precisely because we have no defense against them—indeed, we are legally prohibited from defending against them by the ABM Treaty.

Technologically, too, the ABM Treaty is obsolete. The kinetic kill vehicle that destroyed an ICBM high over the Pacific Ocean on October 2 was undreamed of in 1972. So was the idea of a 747 equipped with a missile killing laser, which is under construction now in Washington state, or space-based tracking satellites like SBIRS-Low, so precise that they may make traditional ground-based radars superfluous in missile defense. Yet this ABM Treaty, negotiated three decades ago, stands in the way of many of these technological innovations that could provide the United States with the protection it needs against the world's new threats.

These new threats have led to a consensus that the United States must deploy a National Missile Defense system, and a recognition that we are behind the curve in deploying one. The National Missile Defense Act, calling for deployment of such a system as soon as technologically feasible, passed this body by a vote of 97–3, with similar support in the House. Just as obvious as the need for this capability is the fact that the ABM Treaty prohibits us from deploying it. Clearly, the ABM Treaty must be amended or jettisoned; the Russians have so far refused to consider amending it so withdrawal is the obvious course of action if United States security interests are to be served.

But listen to the hue and cry at even the mention of such an option. From Russia to China to France and even to here on the floor of the United States Senate, we have heard the cry that the United States cannot withdraw from the ABM Treaty because it has become too important to the world community. Those who see arms control as an end in itself inveigh against even the consideration of withdrawal, claiming passionately that the United States owes it to the world to remain vulnerable to missile attack. Our participation in this treaty transcends narrow U.S. security interests, they claim; we have a higher obligation to the international community. After all, if the United States is protected from attack, won't that just encourage others to build more missiles in order to retain the ability to coerce us, thus threatening the great god of strategic stability? That phrase, translated, means that citizens of the United States must be vulnerable to incineration or attack by biological weapons so that other nations in this world may do as they please.

Even though the ABM Treaty is hopelessly outdated and prevents the United States from defending its citizens against the new threats of the 21st century, supporters of arms control insist that withdrawal is unthinkable. Its very existence is too important to be overridden by the mere security interests of the United States.

Absurd as such a proposition sounds, it is the current policy of this administration and it is supported by the very same voices who now urge us to ratify this comprehensive test ban. The Clinton administration has been reluctantly forced by the Congress into taking serious action on missile defenses. It admits that the system it needs to meet our security requirements cannot be deployed under the ABM Treaty. Yet, so powerful are the voices calling on the United States to subjugate its own security interests to arms control that the administration is proposing changes to the ABM Treaty that—by its own admission—will not allow a missile defense system that will meet our requirements. It has declared what must be done as ''too hard to do'' and intends to leave the mess it has created for another administration to clean up. All because arms control becomes an end in itself.

That sorry state of affairs, Mr. President, is where we will end up if the Senate consents to ratification of the Comprehensive Test Ban Treaty. Those treaty supporters who are saying now, ''don't worry, there's an escape clause'' will be the same ones who, 5 or 10 years from now—when there's a problem with our stockpile and the National Ignition Facility is still not finished and we find out that we overestimated our ability to simulate the workings of a nuclear weapon—will be saying we dare not withdraw from this treaty because we owe a higher debt to the international community.

Mr. President, I don't represent the international community, I represent the people of my state. Our decision here must serve the best interests of the United States and its citizens. Our experience with the ABM Treaty is a perfect example of how arms control agreements assume an importance well beyond their contribution to the security of our nation. The Comprehensive Test Ban Treaty's unlimited duration is a virtual guarantee that this agreement will prevent us from conducting nuclear testing long past the point at which we decide such testing is necessary, should we so decide. As our ABM experience shows, we should take no comfort from the presence of a so-called ''supreme national interest'' clause.

I urge the defeat of this treaty.

Mr. President, the CTBT is nothing less than an ill-disguised attempt to unilaterally disarm the U.S. nuclear arsenal. We have repeatedly confirmed the need for nuclear weapons in the U.S. defense force posture. According to this administration's Secretary of Defense, ''nuclear forces are an essential element of U.S. security that serve as a hedge against an uncertain future and as a guarantee of U.S. commitments to allies.'' Most of us recognize this as a necessary, but awful, responsibility. Unfortunately, the CTBT actively undermines the Secretary of Defense's stated rationale for the U.S. nuclear arsenal.

For nuclear weapons to serve as a hedge against an uncertain future, they must be relevant to the threats we may face. As Iraq demonstrated during the gulf war, that threat is often a rogue regime armed with weapons of mass destruction. Hopefully, the threat of nuclear retaliation will deter a rogue regime from using WMD against United States forces and allies in the theater, as it did in the Iraqi case. However, some rogue regimes may not be moved by such concerns. Would North Korea, which appears otherwise content to let its people starve, balk at the prospect of United States nuclear retaliation/ and for that matter, is a United States threat to kill hundreds of thousands of oppressed North Korean civilian the proper response to North Korean WMD use? Is it a proportionate, morally acceptable threat to make? If it is not a threat we would carry out, how credible can it be? The answer to these questions lies in making sure that the U.S. nuclear arsenal is and remains relevant to the sorts of threats we will encounter in the ''uncertain future.''

Making the U.S. nuclear arsenal relevant to a world of rogue actors with dug-in, hardened shelters and WMD capabilities will likely require new weapons designs. In addition to improving the safety and reliability of our arsenal, new weapons designs tailoring explosive power to the threat will be crucial. For example, in some settings, biological weapons can be even more deadly than nuclear weapons. By releasing the agent into the atmosphere, a conventional attack on a biological weapons storage facility might cause more innocent deaths than it averted. It is possible that only a nuclear weapon is capable of assuring the destruction of a biological agent in some circumstances. The U.S. development of the B61–11 bunker buster nuclear weapon is evidence that, absent the political pressure for arms control, the U.S. arsenal needs these capabilities.

The CTBT will stop the United States from developing and deploying fourth generation nuclear weapons. Further, it will slowly degrade and destroy the nuclear weapons design infrastructure needed to produce new weapons designs. Thus any promise to withdraw from the CTBT in time of need becomes irrelevant; the capabilities we need won't be there. Without these new designs, nuclear weapons will ultimately cease to be a credible option for U.S. decisionmakers in all but a few very specific cases. Denying the United States the nuclear option is the true intent of the CTBT.

Do other countries recognize the utility of new weapons designs? Certainly.

Russia increasingly relies on its nuclear weapons for national security because its conventional forces are failing. Russia is almost certainly interested in developing what one Russian senior academic identified as ''ultralow-yield nuclear weapons with little effect on the environment.'' Our ability to detect and identify these sorts of test, which may resemble conventional explosions or small seismic events, with any degree of certainty is limited, and the cost of evading detection through decoupled underground tests, masking chemical explosions, etc., is not prohibitive. While the CTBT's proposed International Monitoring System (IMS) will add to the capabilities available through U.S. national technical means (NTM), it will still not provide definitive answers.

While less sophisticated than the Russian program, China has demonstrated that modernized and new weapons designs are on its agenda. Its aggressive intelligence-gathering operation aimed at the U.S. nuclear weapons complex should be clear evidence of that. China's willingness to freeze its nuclear modernization program simply to comply with a treaty should also be suspect—China has repeatedly demonstrated that it is willing to act contrary to its international commitments in areas of keen United States interest like the Missile Technology Control Regime (MTCR). ''Norms'' and diplomatic peer pressure will not dissuade China from nuclear testing. Based on these observations, what the CTBT will create is a frozen, degrading U.S. nuclear weapons program, improving Russian and Chinese arsenals, and a host of rogue regimes increasingly aware that the United States nuclear threat is deficient.

Let me conclude my remarks. I think as we close this debate, it is important to reflect for a moment on what the constitutional responsibilities of the Senate are. In binding the American people to international treaties, the Senate is a coequal partner with the President of the United States, whose people negotiate treaties which he signs and then sends to the Senate for its advice and consent.

It would help if he asked the Senate's advice before he requested our consent, but in this particular case his negotiators tried in certain circumstances to gain provisions in this treaty which eventually they concluded they could not get, and as a result, negotiated what Senator LUGAR of this body has called a treaty not of the same caliber as previous arms control treaties; a treaty that is flawed in a variety of ways he pointed out, including the fact it is not verifiable and it lacks enforceability.

My view is that the Senate can fulfill its constitutional responsibility not by being a rubber stamp to the administration but by in effect being quality control by sending a message that the U.S. Government, embodied in the Senate, will insist on certain minimum standards in treaties that will bind the American people. Particularly with respect to our national security, when we are talking about arms control, we will insist on those standards regardless of world opinion or what the lowest common denominator of nations may request.

This administration had the opportunity to negotiate a treaty of less than permanent duration. They originally tried a 10-year, opt-out provision but failed in that. They originally, at the request of the Joint Chiefs of Staff, were trying not to agree to a zero yield but to permit hydronuclear tests. But eventually they agreed to a zero yield. There were requests for better monitoring sites around the world, but our negotiators gave up on that as well.

My point is, in rejecting this treaty tonight the Senate will be strengthening the hand of our future negotiators who, in talking to their counterparts in the world, will be able to say the Senate is going to insist on certain minimum standards: That it be verifiable, it be enforceable, that it take the U.S. security interests seriously, and unless that is done we cannot possibly agree to these terms.

By rejecting this treaty this evening, I believe we will be sending a very strong message that as the leader of the world, the United States will insist on certain minimal standards to the treaties. Our negotiators in the future will be better able to negotiate the provisions. And in the future, the Senate will be in a position to ratify a treaty rather than having to reject what is clearly an inferior treaty.

I urge my colleagues to reject this treaty.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 2 minutes to the distinguished Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut is recognized for 2 minutes.

Mr. LIEBERMAN. Mr. President, the good-faith efforts of people on both sides of the aisle to avoid a vote, knowing that there were not votes in the Senate to ratify this treaty, have obviously failed. The vote will occur soon, and the votes are not there to ratify the treaty. That, in my opinion, is profoundly unfortunate. There is plenty of blame to be passed all around for that result.

I think at this moment we all should not look backward but look forward, and particularly say to our friends and allies and enemies around the world that this vote tonight does not send a signal that the majority of the American people and their Representatives in Congress and in the Senate are not profoundly concerned about nuclear proliferation and are not interested in arriving at a treaty that genuinely will protect future generations from that threat.

At times in this debate I was heartened by statements, including those made by the current occupant of the Chair, the Senator from Nebraska, saying if the vote occurred, you would vote against the ratification tonight, but more work ought to be done and more thought ought to be given. I hope in the days ahead we will be able to reach across the partisan aisle, work together without time limitation or even timeframe, to see if we can find a way to build adequate support for the ratification of this treaty, or a treaty which will control the proliferation of nuclear weapons by prohibiting the testing of those weapons. I invite my colleagues from both parties to join with us in that effort in working together with our administration. I hope we can take from this experience the lessons of what we did not do this time and should do next time.

The PRESIDING OFFICER. The time of the Senator has expired. The Senator from Delaware.

Mr. BIDEN. Mr. President, how much time remains in my control?

The PRESIDING OFFICER. The Senator from Delaware has 16 minutes 54 seconds remaining.

Mr. BIDEN. How much time remains in control of my friend?

The PRESIDING OFFICER. The Senator from North Carolina has 10 minutes remaining.

Mr. HELMS. Will the Senator forgive me; I overlooked Senator WARNER.

Mr. BIDEN. Surely.

Mr. WARNER. I thank my distinguished colleagues.

My dear friend and partner in the venture for a letter, Senator MOYNIHAN, addressed the letter in his remarks. First, we expressed it was an effort in bipartisanship by a large number of Senators—I but one; Senator MOYNIHAN two. This letter will be printed in the RECORD following the vote.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have spoken to our leader. I am going to close the debate on our side. I will use any time up to the amount of time that I have available.

My friend from North Carolina knows—I guess when people listen to us on the air they must wonder. We go through this, ''my friend from North Carolina'' and ''distinguished Senator from.'' I imagine people, especially kids or youngsters in high school and college, must look at us and say: What are they talking about, unless they understand the need for good manners in a place where there are such strong differences, where we have such deep-seated differences on some issues, where I must tell you—and I am not being melodramatic—my heart aches because we are about to vote down this treaty. I truly think, I honestly believe that, in the 27 years I have been here, this is the most serious mistake the Senate has ever made—or is about to make.

But that does not detract from my respect for the Senator from North

Carolina, who not only is against the treaty, but wants to bring it up now, now, and vote it down. So I think it is important for the American people to understand. We have deep differences on this floor. In other places they have coups and they shoot each other. Because of the traditions of this body and the rules of the Senate, we live to fight another day.

My friend knows we came the same year; we came the same date; we came at the same time. I will promise him, and he will not be surprised, I will use every remaining day of this Congress to try to fight him on this issue—even though I am about to lose, we are about to lose, my position is about to lose—to try to bring this back up, try to push it, try to keep it alive. Because as the Parliamentarian pointed out, when you vote this treaty down today, it doesn't die; it goes to sleep. It goes back to bed. It jumps over that marble counter there, back over the desk to the Executive Calendar to be called up again.

I warn you all, I am going to be a thorn in your side, not that it matters much, but I am going to keep harping at it. I am going to keep beating up on you; I am going to keep talking about it; I am going to keep at it, keep at it, keep at it.

When we started this off, my objective was to get the kind of hearings—I know my friend says we have had hearings—the kind of hearings we have had on other significant treaties—10, 12, 15, 18 days of hearings. The ''sense of the Senate'' amendment that I was prepared to introduce two weeks ago called for Foreign Relations Committee hearings beginning this fall and final action by March 31, 2000.

That is what I was looking for because I truly believe that, were the American people and our colleagues able to hash this out in the way we designed this body to work, we would, in fact, find accommodation for all those concerns that 67 Senators might have; not 90, but probably 67, 68—70. I truly believe that. I truly believe that.

Instead, we got one quick week of hearings, with the Committee on Foreign Relations holding only one day of hearings dedicated to this treaty, the day after the committee was discharged of its responsibility.

That abdication of committee responsibility was perhaps only fitting, as most Republicans appear prepared to force this great country to abdicate its responsibility for world leadership on nuclear non-proliferation.

But let me say that in this floor debate, I have attempted at least to answer attacks leveled by treaty opponents. Neither side has been able to delve very deeply, however, given the time constraints and lack of balanced, I think, detailed knowledge on the part of our Senate.

For example, the distinguished Senator from Rhode Island and the Senator from Virginia are both friends. They are World War II vets. They have served a long time and they are among the two most honorable people I know. Senator CHAFEE—I assume he will forgive me for saying this—came up to me and said: JOE, check what I have here. Is this accurate, what I have here?

I said what I am about to say: It is absolutely accurate.

He said: But it is different from what my friend from Virginia said, Senator WARNER said.

I said: I love him, but he is flat wrong. He is flat wrong.

I don't think anybody is intentionally misleading anybody. I do think we haven't hashed this out.

For example, there is a condition that we have adopted by unanimous consent, part of this resolution of ratification we are about to vote on, the last section of which says:

> Withdrawal from the treaty: If the President determines that nuclear testing is necessary to assure with a high degree of confidence the safety and reliability of the United States nuclear weapons stockpile, the President shall consult promptly with the Senate and withdraw from the treaty.

He has no choice. He must withdraw.

My friend from Virginia characterizes this treaty as having no way out. If, however, the President is told by the National Laboratory Directors, by the Secretary of Defense, the Secretary of Energy, ''We can't guarantee any more, boss,'' he must inform us and he must withdraw.

That is an illustration of what I mean. Here are two honorable men, two men of significant experience, asking one another and asking each of their staffs: Which is right?

In one sense, it is clear what is right: we haven't had much time to talk about it. We haven't had much time to talk about it.

The debating points and counterpoints are too many to summarize in a short statement in the probably 12 minutes I have left. But the themes of this debate are clear and so are the fallacies that underlie the arguments of those who oppose the treaty, at least the arguments made most repeatedly on the floor.

The first theme of the treaty opponents is that, while our nuclear weapons stockpile may be—they don't say ''may'', they say ''is''—safe and is reliable today, there is no way to do without nuclear testing forever. That is the first theme that is promoted by the opponents.

This argument is based on a fallacy rooted in our nuclear weapons history. The history is that our nuclear testing has supported a trial-and-error approach to correcting deficiencies, rather than rooting our weapons in detailed scientific knowledge of how a nuclear reaction works.

The fallacy is that nuclear weapons must be subjected to full-up, ''integrated'' testing. That is a fallacy. The truth is, rarely do we fully test major systems. Rather, we test components or conduct less than full tests of complete systems.

As my colleagues know, a truly full test of a nuclear weapon would require that it be tested as a bomb or as a warhead, as it is intended to be, and exploded in the atmosphere. All the experts tell you that. That is the only true, absolute way you know what is going to happen: test it in the atmosphere.

As the Presiding Officer knows, we have done without atmospheric testing for 36 years. We accepted the supposedly degraded confidence in our nuclear stockpile that results from this lack of full-blown testing.

Why have we accepted that? Because we balanced the benefits of full-up atmospheric testing against its disadvantages, and it was clear that the benefits outweighed the negatives.

When listing the benefits, we also noted how well we could assure the systems performance without these full-up tests. When listing the disadvantages, we included cost, risk of collateral damage, environmental risk, radioactive fallout, and the diplomatic or military costs that would have been incurred if we had rejected or withdrawn from the Limited Test-Ban Treaty which was signed in 1963.

Similarly today, we have to consider both the benefits and the disadvantages of insisting upon the right to conduct underground nuclear testing. We should include in our calculus the fact that the Resolution of Ratification of this treaty requires the President to withdraw from the treaty if he ''determines that nuclear testing is necessary to assure, with a high degree of confidence, the safety and reliability of the United States nuclear weapons stockpile.''

Guess what? Every year now, under the law, the Secretary of Energy and the Secretary of Defense must not only go to the President, but must come to the Senator from Nebraska, the Senator from Delaware, the Foreign Relations Committee, the Armed Services Committee, and they must tell us, as well as the President, whether they can certify the continued safety and reliability of the stockpile. If they cannot certify, and if we adopt this Resolution of Ratification, the President has to withdraw from the treaty.

We will likely differ in our calculations of the balance between advantages and disadvantages of foreswearing underground nuclear testing. But we should all reject the fallacy that there is no substitute for continuing what we did in the past.

The second theme that opponents of the treaty keep putting out is that we have to reject this treaty because it is not perfectly verifiable. This argument is based upon a fallacy rooted in slogans and fear. The fear relates to the history of arms control violations by the Russians and the Soviet Union. The slogans are Ronald Reagan's election-year demand: Effective verification. And his later catch phrase: Trust but verify.

This body has never demanded perfect verification.

Consider the vote we had on the INF Treaty that eliminated land-based intermediate-range missiles. That treaty was signed by President Reagan. President Reagan, the same man who signed the treaty, also coined the phrase ''trust but verify.''

Was the INF Treaty perfectly verifiable? No. Nobody in the world suggested it was perfectly verifiable. Listen to what the Senate Intelligence Committee said before we voted on Ronald Reagan's INF Treaty. They said:

> Soviet compliance with some of the treaty's provisions will be difficult to monitor. The problem is exemplified by the unresolved controversy between the Defense Intelligence Agency and other intelligence agencies over the number of SS–20s in the Soviet inventory.

We did not even know how many SS–20s, intermediate-range missiles, they had. The Intelligence Committee went on to say:

> Ground-launched cruise missiles pose a particular difficult monitoring problem as they are interchangeable long-range, sea-based launch cruise missiles.

Which the INF Treaty did not ban. This was not verifiable. Where were all you guys and women when the Reagan treaty was up here? God love him: Trust but verify. I challenge anyone to come to the floor in the remaining minutes and tell me that the INF Treaty was perfectly verifiable.

I love this double standard. You wonder why some of us on this side of the aisle think this is about politics.

The fallacy is clear: Nobody really believes in perfect verification. The Senate approved Ronald Reagan's INF Treaty by a vote of 93–5, despite the fact that we knew the INF Treaty was far from verifiable. The legitimate verification questions are how well can we verify compliance and whether our national security will be threatened by any undetected cheating that could occur.

I say to my colleagues, we should end the pretense that only a perfectly verifiable treaty is acceptable. The only perfectly verifiable treaty is one that is impossible to be written.

Each side in this debate has agreed that the approval or rejection of this treaty could have serious consequences. I suggest that we pay some attention to each side's worst-case scenarios.

Opponents of the treaty have warned that a permanent ban on nuclear weapons tests could result in degraded confidence in the U.S. deterrent, perhaps leading other countries to develop their own nuclear weapons. Treaty supporters have warned that rejection of this treaty could lead to a more unstable world in which all countries were freed of any obligation to obey the Test-Ban Treaty.

Neither of these worst-case outcomes is very palatable. Any degraded foreign confidence in the U.S. deterrent would be limited, however, either by annual certification of our own high confidence in our nuclear weapons, or by prompt action to fix any problems—including mandatory withdrawal from this treaty if the President determined that testing was necessary.

Rejection of this treaty would not greatly increase the speed with which a nuclear test could be conducted, if one were necessary. The nuclear stockpile certification process already forces an annual decision on whether to resume testing, and the treaty would impost only a six-month delay after notice of our intent to withdraw. That means a total lag of 6 to 18 months between discovering a problem and being free to test—roughly what officials say is the minimum time that it takes to mount a serious nuclear weapons test, anyway.

By contrast, however, the worst-case scenario of Treaty supporters might not be so limited. As Larry Eagleburger, who served as Secretary of State at the end of the Bush Administration, wrote in Monday's Washington Times:

> The all-important effort of the United States to stem the spread of nuclear weapons around the world is about to go over a cliff unless saner heads in Washington quickly prevail.

Eighty years ago, this body rejected the Treaty of Versailles that ended the First World War. Woodrow Wilson's vision of a League of Nations to keep the peace was turned down by a Senate that did not want to accept such a U.S. responsibility in the world. While that vote was understood to be significant at the time, nobody could foresee that our refusal to take an active role in Europe's affairs would help lead to a Second World War only two decades later.

Today, eight years after the Cold War's end, the Senate is presented with a different kind of collective security proposition—an international treaty that can meaningfully reduce the danger that nuclear weapons will spread, a treaty enforced by an army of inspectors and a global system of sensors.

We cannot tell what the precise consequences of our actions are going to be this time, but the world will surely watch and wonder if we once again abdicate America's responsibility of world leadership, if we once again allow the world to drift rudderless into the stormy seas of nuclear proliferation.

World War II was a time of horror and heroism. A world of nuclear wars will bring unimagined horror and little room for the heroism of our fathers. We all pray that our children and grandchildren will not live in such a world.

Will the votes today have such a major, perhaps awful, consequence? We cannot say for sure, but I end by suggesting to all that the chance being taken by those who are worried about our ability to verify compliance and our ability to verify the stockpile is far outweighed by the chance we take in rejecting this treaty and saying to the entire world: We are going to do testing and we do not believe that you can maintain your interests without testing, so have at it.

We should all consider that this may be a major turning point in world affairs. If we should reject this treaty, we may later find that ''the road not taken,'' in Robert Frost's famous phrase, was, in fact, the last road back from the nuclear brink.

I heard, in closing—the last comment I will make—my friend say: Our allies will lose confidence in us if we ratify this treaty. The fact is, however, that Tony Blair called today and, to paraphrase, said: For God's sake, don't defeat this treaty. He is the Prime Minister of England, our No. 1 ally.

The German Chancellor said: Please ratify, in an open letter. The President of France, Jacques Chirac, said: Please ratify. So said our allies.

Larry Eagleburger's conclusion is one with which I shall end. His conclusion was:

> The whole point of the CTBT from the American perspective is get other nations to stop their testing activities and thereby lock-in—in perpetuity—the overwhelming U.S. advantage in weaponry. There is no other way to interpret a vote against this treaty than as a vote in favor of nuclear testing of other nations. It would stand on its head the model of U.S. leadership on nonproliferation matters we have achieved for over 40 years.
>
> If the Senate cannot bring itself to do the right thing and approve the treaty, then senators should do the next best thing and pull it off the table.

As I used to say in a former profession, I rest my case, but in my former profession, when I rested my case, I assumed I would win. I know I am going to lose here, but I will be back. I will be back. I yield the floor and reserve the remainder of time, if I have any.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, how much time do we have left on this side?

The PRESIDING OFFICER. The Senator from North Carolina has 9 minutes 30 seconds.

Mr. HELMS. Mr. President, my friend, Senator BIDEN, began with an allusion to the young people listening by television about how we call each other distinguish Senators and various other good things, and that is called courtesy. I call him a distinguished Senator, and I admire JOE BIDEN. He knows I do. I cannot outshout him. He has far more volume than I. I have used my windpipes a little bit longer than he has.

Let me tell you about JOE. He is a good guy. He is a good family man. He goes home to Delaware every night. He comes back in the morning. Sometimes he is not on time for committee meetings and other things, but we take account of that. But you can bank on JOE BIDEN in terms of his vote. He is going to vote liberal every time. I have never known him—and I say this with respect—to cast a conservative vote. And that is the real difference.

I believe it is essential that the Senate withhold its consent and vote to

defeat the Comprehensive Nuclear Test-Ban Treaty.

Mr. President, in the post-cold-war world, many of us have assumed that the U.S. nuclear deterrent is less relevant than before. I contend that it is more important than ever.

The level of threat posed by another nation has two parts—the nation's capabilities to inflict damage upon us, and the intent to do so. Since the end of the cold war, Russia's intent, clearly, is peaceful. This has not changed Russian nuclear capabilities, however. If Russia's government were to change to a hostile one tomorrow, the level of threat posed by Moscow would be even greater than it was during the cold war.

Unlike the United States, Russia has not stopped improving on its nuclear arsenal. The Russians have continued to modernize their nuclear arsenal with new warheads and new delivery systems, despite the end of the cold war. This modernization has been at tremendous economic expense and has probably entailed continued nuclear testing. I might also add that Russian nuclear doctrine has continued to evolve since the end of the cold war, and now Moscow relies even more on its nuclear deterrent for defense than it did before.

But, Russian is not the only potential threat. The greater danger may come, ultimately, from China. As you know, Chinese espionage has yielded great fruit, including United States nuclear weapons designs and codes, as well as intelligence on our strategic nuclear submarine force. China continued nuclear testing long after the United States undertook a self-imposed nuclear test moratorium in 1992. And, undoubtedly, it can continue secret nuclear testing without our being able to detect it.

Other threats also abound. One of the most serious is from North Korea, which remains in noncompliance with the Nuclear Nonproliferation Treaty and is continuing to build missiles that can be used for nuclear weapons delivery.

In this uncertain world, it is not enough to simply retain a nuclear arsenal. We need a true nuclear deterrent. A nuclear arsenal becomes a nuclear deterrent only when we have convinced potential enemies that we will use that arsenal against them if they attack us or our allies with weapons of mass destruction. This means we must do two things. First, we must maintain the arsenal in workable, reliable condition. Second, we must clearly communicate our willingness to use the arsenal. We must not forget: a weapon does not deter if your enemy knows that you won't use the weapon.

Nuclear testing, historically, has performed both the maintenance and communications functions. Testing kept the arsenal reliable and modern. Very importantly, it also signaled to potential enemies that we were serious about nuclear deterrence.

Some people might argue that our nuclear arsenal is as modern as it will ever need to be. I am not willing to make that argument because I know I can't predict the future. I have no way of knowing what technological advances our potential enemies may make. Perhaps they will make discoveries of countermeasures that make our delivery systems outmoded. Or, perhaps they will acquire ever more potent offenses, just as Iraq, Russia, and North Korea have acquired highly virulent biological weapons.

If the future does bring new challenges to our existing arsenal, I think we ought to be in a position to modernize our stockpile to meet those challenges. The directors of our nuclear weapons design laboratories have told us that we cannot modernize our weapons, for example, to take on the threat of biological weapons unless we can test. It therefore seems reasonable that we not deny ourselves the ability to test.

Again, some people may argue that we should join the CTBT and then pull out if we need to test. That would be terribly foolish. We all know how politically difficult it is to pull out of a treaty, no matter how strong the arguments are for doing so. It is better to not join in the first place.

In conclusion, let me reiterate my support for keeping our nuclear deterrent strong. The nuclear arsenal protects us against attacks from other nations that might use weapons of mass destruction against us. It tells them silently that the cost of any aggression is too high. We need to keep sending that signal to them, and nuclear testing will help us do that.

Mr. President nuclear deterrence was crucial to U.S. and allied security throughout the cold war, and it will be no less important in the future. The enormous benefit of America's nuclear deterrent is that it protects U.S. interests and safeguards the peace without the use of force.

It is clear that on several occasions, notably during the Cuban missile crisis, nuclear deterrence kept the cold war from becoming a shooting war. Now that the cold war is over, has nuclear deterrence become less important? The answer is no. During the first conflict of the post-cold-war period, the 1991 gulf war with Saddam Hussein, nuclear deterrence undoubtedly saved thousands, possibly tens of thousands of lives. How? Saddam Hussein was deterred from using his chemical and biological weapons because he feared the United States would retaliate with nuclear weapons. That is not my interpretation of the gulf war; it is what senior Iraqi leaders have said. The gulf war experience illustrates that as chemical, biological and nuclear weapons continue to proliferate, the U.S. nuclear deterrent will become even more vital to our security.

While Washington must be prepared for the possibility that nuclear deterrence will not always safeguard the peace, we must safeguard our capability to deter. President Clinton recognized this continuing value of nuclear deterrence in the White House's most recent presentation of U.S. national security strategy. A National Security Strategy for A New Century, I quote: ''Our nuclear deterrent posture is one of the most visible and important examples of how U.S. military capabilities can be used effectively to deter aggression and coercion . . .'' And, quote ''The United States must continue to maintain a robust triad of strategic forces sufficient to deter any hostile foreign leadership . . .''

The strategy of nuclear deterrence that for decades has played such a crucial role in preserving peace without resort to war would be damaged, perhaps beyond repair, in the absence of nuclear testing. Make no mistake, the CTBT would harm U.S. security by undermining the U.S. nuclear deterrent.

For the nuclear stockpile to underwrite deterrence it must be credible to foes. That credibility requires testing. To deter hardened aggressors who are seemingly impervious to reason, there is no substitute for nuclear testing to provide the most convincing demonstration of the U.S. nuclear stockpile and U.S. will to maintain nuclear deterrence.

The strategy of nuclear deterrence also requires that U.S. leaders have confidence that the nuclear stockpile will work as intended, is safe and reliable. Only testing can provide that confidence to U.S. leaders, and to our European and Asian allies who depend on the U.S. nuclear deterrent for their security. In the past, nuclear testing has uncovered problems in given types of weapons, and also assured that those problems were corrected, permitting confidence in the reliability of the stockpile.

The absence of testing would undermine both the credibility of the U.S. nuclear deterrent in the eyes of would-be aggressors and the confidence of U.S. leaders in the strategy of nuclear deterrence.

In addition, an effective strategy of nuclear deterrence requires that the nuclear stockpile be capable of deterring a variety of aggressors and challenges. New and unprecedented threats to United States security are emerging as a variety of hostile nations, including North Korea and Iran, develop mass destruction weapons and their delivery means. The U.S. nuclear deterrent must be capable against a wide spectrum of potential foes, including those who are desperate and willing to take grave risks. The nuclear stockpile inherited from the cold war is unlikely to be suited to effective deterrence across this growing spectrum of potential challengers. America's strategy of nuclear deterrence will become increasingly unreliable if the U.S. nuclear arsenal is limited to that developed for a very different time and challenger. Nuclear weapons of new designs inevitably will be necessary; and as the directors of both nuclear weapons design

laboratories have affirmed, nuclear testing is necessary to provide confidence in the workability of any new design. In short, nuclear testing is the key to confidence in the new weapons design that inevitably will be necessary to adapt our nuclear deterrent to a variety of new challengers and circumstances.

Finally, the U.S. strategy of nuclear deterrence cannot be sustained without a cadre of highly trained scientists and engineers. That generation of scientists and engineers that served successfully during the cold war is passing rapidly from the scene. Nuclear testing is critical to recruit, train, and validate the competence of a new generation of expert to maintain America's nuclear deterrent in the future.

Mr. President, there is no credible evidence that the CTBT will reduce nuclear proliferation. None of the so-called ''unrecognized'' nuclear states—India, Pakistan and Israel—will be convinced by this Treaty to give up their weapons programs. Most important, those states that are currently seeking nuclear weapons—including Iran, Iraq and North Korea a state that probably already has one of two nuclear weapons—will either not sign the Treaty or, equally likely, will sign and cheat. These countries have demonstrated the value they ascribe to all types of weapons of mass destruction and are not going to give them up because others pledge not to test. They also know that they do not need to test in order to have confidence in first generation weapons. The United States did not test the gun-assembly design of the ''little boy'' weapon in 1945; and the South Africans and other more recent proliferators did not test their early warhead designs.

Contrary to its advertised purpose, and in a more perverse and bizarre way, the CTBT could actually lead to greater proliferation not only by our adversaries but also by several key allies and friends who have long relied on the American nuclear umbrella as a cornerstone of their own security policy. In other words, if the CTBT were to lead to uncertainties that called into question the reliability of the U.S. nuclear deterrent, which it certainly will, the result could well be more rather than less proliferation.

The United States has for many years relied on nuclear weapons to protect and defend our core security interests. In the past, our nuclear weapons were the central element of our deterrent strategy. In today's world—with weapons of mass destruction and long-range missiles increasingly available to rogue states—they remain an indispensable component of our national security strategy. While serving as a hedge against an uncertain future with Russia and China, United States nuclear weapons are also essential in meeting the new threat of regional states armed with weapons of mass destruction. In fact, in the only contemporary experience we have with an enemy armed with chemical and biological weapons, there is strong evidence that our nuclear weapons played a vital role in deterring Saddam from using these weapons in a way that would have changed the face of the gulf war, and perhaps its outcome.

While the U.S. nuclear deterrent today inspires fear in the minds of rogue-type adversaries, U.S. nuclear capabilities will erode in the context of a CTBT. Inevitably, as both we and they watch this erosion, the result will be to encourage these states to challenge our commitment and resolve to respond to aggression. Much less concerned by the U.S. ability—and therefore its willingness—to carry out an overwhelming response, they will likely pursue even more vigorously aggression in their own neighborhoods and beyond. To support their goals, these states will almost certainly seek additional and ever more capable weapons of mass destruction—chemical, biological and nuclear—to deter American intervention with our conventional superiority. They may also be more willing to employ weapons of mass destruction on the battlefield in an effort to disrupt, impede, or deny the United States the ability to successfully undertake military operations.

By calling into question the credibility of the ''extended deterrent'' that our nuclear weapons provided for key allies in Europe and Asia, the CTBT could also spur proliferation of nuclear weapons by those states who have long relied on the U.S. nuclear guarantee. For over half a century, the United States has successfully promoted nonproliferation through the reassurance of allies that their security and ours were inseparable. U.S. nuclear weapons have always been a unique part of this bond. Formal allies such as Germany, Japan and South Korea continue to benefit from this protection. Should the U.S. nuclear deterrent become unreliable, and should U.S. allies begin to fear for their security having lost faith in the U.S. guarantee, it is likely that these states—especially those located in conflict-laden regions—would revisit the question of whether they need their own national deterrent capability.

Maintaining a reliable and credible nuclear deterrent has also contributed to the reassurance of other important friends in regions of vital interest. For instance, Taiwan and Saudi Arabia have to date shown considerable restraint in light of the nuclear, chemical and biological weapons proliferation in their region, in large part because they see the United States as committed and capable of coming to their defense. While strong security relations have encouraged Taipei and Riyadh to abstain from their own nuclear programs, an unreliable or questionable U.S. nuclear deterrent might actually encourage nuclear weapons development by these states.

In summary, by prohibiting further nuclear testing—the very ''proof'' of our arsenal's viability—the CTBT would call into question the safety, security, and reliability of U.S. nuclear weapons, as well as their credibility and operational utility. Consequently, should the United States move forward with ratification of the Treaty, it is likely to have the profound adverse effect of encouraging further proliferation of weapons of mass destruction. This would be in the most fundamental way detrimental to U.S. national security objectives.

Mr. President, a cornerstone of arms control is the ability of the U.S. government to verify compliance. In U.S. bilateral agreements such as the Strategic Arms Reduction Treaty, and the Intermediate Nuclear Forces Treaty, the Senate has insisted on provisions in the treaty that would provide for a combination of cooperative measures including on-site inspection, as well as independent national technical means of verification to monitor compliance. Such provisions have been almost entirely absent in multinational arms control agreements. It is not surprising that international agreements such as the Biological Weapons Convention, the Nuclear Non-Proliferation Treaty, the Missile Technology Control Regime, and the Chemical Weapons Convention are ignored by nations whose security calculation drives them to acquire weapons of mass destruction and their means of delivery. The CTBT is likely to sustain the tradition of noncompliance we have so widely observed with other multilateral arms control agreements. The problem with the CTBT is particularly acute because national technical means of verification do not exist to verify compliance. There is some relevant arms control history on this point.

In the 1980's, the United States negotiated a threshold test ban treaty with the former Soviet Union, FSU. This agreement limited nuclear tests to a specific yield measured in equivalent explosive energy in tons of TNT. Compliance with this agreement could not be verified by national technical means of verification. Very specific cooperative measures were required to render the agreement vulnerable to verification of compliance. Specifically, underground nuclear tests were limited to designated sites, and each side was required to permit the deployment of sensors in the region where tests were permitted to monitor such testing. These extraordinary measures emphasize the limitations of underground nuclear test monitoring. Tests that were not conducted at designated sites could not be reliably monitored. Moreover, even when we are confident we know where a test will be conducted, unless we have detailed knowledge of the local geological conditions and are able to deploy our own sensors near the site, the limits of modern science—despite the billions of dollars invested in various technologies for nearly half a century—cannot verify compliance with national undertakings concerning underground nuclear testing.

Since the early 1990's, Russian nuclear weapons scientists and engineers have been conducting experiments at a test site on the Novaya Zemlya Island in the Russian Arctic. Because these tests are conducted in underground cavities, it is beyond the limits of modern scientists to be certain that a nuclear test has not been conducted. Two such tests were carried out in September according to the Washington Post in its report on Sunday, October 3, 1999. No one in the Department of Energy, the Department of Defense, the CIA, or the White House knows what those tests were. Nor can they know. These could have been nuclear tests using a technique for emplacing the nuclear device in circumstances that will deny us the ability to know whether or not a nuclear test has been carried out.

A technique known as ''decoupling'' is a well understood approach to concealing underground nuclear tests. By suspending a nuclear device in a large underground cavity such as a salt dome or hard rock, the seismic ''signal'' produced by the detonation is sharply reduced as the energy from the detonation is absorbed by the rock or salt. The resulting ''signal'' produced by the blast of the detonation becomes difficult to distinguish from natural phenomena. Because decoupling is a simple, cheap, and reliable means of concealing nuclear tests, the United States insisted on a provision in the Threshold Test Ban Treaty that underground nuclear tests could only be undertaken in specific agreed-upon sites. The unfeasibility of monitoring compliance with a CTBT if a nation decides to use decoupling techniques to conceal nuclear tests. This has been acknowledged by the Intelligence Community. The Community's chief scientist for the Arms Control Intelligence Staff, Dr. Larry Turnbull stated last year.

The decoupling scenario is credible for many countries for at least two reasons: First, the worldwide mining and petroleum literature indicates that construction of large cavities in both hard rock and sale is feasible with costs that would be relatively small compared to those required for the production of materials for a nuclear device; second, literature and symposia indicate that containment of particulate and gaseous debris is feasible in both sale and had rock.

The reduction in the seismic ''signal'' can diminish the apparent yield of a nuclear device by as much as a factor of 70. The effectiveness of concealment measures means that potential proliferators can develop the critical primary stage of a thermonuclear (hydrogen) weapon. It can do so with the knowledge that science does not permit detection of a decoupled nuclear test in a manner that will permit verification of compliance with a CTBT or any other bilateral or multilateral arms control agreement intended to restrain nuclear testing.

How much risk must the United States continued to be exposed by these ill-thought out multilateral arms control agreements? We have been reminded of this problem recently. The Biological Weapons Convention has been advertised by the same people now advocating the CTBT to be a successful example of a universally subscribed codification of the rejection of biological weapons by the international community. What has happened in the three decades since its ratification? The treaty has in fact, been widely violated. Two dozen nations have covert biological weapons programs. The arms control community—recognizing the treaty's fundamentally flawed character—is now seeking to ''put toothpaste back in the tube'' by attempting to negotiate verification provisions 30 years after the fact. We know from the report of the Rumsfeld Commission last year that the technology of nuclear weapons has been widely disseminated—abetted by the declassification policies of the Department of Energy. The problem of nuclear proliferation is now beyond the grasp of arms control. Other measures to protect American security and the security of its allies from its consequences now must be identified, considered, and implemented. We simply have to face the fact that compliance with the CTBT cannot be verified and no ''fix'' is possible to save it. The scope and pace of the consequences of nuclear proliferation will be magnified if the CTBT is verified.

Mr. President, when Ronald Reagan said ''trust but verify'' he expressed what most Americans feel about arms control treaties that limit the tools of U.S. national security. They know we will abide scrupulously by our legal obligations and would like to live in a world where others do the same. But since we do not live in such a world, they expect us to avoid treaties whose verification standards are less demanding than our own compliance standards.

The Comprehensive Test Ban Treaty now before us for advice and consent would be a radical departure from traditional U.S. approaches to the cessation of nuclear testing. Despite its superficial attractiveness there are two enduring reasons why no previous administration has ever advocated a permanent, zero-yield test ban. The first is that we've never apologized for relying on low yield underground tests to assure the safety and reliability of our nuclear deterrent.

Others and I will have more to say about that issue, but right now I will focus on the second reason we've never catered to the anti-nuclear sentiments behind a zero-yield test ban. In the 1950's—when international nuclear disarmament really was a stated objective of U.S. policy—President Eisenhower's ''comprehensive'' test ban applied to tests above four or five kilotons. But after studying it for a few years he turned instead to nonproliferation and limited test ban proposals because he realized he could not assure verification of a test ban even at that threshold.

We understood back then that cheating would allow an adversary to modernize new weapons and confirm the reliability of existing ones. We knew we would never exploit verification loopholes for military advantage but were less sanguine about the forbearance of others. We knew that monitoring, detecting, and identifying noncompliance, let alone verifying it under international legal standards, was beyond our technical, diplomatic, and legal limits, and we were honest enough to say so.

And yet today we are told verification methods are good enough to enforce compliance by others with a permanent zero-yield test ban while we pursue unconstrained nuclear weapons modernization by other means ourselves. Mr. President, I know that science has not stood still over the past 40-plus years. Our monitoring methods have no doubt improved. But does that mean that from now until forever we can verify any nuclear test of any magnitude, conducted by anyone, anywhere? And—if we could—that we would be equipped to do something about it? The administration wisely stops short of such absolute claims, but asserts nevertheless that international verification methods are adequate for this treaty.

So I have to ask is it our means of detection and verification or our standards of foreign compliance that have ''evolved'' over the past 44 years? I realize that perfect verification is unachievable. The U.S. is party to many treaties—some good, some bad—that are less than 100% verifiable. But the administration's belief—that this CTBT is so important that we should bind ourselves forever to its terms anyway—does not flow logically from that premise.

Previous administration have proposed bans on nuclear tests above certain yields despite sub-optimal means of monitoring compliance by appealing to their ''effective'' rather than ''foolproof'' verification provisions. The Carter administration employed that standard to promote a ten-year ban on tests above two kilotons. They knew a lower threshold would stretch credulity despite the seemingly infinite elasticity of ''effective verification.''

Mr. President, ''effective verification'' is an intentionally vague political term-of-art, but as the old saying goes, we all ''know it when we see it.'' for the CTBT, it should mean we have high confidence that we can detect within hours or days any clandestine nuclear test that would provide a cheater with militarily significant weapons information.

If the administration attaches a different meaning to the term, we are entitled to know that. If not, we are entitled to know precisely what nuclear tests yields do provide militarily significant information, and whether the CTBT's verification system can detect them down to that level.

As they are pondering those questions, permit me to offer some assistance. Those who test new weapons and track the deterioration of old ones will tell you that Carter's two-kiloton threshold would have permitted scientifically valuable U.S. nuclear tests (which Clinton's CTBT would disallow) bearing directly on the reliability of our nuclear deterrent.

So, let me rephrase the question. Let's say evidence suggests a foreign test in, say, Novaya Zemlya, North Korea, Iran's territorial waters, or somewhere near the Tibetan mountains. Let's say it indicates an explosion of five kilotons—250 percent of what Carter would have allowed. Let's say the test did not take place in a ''decoupled'' cavity and, unlike the Pakistani test of May 1998, that the suspect state did not disable in-country seismic stations.

Now, will the IMS reliably detect that test within hours or days with high confidence? Will is promptly identify the test and its precise location? Will it quickly differentiate it from mining excavations and plant disasters?

And if it does: Will the requisite 30 members of the 51-member CTBT Executive Council immediately support an on-site inspection on the basis of that IMS input?

Will the Executive Council issue an inspection request even if the state in question was the last one inspected and cannot be challenged consecutively?

With the alleged cheater welcome a team of top caliber experts and escort them to the suspected location promptly on the basis of that input?

Will inspectors be allowed to use state-of-the-art inspection equipment in and around all suspect facilities on the basis of that input?

Let's say the IMS and Executive Council overcome all of those impediments and call for an on site inspection of the suspected state. Now, do you suppose a state that conducted a clandestine nuclear test might be prepared to exercise any of the following rights explicitly granted under the CTBT's ''managed access'' principle:

Deny entry to the inspection team [88(c)]? Refuse to allow representatives of the United States (as the challenging state) to accompany the inspectors [61(a)]? Delay inspectors' entry for up to 72 hours after arrival [57]? Permanently exclude a given individual from any inspections [22]? Veto the inspection team's use of particular equipment [51]? Declare buildings off-limits to inspectors [88(a); 89(d)]? Declare several four-square-kilometer sites off-limits to inspectors? [89(e); 92; 96]? Shroud sensitive displays, stores, or equipment [89(a)]? Disallow collection/analysis of samples to determine the presence or absence of radioactive products [89(c)]?

Mr. President, even if we truly believe that in certain cases, working diligently under CTBT rules, each of these impediments can be surmounted, I must ask:

Would it really be worth it for 5 kilotons? What if comparable events arise days, weeks, or months apart? What if new information bearing on the event arises after the elaborate inspection process has run its course? What if we develop comparable suspicions of the same state frequently? How many of these would it take before the United States is branded as a ''pest'' by the anti-nuclear crowd that is pushing this treaty? What if only our friends agree with our judgments? Or, perish the thought, if even our ''friends'' don't? How many pointless, frustrating, inconclusive OSI exercises would have to proceed our exercise of ''Safeguard F'' withdrawal rights?

In short, Mr. President, the CTBT is long on President Reagan's ''trust'' requirement, but fatally short on his ''verify'' requirement. I don't see how a single Senator can vote in favor of its ratification.

Mr. President, I want to clarify a point in regard to the Comprehensive Test Ban Treaty, and to set the record straight concerning the heritage of the treaty that the Senate is now considering.

The treaty before the Senate is not, as some have led us to believe, the product of nine administrations. Certainly Ronald Reagan, George Bush, Gerald Ford, Richard Nixon, and Dwight D. Eisenhower have no ties to this treaty. And, the administrations of John F. Kennedy, Lyndon Johnson and Jimmy Carter's never proposed this treaty. The fact is, no other administration has any tie whatsoever to the treaty that is being considered by the Senate. The administration would like you to think that the treaty has had decades of support. Not so. This treaty is all Bill Clinton's. No other administration has ever supported a zero yield, unlimited duration nuclear test ban treaty barring all tests.

Well, they'll say, the idea of limiting nuclear testing has been endorsed since the Eisenhower administration. Well, that may be, but supporting an idea and endorsing the specifics of a concrete proposal are two different things. President Clinton and I both support tax cuts. We both support missile defense. We even both say we're for maintaining a strong nuclear deterrent. It's in examining the specific tax cuts, missile defense proposals, and methods of maintaining our nuclear security that we differ.

President Eisenhower's name has been invoked here a number of times by Members supportive of the treaty. The implication is that Eisenhower is somehow the father of the CTBT. A review of the historical record reveals that President Eisenhower's administration proposed a test ban only of limited duration. Eisenhower only supported the test moratorium that began in 1958 because he was assured that the moratorium would retain American nuclear superiority and freeze the Soviets in an inferior position. He was very clear that the United States had to maintain a nuclear edge both in quality and quantity. I believe President Eisenhower would not have supported a treaty that gave others an advantage, as this treaty clearly does.

President Kennedy's views of a nuclear test ban were much the same as Eisenhower's. He did not support a zero yield test ban. In fact, hydronuclear tests were conducted secretly in the Nevada desert during President Kennedy's administration. He also did not support a ban of unlimited duration. Kennedy broke out of the testing moratorium after the Soviet Union tested on September 1, 1961. At that time the world was shocked that the Soviets were able to begin an aggressive series of 60 tests within 30 days. Equally shocking was the realization that the Soviets had been planning for the tests for at least six months, while at the same time negotiating with the United States to extend the test moratorium. The Kennedy and Johnson administrations did agree to the Limited Test Ban Treaty which banned nuclear blasts in the atmosphere, space, or under water, but not underground as the CTBT does.

President Nixon did not seek to ban nuclear tests, although he agreed to limit tests above 150 kilotons.

James Schlesinger, President Jimmy Carter's Secretary of Energy tell us that President Carter only sought a 10-year treaty and sought to allow tests of up to two kilotons.

Presidents Reagan and Bush did not pursue a comprehensive test ban of any kind or duration. Some point to President Bush's signing of the Hatfield/Exon/Mitchell legislation limiting the United States to a series of 15 underground tests before entering a ban on testing as evidence that President Bush supported this comprehensive test ban treaty. This is not correct. On the day he left office, President Bush repudiated the Hatfield legislation and called for continuation of underground nuclear testing. He said, I quote,

> The administration strongly urges Congress to modify this legislation urgently in order to permit the minimum number and kind of underground nuclear tests that the United States requires, regardless of the action of other states, to retain safe, reliable, although dramatically reduced deterrent forces.

That brings us to the Clinton administration. Only President Clinton has sought a zero yield, unlimited duration treaty, and he has not even held that position for the entirety of his administration. For the first 2½ years, this administration pursued a treaty that would allow some level of low yield testing. As recently as 1995, the Department of Defense position was that it could support a CTBT only if tests of up to 500 tons were permitted. As a concession to the non-nuclear states, the Clinton administration dropped that proviso and agreed to a zero yield test ban.

This treaty has no historical lineage. It is from start to finish President Clinton's treaty.

Mr. President, proponents of the CTBT are fond of pointing out that public opinion is strongly in favor of the treaty. This is not particularly a surprise because, in general, Americans support treaties that have been signed by their President. They assume that the U.S. Government would not participate in a treaty that is not in the nation's interest.

In this regard, I would like to make two points. First, the American public overwhelmingly supports maintenance of a strong U.S. nuclear deterrent. If people are given the facts about the importance of nuclear testing to that deterrent, I believe that their view of the CTBT would change dramatically. Second, the CTBT indeed is not in the nation's interests and it is up to us, as leaders, to explain to the people why. Let me first address Americans' attitudes toward their nuclear deterrent.

In June, 1998, the Public Policy Institute of the University of New Mexico truly non-partisan and professional groups conducted a nationwide poll on public views on security issues. Let me give you a few results of that poll:

Seventy-three percent view it as important or extremely important for the U.S. to retain nuclear weapons today.

Sixty-six percent view U.S. nuclear weapons as integral to maintaining U.S. status as a world leader.

Seventy percent say that our nuclear weapons are important for preventing other countries from using nuclear weapons against our country.

More than 70 percent say that it is important for the U.S. to remain a military superpower, with 45 percent saying that it is extremely important that we remain so.

Now, we all know that the measure of commitment to a given aim can sometimes best be gauged by willingness to spend money to achieve it. The poll asked, ''Should Government increase spending to maintain existing nuclear weapons in reliable condition?'' Fifty-seven percent support increased spending and 15 percent support present spending levels.

I will return to the subject of public opinion in a moment, but let me turn briefly to the issue of whether this treaty is in the nation's interest. If there were a test ban, we would not be able to know with certainty whether our nuclear weapons are as safe and reliable as they can be. On the other hand, Russia, China, and others might be able to continue nuclear testing without being detected. This is because the CTBT is simply not verifiable. What do you think the American people would think about that? Well, we have some data to tell us.

The University of New Mexico's poll asked: ''If a problem develops with U.S. nuclear weapons, is it important for the United States to be able to conduct nuclear test explosions to fix the problem?'' Fifty-four percent of the people said yes. Only 15.5 percent said no. The rest were undecided.

The poll also asked, ''How important do you think it is for the United States to be able to detect cheating by other countries on arms control treaties such as the comprehensive nuclear test ban? Over 80 percent said that it was important, with 40 percent saying that it is extremely important.

The bottom line here is that the American people want us to retain a strong nuclear deterrent. While they will also support good arms control measures, they expect the American leadership to do whatever is necessary to keep the deterrent strong. Let's not be fooled by simplistic yes-or-no answers to questions about the CTBT. This issue is more complex than that. We must simply give people the facts about this treaty. The CTBT would imperil our security.

I urge a vote against this treaty.

I yield back the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Does the Senator from Delaware have any time remaining?

The PRESIDING OFFICER. The Senator from Delaware has 1 minute 6 seconds remaining.

Mr. BIDEN. I do not wish to be the last to speak. I would like to use that 1 minute and ask unanimous consent that my friend be allowed to use any additional time he may want to use after that, because it is appropriate he should close.

I want to make a point in the minute I have.

This is about, as the Senator has honestly stated, more than the CTBT Treaty. It is about ending the regime of arms control. That is what this is about. If this fails, I ask you the question: Is there any possibility of amending the ABM Treaty? Is there any possibility of the START II or START III agreements coming into effect with regard to Russia? Is there any possibility of arms control surviving?

I think this is about arms control, not just about this treaty. I appreciate my friend's candor. That is one of the reasons I think it is such a devastating vote.

I yield back the remainder of our time. And I ask unanimous consent that the Senator from North Carolina be given an appropriate amount of time to respond, if he wishes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, the yeas and nays have been ordered; is that right?

The PRESIDING OFFICER. Yes, they have.

Mr. HELMS. Let's vote.

The PRESIDING OFFICER. The question is on agreeing to the resolution to advise and consent to ratification of Treaty Document No. 105–28, the Comprehensive Nuclear Test-Ban Treaty. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD (when his name was called). Present.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 325 Ex.]

YEAS—48

Akaka	Feingold	Lieberman
Baucus	Feinstein	Lincoln
Bayh	Graham	Mikulski
Biden	Harkin	Moynihan
Bingaman	Hollings	Murray
Boxer	Inouye	Reed
Breaux	Jeffords	Reid
Bryan	Johnson	Robb
Chafee	Kennedy	Rockefeller
Cleland	Kerrey	Sarbanes
Conrad	Kerry	Schumer
Daschle	Kohl	Smith (OR)
Dodd	Landrieu	Specter
Dorgan	Lautenberg	Torricelli
Durbin	Leahy	Wellstone
Edwards	Levin	Wyden

NAYS—51

Abraham	Fitzgerald	McCain
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Roberts
Brownback	Grassley	Roth
Bunning	Gregg	Santorum
Burns	Hagel	Sessions
Campbell	Hatch	Shelby
Cochran	Helms	Smith (NH)
Collins	Hutchinson	Snowe
Coverdell	Hutchison	Stevens
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	Warner

ANSWERED ''PRESENT''—1

Byrd

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 51, and one Senator responding ''present.'' Not having received the affirmative votes of two-thirds of the Senators present, the resolution is not agreed to, and the Senate does not advise and consent to the ratification of the treaty.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I ask unanimous consent that the Warner-Moynihan letter to the Majority and Minority leaders dated October 12, 1999, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, October 12, 1999.

Hon. TRENT LOTT
Majority Leader.
Hon. TOM DASCHLE
Democratic Leader.

U.S. Senate, Washington, DC.

DEAR MR. LEADERS: The Senate Leadership has received a letter from President Clinton requesting ''that you postpone consideration of the Comprehensive Test Ban Treaty on the Senate Floor.'' We write in support of putting off final consideration until the next Congress.

Were the Treaty to be voted on today, Senator Warner and Senator Lugar would be opposed. Senator Moynihan and Senator Biden

would be in support. But we all agree on seeking a delay. We believe many colleagues are of a like view, irrespective of how they would vote at this point.

We recognize that the Nation's best interests, the Nation's vital business, is and must always be the first concern of the Presidency and the Congress.

But we cannot foresee at this time an international crisis of the magnitude, that would persuade the Senate to revisit a decision made now to put off a final consideration of the Treaty until the 107th Congress.

However, we recognize that throughout history the Senate has had the power, the duty to reconsider prior decisions.

Therefore, if Leadership takes under consideration a joint initiative to implement the President's request—and our request—for a delay, then we commit our support for our Leaders taking this statesmanlike initiative.

REPUBLICANS

Warner, Lugar, Roth, Domenici, Hagel, Gordon Smith, Collins, McCain, Snowe, Sessions, Stevens, Chafee, Brownback, Bennett, Jeffords, Grassley, DeWine, Specter, Hatch, Voinovich, Gorton, Burns, Gregg, Santorum.

DEMOCRATS

Moynihan, Biden, Lieberman, Levin, Feingold, Kohl, Boxer, Cleland, Dodd, Wyden, Rockefeller, Bingaman, Inouye, Baucus, Hollings, Kennedy, Harry Reid, Robb, Jack Reed.

Mikulski, Torricelli, Feinstein, Schumer, Breaux, Bob Kerrey, Evan Bayh, John Kerry, Landrieu, Murray, Tim Johnson, Byrd, Lautenberg, Harkin, Durbin, Leahy, Wellstone, Akaka, Edwards.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, the Senate can and should always act as the conscience of the Nation. Historians may well say that we did not vote on this treaty today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, today the United States Senate fulfilled its constitutional responsibility by voting on the Comprehensive Nuclear-Test Ban Treaty. Under the Constitution, the President and the Senate are co-equal partners when it comes to treaty-making powers. Positive action by both branches is required before a treaty can become the supreme law of the land. All Americans should know that I and my colleagues take this solemn responsibility with great pride, and we are very diligent in making sure that our advice and consent to treaties is treated with the utmost consideration and seriousness.

The Senate does not often refuse to ratify treaties, as borne out by the historical record. But the fact that the Senate has rejected several significant treaties this century underscores the important ''quality control'' function that was intended by the Framers of the Constitution. The Founding Fathers never envisioned the Senate would be a rubber stamp for flawed treaties. I and my colleagues would never allow this venerable institution to be perceived as—much less actually become—a mere rubber stamp for agreements negotiated by this or any other President. Instead, the Senate must dissect and debate every treaty to ensure that it adequately protects and promotes American security interests. The American people expect no less.

As has been pointed out by numerous experts before the Foreign Relations, Armed Services, and Intelligence Committees, and by many Senators in extended floor debate, this treaty does not meet even the minimal standards of previous arms control treaties. That is, it is ineffectual—even dangerous, in my judgment; it is unverifiable; and it is unenforceable. As one of my distinguished colleagues put it: ''the CTBT is not of the same caliber as the arms control treaties that have come before the Senate in recent decades.''

This treaty is ineffectual because it would not stop other nations from testing or developing nuclear weapons, but it could preclude the United States from taking appropriate steps to ensure the safety and reliability of the U.S. nuclear arsenal. That it is not effectively verifiable is made clear by the intelligence community's inability to state unequivocally the purpose of activities underway for some number of months at the Russian nuclear test site. Just last week, it was clear that they could not assure us that low-level testing was not taking place. The CTBT simply has no teeth.

Had the President consulted with more Senators before making the decision in 1995 to pursue an unverifiable, unlimited-duration, zero-yield ban on testing, he would have known that such a treaty could not be ratified. If he had talked at that time to Senator WARNER, to Senator KYL, to Senator LUGAR, to any number of Senators, and to Senator HELMS, he could have been told that this was not a verifiable treaty and that it was not the safe thing to do for our country.

I know some will ask, so what happens next? The first thing that must be done is to begin a process to strengthen U.S. nuclear deterrence so that no one—whether potential adversary or ally—comes away from these deliberations with doubts about the credibility of the U.S. nuclear arsenal.

To this end, I have written to Secretary of Defense Bill Cohen asking that he initiate a comprehensive review of the state of the U.S. nuclear weapons stockpile, infrastructure, management, personnel, training, delivery systems, and related matters. The review would encompass activities under the purview of the Department of Defense and the new, congressionally mandated National Nuclear Security Administration. The objective of this review would be to identify ways the administration and Congress jointly can strengthen our nuclear deterrent in the coming decades, for example, by providing additional resources to the Stockpile Stewardship Program on which Senator DOMENICI is so diligently working, and that exists at our nuclear weapons labs and production plants. I have offered to work with Secretary Cohen on the establishment and conduct of such a review, and I hope Secretary Cohen will promptly agree to my request.

Second, the Senate should undertake a major survey of the proliferation of weapons of mass destruction and associated means of delivery as we approach the new millennium. A key aspect of this review should be an assessment of whether or to what extent U.S. policies and actions (or inactions) contributed to the heightened proliferation that has occurred over the past 7 years. We know that from North Korea to Iran and Iraq, from China to Russia, and from India to Pakistan, the next President will be forced to confront a strategic landscape that in many ways is far more hostile and dangerous than that which President Clinton inherited in January, 1993. I call upon the relevant committees of jurisdiction in the Senate to properly initiate such a survey and plan to complete action within the next 180 days.

Finally, I am aware that the administration claims that rejection of the CTBT could damage U.S. prestige and signal a blow to our leadership. American leadership is vital in the world today but with leadership comes responsibility. We have a responsibility to ensure that any arms control agreements presented to the Senate for advice and consent are both clearly in America's security interests and effectively verifiable. The Comprehensive Test Ban Treaty failed on both of these crucial tests.

Today, among many other telephone conversations I had, I talked to former Secretary of Defense Dick Cheney, a man for whom I have the highest regard, a man who gave real leadership when he was at the Department of Defense, a man who would never advocate a position not in the best national security interests of the United States or in support of our international reputation. He told me he was convinced the treaty was fatally flawed, that it should be defeated, and in fact it would send a clear message to our treaty negotiators and people around the world that treaties that are not verifiable, that are not properly concluded, will not be ratified by the Senate. We will take our responsibility seriously and we will defeat bad treaties when it is in the best interest of our country, our allies, and more importantly for me, our children and their future.

I think we have taken the right step today. I note that this vote turned out to be a rather significant vote: 51 Senators voted against this treaty. Not even a majority was for this treaty. To confirm a treaty or ratify a treaty takes, of course, a two-thirds vote, 67 votes. They were not here. They were never here. This treaty should not have been pushed for the past 2 years. It was not ready for consideration and it was unverifiable and therefore would not be ratified.

I thank my colleagues on both sides of the aisle for their participation. I

thought the debate was spirited. It was good on both sides of the aisle. I appreciate the advice and counsel I received on all sides as we have gone through this process. It has not been easy but it is part of the job. I take this job very seriously. I take this vote very seriously. For today, Mr. President, we did the right thing for America.

I yield the floor.

LEGISLATIVE SESSION

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now proceed to legislative session and a period of morning business with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2561

Mr. CRAPO. Mr. President, I ask unanimous consent that at 9:30 a.m. on Thursday, October 14, the Senate begin consideration of the DOD appropriations conference report; that it be considered read, and there be 60 minutes equally divided between Senator STEVENS and Senator INOUYE, or their designees, with an additional 10 minutes under the control of Senator MCCAIN. I further ask unanimous consent that following the use or yielding back of the time, the conference report be laid aside, and a vote on adoption occur at 4 p.m. on Thursday.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

Mr. CRAPO. Mr. President, I ask unanimous consent that the Senate now begin consideration of Calendar No. 312, S. 1593.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

There being no objection, the Senate proceeded to consider the bill.

Mr. CRAPO. Mr. President, before I yield the floor to the managers of this legislation, let me announce that there will be no further rollcall votes this evening. Tomorrow morning we hope to consider the Defense appropriations conference report under a short time agreement. However, that rollcall vote will be postponed to occur at 4 p.m. We will then resume consideration of the campaign finance reform bill on Thursday, and I hope that substantial progress can be made on that bill during tomorrow's session.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I mention to the majority leader it is now nearly 7:25 p.m. and at the request of the majority leader and the Senator from Kentucky, he wants to begin the debate and discussion on this very important issue. The agreement that the majority leader and I have is we will have 5 days of debate and discussion. I certainly hope he doesn't consider starting at 7:25 as a day of the debate and discussion. I ask him that.

Second, this is a very important issue. Even the staff is gone. Most Members have gone. The Senate majority leader knows that. Tomorrow we have scheduled a DOD discussion and vote which would be the first interruption—although we have just gotten started—followed by a vote on the Department of Defense appropriations bill. That could have been scheduled tonight and the vote have taken place.

I hope the majority leader will understand that I will not make an opening statement tonight. I will wait until tomorrow so I have the attention of my colleagues. If the Senator from Kentucky wants to make his statement, that is fine. I know from discussions with the Senator from Wisconsin he chooses to do the same thing.

I don't think an issue such as this should be initiated at 7:30 in the evening. However, I want to assure Senator LOTT that, once we have opening statements and once we get into the amending process and votes, I will be glad to stay as late as is necessary every night including all through the weekend, if necessary.

I don't think it is appropriate for anyone to say we demand opening statements tonight on the issue, and then tomorrow morning we go back to another bill off of the issue at hand. I hope the majority leader, who has been very cooperative in helping me and has been very cooperative in bringing up this issue, understands my point of view on this particular issue.

I yield the floor.

Mr. MCCONNELL. I say to my friend from Arizona, all I was hoping we could do, since this session of Congress is getting short and we have, in response to the requests of both the Senator from Arizona and the Senator from Wisconsin, taken this issue up this year in a way in which people can offer amendments, maybe we could at least get an amendment laid down tonight. Maybe there is a possibility of getting some kind of time agreement on an amendment for tomorrow so we can get into the debate.

I agree with the Senator from Arizona; I don't think there is any need for opening statements tonight. I am not planning on making one, but we desire to get started because we have a lot of Senators on both sides of the aisle desiring to offer amendments.

Mr. LOTT. So I can respond to comments of both Senators, and particularly for questions I was asked by Senator MCCAIN, I had a fixation on trying to get started on this bill today because I had committed to do so. I realize it is late, but I am sure the Senator understands how difficult it is to juggle the schedule.

We had originally thought the Comprehensive Test Ban Treaty would be voted on not today but last night or certainly earlier today. I am trying to juggle the appropriations conference reports, too. I was specifically asked by a couple of Senators to have the debate in the morning and then to have the vote at 4 o'clock.

Later this week, we have to have an interruption for the HUD–VA appropriations conference report. Next week, we will have to have interruptions for the Interior appropriations conference report. I have to keep bringing in the appropriations bills. I realize that it interrupts the flow of the debate. However, that is why I have learned around here the best thing to do is to get something going and just get started, get it up so it is the pending business, and we go about our business.

I took particular interest in the Senator's offer that maybe we even consider doing this on the weekend or maybe a Saturday. I think it would get a lot of attention. We are getting down to the end of the session and I have a lot of people pulling on me to do the Religious Persecution Act, the nuclear waste bill, bankruptcy, and trade bills. I need to try to take advantage even of a couple of hours on Wednesday night if we possibly can.

If both Senators are willing to at least get started, see if we can get an agreement, see if we can have opening statements, let's get started and we will be back on it at 10:30 in the morning. I will work with both or all sides to make sure this is fully debated and amendments are offered. Remember, we are going to have amendments and we are going to have a lot of discussion. We are going to have a lot of votes. I think it is time to go forward. I hope the Senator will cooperate with me as we try to get that done.

Mr. MCCAIN. Mr. President, let me say to the majority leader, I am in deep and sincere appreciation of his efforts to resolve all of these issues and the pending legislation. I remind him, however, that some months ago we did enter into an agreement that we would have 5 days of debate and amending on the bill. I know the majority leader will stick to that agreement. Starting at 7:30 at night is not, obviously, a day of debate and discussion. I understand we may have to be interrupted. However, I also say again we expect to have the agreement adhered to.

I am deeply concerned about nuclear waste and religious freedom and all of the other issues, but we did have an agreement on this particular issue. I intend to see that we can do our best to adhere to that agreement.

Mr. LOTT. I say to the Senator, we will proceed on Carroll County, MS, time. Do you understand that?

Mr. MCCAIN. I thank the Senator from Mississippi. I am glad to entertain whatever proposal the Senator from Kentucky has at this time. I intend, along with the Senator from Wisconsin, to wait until tomorrow for our

opening statements. I know there are a number of other Senators who want to make opening statements on this very important issue.

I am sure whatever agreement the Senator from Kentucky and I, along with the Senator from Wisconsin, might want to enter into would clearly take into consideration that there will be a number of opening statements that a number of Senators will have to make.

I yield the floor.

Mr. FEINGOLD. I certainly have no objection to the Senator from Kentucky laying down an amendment. Before he does that, I do make one comment on the colloquy I just listened to.

It is my understanding, based on the agreement we have with the majority leader—I just want to reiterate what Senator MCCAIN said—that this was to be a 5-day debate. The critical issue here is on what day the cloture motion can be filed. It is certainly my understanding, based on the discussion we just had, the cloture motion can't be filed until Monday, meaning the cloture vote couldn't occur before Wednesday. That is how I am going to proceed, and I assume that is the good faith understanding.

This agreement was not hammered out of pure good faith. This was based, as it should be in the Senate, on our willingness to withdraw an amendment from a piece of legislation at another critical time when the Senate's business was pressing.

I certainly intend to give an opening statement. This bill is not different from any other major piece of legislation. In fact, I argue it is one of the most important bills we can take up. It is important it be set out properly, and I certainly intend to make an opening statement tomorrow as well.

PRIVILEGE OF THE FLOOR

Finally, I ask unanimous consent the following staff members be permitted the privilege of the floor during the consideration of S. 1593, campaign finance reform legislation: Bob Schiff, Mary Murphy, Kitty Thomas, Tom Walls, Sumner Slichter, and Marla Kanemitsu.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business, with Senators permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CHANGES TO THE BUDGETARY AGGREGATES AND APPROPRIATIONS COMMITTEE ALLOCATION

Mr. DOMENICI. Mr. President, section 314 of the Congressional Budget Act, as amended, requires the chairman of the Senate Budget Committee to adjust the appropriate budgetary aggregates and the allocation for the Appropriations Committee to reflect amounts provided for emergency requirements.

REVISIONS TO THE 2000 SENATE APPROPRIATIONS COMMITTEE ALLOCATIONS, PURSUANT TO SECTION 302 OF THE CONGRESSIONAL BUDGET ACT

	Budget authority	Outlays
Current Allocation:		
General purpose discretionary	534,241,000,000	552,763,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000,000	304,297,000,000
Total	869,243,000,000	891,305,000,000
Adjustments:		
General purpose discretionary	+7,200,000,000	+4,817,000,000
Violent crime reduction fund		
Highways		
Mass transit		
Mandatory		
Total	+7,200,000,000	+4,817,000,000
Revised Allocation:		
General purpose discretionary	550,441,000,000	557,580,000,000
Violent crime reduction fund	4,500,000,000	5,554,000,000
Highways		24,574,000,000
Mass transit		4,117,000,000
Mandatory	321,502,000	304,297,000,000
Total	876,443,000,000	896,122,000,000

REVISIONS TO THE 2000 BUDGET AGGREGATES, PURSUANT TO SECTION 311 OF THE CONGRESSIONAL BUDGET ACT

	Budget authority	Outlays	Deficit
Current Allocation:			
Budget Resolution	1,438,190,000,000	1,424,145,000,000	−16,063,000,000
Adjustments:			
Emergencies	+7,200,000,000	+4,817,000,000	−4,817,000,000
Revised Allocation:			
Budget Resolution	1,445,390,000,000	1,428,962,000,000	−20,880,000,000

EXPLANATION OF VOTES

Mr. DODD. Mr. President, I was necessarily absent due to a family medical emergency during Senate action on rollcall votes No. 317 through 322.

Had I been present for the votes, I would have voted as follows. On rollcall vote No. 317, the motion to table Senate amendment 1861, an amendment to ensure accountability in programs for disadvantaged students, I would have voted not to table. On rollcall vote No. 318, Senate amendment 1842, an amendment to express the sense of the Senate regarding the importance of determining the economic status of former recipients of temporary assistance to needy families, I would have voted for the amendment. On rollcall vote No. 319, the motion to table Senate amendment 1825, an amendment to prohibit the use of funds for the promulgation or issuing of any standard relating to ergonomic protection, I would have voted against tabling the amendment. On rollcall vote No. 320, the motion to table Senate amendment 1844, an amendment to limit the applicability of the Davis-Bacon Act in areas designated as disaster areas, I would have voted to table the amendment. On rollcall vote 321, final passage of S. 1650, an original bill making appropriations for the Department of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2000, and for other purposes, I would have voted for passage of the bill, albeit with reservations about specific provisions of the bill. Finally, on rollcall vote 322, the

motion to invoke cloture on the conference report on H.R. 1906, the Agriculture Appropriations Act, I would have voted against cloture.

NOTICE OF INTENT TO AMEND THE RULES

Mr. McCONNELL. Mr. President, I hereby give notice in writing that I intend to offer an amendment to the Standing Rules of the Senate that would require any Senator to report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have: (1) violated the Senate Code of Office Conduct; (2) violated a law; or (3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators. Such allegations or information may be reported to the chairman, the vice chairman, a committee member, or the staff director of the Select Committee on Ethics.

The material follows:

AMENDMENT NO. —

On page ____, after line ____, insert the following:

SEC. ___. REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

''(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

''(1) violated the Senate Code of Office Conduct;

''(2) violated a law; or

''(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

''(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.''.

SEC. ___. BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: '', except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States''.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, October 12, 1999, the Federal debt stood at $5,660,733,437,442.56 (Five trillion, six hundred sixty billion, seven hundred thirty-three million, four hundred thirty-seven thousand, four hundred forty-two dollars and fifty-six cents).

Five years ago, October 12, 1994, the Federal debt stood at $4,686,727,000,000 (Four trillion, six hundred eighty-six billion, seven hundred twenty-seven million).

Ten years ago, October 12, 1989, the Federal debt stood at $2,869,151,000,000 (Two trillion, eight hundred sixty-nine billion, one hundred fifty-one million).

Fifteen years ago, October 12, 1984, the Federal debt stood at $1,572,268,000,000 (One trillion, five hundred seventy-two billion, two hundred sixty-eight million) which reflects a debt increase of more than $4 trillion—$4,088,465,437,442.56 (Four trillion, eighty-eight billion, four hundred sixty-five million, four hundred thirty-seven thousand, four hundred forty-two dollars and fifty-six cents) during the past 15 years.

LABOR–HHS–EDUCATION APPOINTMENTS

Mr. KENNEDY. Mr. President, in the interest of moving this appropriations bill forward, I will withdraw my amendment to increase the funding for the successful GEAR-UP program. However, I urge the conferees to fund this program at $240 million—- $60 million over the Senate bill—so that now needy students can get the support they need to attend college.

More than 130,000 students will be denied services if GEAR UP is funded at $180 million rather than at the President's request of $240 million. $154 million is needed just to fully fund continuation grants for this year's grantees. We must uphold our commitment to these students, and extend the opportunity that this program offers to every needy student.

This year, 678 applications for both state and local partnerships were received and we were only able to fund 185—only 1 out of 4 applications. We have to do more to help children early so that college is accessible for every child.

Many low-income families do not know how to plan for college, often because they have not done it before. We should do more to ensure that schools and communities can provide the academic support, early college awareness activities, and information on financial aid and scholarships so that students and their families can plan for a better future. We must encourage our young people to have high expectations, to stay in school, and to take the necessary courses so that they can succeed in college. We cannot abandon the five-year commitment that we made to these families last year.

I commend my colleagues on the appropriations committee for making hard choices between important programs. But, I urge you to give GEAR UP your highest consideration in conference.

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 a treaty and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON TELECOMMUNICATIONS PAYMENTS PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT—PM 64

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104–114, 110 Stat. 785, I transmit herewith a semiannual report ''detailing payments made to Cuba . . . as a result of the provision of telecommunications services'' pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 13, 1999.

MESSAGES FROM THE HOUSE

At 12:48 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York.

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building.''

H.R. 748. An act to amend the act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Parks Advisory Commission.

H.R. 1374. An act to designate the United States Post Office building located at 680

State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building.''

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement.

H.R. 1932. An act to authorize the President to award a gold medal on behalf of the Congress to Father Theodore M. Hesburgh, in recognition of his outstanding and enduring contributions to civil rights, higher education, the Catholic Church, the Nation, and the global community.

H.R. 2130. An act to amend the Controlled Substances Act to add gamma hydrozybutyric acid and ketamine to the schedules of controlled substances, to provide for a national awareness campaign, and for other purposes.

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office.''

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office.''

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office.''

H.R. 3036. An act to restore motor carrier safety enforcement authority to the Department of Transportation.

The message further announced that pursuant to section 4(b) of Public Law 94–201 (20 U.S.C. 2103 (b)) the Speaker appoints the following individuals from private life to the Board of Trustees of the American Folklife Center in the Library of Congress on the part of the House: Ms. Kay Kaufman Shelemay of Massachusetts to fill the unexpired term of Mr. David W. Robinson, and Mr. John Penn Fix, III, of Washington to a 6-year term.

ENROLLED BILLS SIGNED

At 6:23 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

H.R. 1906. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000, and for other purposes.

H.R. 560. An act to ensure that the volume of steel imports does not exceed the average monthly volume of such imports during the 36-month period preceding July 1997.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 20. An act to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by the State of New York; to the Committee on Energy and Natural Resources.

H.R. 643. An act to redesignate the Federal building located at 10301 South Compton Avenue, in Los Angeles, California, and known as the Watts Finance Office, as the ''Augustus F. Hawkins Post Office Building''; to the Committee on Governmental Affairs.

H.R. 748. An act to amend the Act that established the Keweenaw National Historical Park to require the Secretary of the Interior to consider nominees of various local interests in appointing members of the Keweenaw National Historic Parks Advisory Commission; to the Committee on Energy and Natural Resources.

H.R. 1374. An act to designate the United States Post Office building located at 680 State Highway 130 in Hamilton, New Jersey, as the ''John K. Rafferty Hamilton Post Office Building''; to the Committee on Governmental Affairs.

H.R. 1615. An act to amend the Wild and Scenic Rivers Act to extend the designation of a portion of the Lamprey River in New Hampshire as a recreational river to include an additional river segment; to the Committee on Energy and Natural Resources.

H.R. 1791. An act to amend title 18, United States Code, to provide penalties for harming animals used in Federal law enforcement; to the Committee on the Judiciary.

H.R. 2357. An act to designate the United States Post Office located at 3675 Warrensville Center Road in Shaker Heights, Ohio, as the ''Louise Stokes Post Office''; to the Committee on Governmental Affairs.

H.R. 2460. An act to designate the United States Post Office located at 125 Border Avenue West in Wiggins, Mississippi, as the ''Jay Hanna 'Dizzy' Dean Post Office''; to the Committee on Governmental Affairs.

H.R. 2591. An act to designate the United States Post Office located at 713 Elm Street in Wakefield, Kansas, as the ''William H. Avery Post Office''; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read twice and ordered placed on the calendar.

H.R. 1665. An act to allow the National Park Service to acquire certain land for addition to the Wilderness Battlefield in Virginia, as previously authorized by law, by purchase or exchange as well as by donation.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on October 13, 1999, he had presented to the President of the United States, the following enrolled bill:

S. 323. An act to redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committees were submitted:

By Mr. ROTH, for the Committee on Finance:

James G. Huse, Jr., of Maryland, to be Inspector General, Social Security Administration.

Neal S. Wolin, of Illinois, to be General Counsel for the Department of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

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–5572. A communication from the Under Secretary of the Navy, transmitting, pursuant to law, a report relative to a study of certain functions performed by military and civilian personnel in the DoN for possible performance by private contractors; to the Committee on Armed Services.

EC–5573. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Congressional Medal of Honor'' (DFARS Case 98–D304), received October 8, 1999; to the Committee on Armed Services.

EC–5574. A communication from the Director, Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Brand Name or Equal Purchase Descriptions'' (DFARS Case 99–D023), received October 8, 1999; to the Committee on Armed Services.

EC–5575. A communication from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Returned and Canceled Checks'' (RIN2900–AJ61), received October 5, 1999; to the Committee on Veteran's Affairs.

EC–5576. A communication from the Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Collaborative Procedures for Energy Facility Applications'' (Order No. 608, 64 Fed. Reg. 51, 209 {Sept. 22, 1999}, III FERC Stats. & Regs. Section 61,080 {Sept. 15, 1999}), received October 5, 1999; to the Committee on Energy and Natural Resources.

EC–5577. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the scientific and clinical status of organ transplantation; to the Committee on Health, Education, Labor, and Pensions.

EC–5578. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the National Institutes of Health; to the Committee on Health, Education, Labor, and Pensions.

EC–5579. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in

the amount of $50,000,000 or more to French Guiana; to the Committee on Foreign Relations.

EC–5580. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the United Nations; to the Committee on Foreign Relations.

EC–5581. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, a report relative to famine prevention and freedom from hunger for fiscal year 1998; to the Committee on Foreign Relations.

EC–5582. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to compliance with the Antiterrorism and Effective Death Penalty Act; to the Committee on the Judiciary.

EC–5583. A communication from the Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5584. A communication from the Chairman, Farm Credit Administration, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5585. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a rule entitled ''Prompt Payment (5 CFR 1315)'' (RIN03–AB47), received October 5, 1999; to the Committee on Governmental Affairs.

EC–5586. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees' Group Life Insurance: Court Orders'' (RIN3206–AI49), received October 8, 1999; to the Committee on Governmental Affairs.

EC–5587. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Voluntary Early Retirement Authority'' (RIN3206–AI25), received October 7, 1999; to the Committee on Governmental Affairs.

EC–5588. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled ''Audit of Advisory Neighborhood Commission 3E for the Period October 1, 1995 through September 30, 1998''; to the Committee on Governmental Affairs.

EC–5589. A communication from the Director of Congressional Affairs, U.S. Trade and Development Agency, transmitting, pursuant to law, a report relative to its commercial activities inventory; to the Committee on Governmental Affairs.

EC–5590. A communication from the Senior Benefits Programs Planning Analyst, Western Farm Credit Bank, transmitting, pursuant to law, a report entitled ''Annual Report for the Eleventh Farm Credit District Employees' Retirement Plan for the Year Ending December 31, 1998''; to the Committee on Governmental Affairs.

EC–5591. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office reports for August 1999; to the Committee on Governmental Affairs.

EC–5592. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules of Practice in Permit Proceedings; Technical Amendments'' (RIN1512–AB91), received October 8, 1999; to the Committee on Finance.

EC–5593. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Technical Amendments'' (RIN1512–AC00), received October 8, 1999; to the Committee on Finance.

EC–5594. A communication from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Delegation of Authority'' (RIN1512–AB94), received October 8, 1999; to the Committee on Finance.

EC–5595. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to extra billing in the Medicare Program; to the Committee on Finance.

EC–5596. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Medical Savings Accounts-Number'' (Announcement 99–95), received September 30, 1999; to the Committee on Finance.

EC–5597. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 832 Discount Factors for 1999'' (Revenue Procedure 99–37), received September 30, 1999; to the Committee on Finance.

EC–5598. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Section 846 Discount Factors for 1999'' (Revenue Procedure 99–36), received September 30, 1999; to the Committee on Finance.

EC–5599. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Optional Standard Mileage Rates 2000'' (Revenue Procedure 99–38), received October 5, 1999; to the Committee on Finance.

EC–5600. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Form 941 E-File Program'' (Revenue Procedure 99–39), received October 7, 1999; to the Committee on Finance.

EC–5601. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''William and Helen Woodral v. Commissioner'' (112 T.C. 19{1999} Dkt. No. 6385–9), received October 8, 1999; to the Committee on Finance.

EC–5602. A communication from the Chief, Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest'' (RIN1515–AB76), received October 8, 1999; to the Committee on Finance.

EC–5603. A communication from the President and Chairman, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking, Housing, and Urban Affairs.

EC–5604. A communication from the Assistant Secretary, Bureau of Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Revisions to the Commerce Control List; Medical Products Containing Biological Toxins: ECCN 28351'' (RIN0694–AB85), received October 7, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5605. 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; 64 FR 53931; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5606. 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; 64 FR 53933; 10/05/99'' (FEMA–7296), received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5607. 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; 64 FR 53938; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5608. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations; 64 FR 53939; 10/05/99'', received October 8, 1999; to the Committee on Banking, Housing, and Urban Affairs.

EC–5609. A communication from the General Counsel, Department of Commerce transmitting a draft of proposed legislation relative to the Trademark Act of 1946; to the Committee on the Judiciary.

EC–5610. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation relative to the administration and enforcement of various laws; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5611. A communication from the Administrator, Agricultural Marketing Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Sweet Cherries Grown in Designated Counties in Washington; Change in Pack Requirements—Correction'' (Docket No. FV99–923–1 FIR), received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5612. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''School Nutrition Programs: Nondiscretionary Technical Amendments'', received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5613. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Rhizobium Inoculants: Exemption from the Requirement of a Tolerance'' (FRL #6380–4), received October 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–365. A resolution adopted by the California-Pacific Annual Conference of the United Methodist Church relative to the United Nations; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 492. A bill to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay, and for other purposes. (Rept. No. 106–181).

S. 1632. A bill to extend the authorization of appropriations for activities at Long Island Sound (Rept. No. 106–182).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 2724. A bill to make technical corrections to the Water Resources Development Act of 1999 (Rept. No. 106–183).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN:

S. 1720. A bill for the relief of Mrs. Ruth Hairston of Carson, California by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

By Mr. COVERDELL:

S. 1721. A bill to provide protection for teachers, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1722. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 1723. A bill to establish a program to authorize the Secretary of the Interior to plan, design, and construct facilities to mitigate impacts associated with irrigation system water diversions by local governmental entities in the Pacific Ocean drainage of the States of Oregon, Washington, Montana, and Idaho; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS:

S. 1724. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for agricultural import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. Res. 202. A resolution recognizing the distinguished service of John E. Cook of Williams, Arizona; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 1720. A bill for the relief of Mrs. Ruth Hairston of Carson, California by the waiver of a filing deadline for appeal from a ruling relating to her application for a survivor annuity; to the Committee on Governmental Affairs.

PRIVATE RELIEF LEGISLATION

● Mrs. FEINSTEIN. Mr. President, I am offering today legislation to assist Mrs. Ruth Hairston, of Carson, California. Identical legislation has passed the House without objection under the sponsorship of Representative JUANITA MILLENDER-MCDONALD. I am pleased to support this effort in the Senate.

Mrs. Hairston requires this extreme step in order to be able to pursue a federal court appeal of the Merit Systems Protection Board (# CSF 2221413), which denied Mrs. Hairston's eligibility for an annuity following the retirement and untimely death of her former husband. The legislation does not require the annuity, but will only permit the filing of an appeal with the United States Court of Appeals. As a result, Mrs. Hairston will be permitted to challenge the denial on the merits, rather than accept the denial due to the failure to file an appeal within thirty days.

I would briefly like to describe the facts that warrant this legislation.

Mr. Paul Hairston retired in 1980, electing a survivor annuity for Mrs. Hairston to receive one-half the retirement benefit under the settlement terms. Mr. and Mrs. Hairston began receiving benefits in 1988.

The Merit Systems Protection Board, which reviews Civil Service retirement claims, concluded Mr. Hairston had failed to register Mrs. Hairston for survivors benefits following passage of 1985 law, renewing the survivor annuity previously selected in 1985. As a result the spousal survivor benefits for Mrs. Hairston were canceled. Following Mr. Hairston's death in 1995, Mrs. Hairston's benefits, her portion of his retirement benefit under the divorce settlement, ceased. Mrs. Hairston was denied eligibility as a surviving spouse, but did not challenge or appeal the denial of eligibility, due to hospitalization and poor health.

I am pleased to introduce this private legislation to assist my constituent Mrs. Ruth Hairston. While this legislation represents an extraordinary measure, the step is necessary in order to permit her to appeal the denial of eligibility by the Merit Systems Protection Board in federal court. As I have previously stated, this legislation does not require any specific outcome. The federal court will review the appeal with all the rigor the case deserves. However, Mrs. Hairston will receive her day in court and the opportunity to challenge the decision by the Merit Systems Protection Board to deny her eligibility.

I understand Mrs. Hairston is under considerable financial pressure and could face foreclosure on her home. I am pleased to try to assist Mrs. Hairston in her appeal. Mr. President, I hope you and the subcommittee will support this bill so that Mrs. Hairston may begin to rebuild her life.●

By Mr. COVERDELL:

S. 1721. A bill to provide protection for teachers, and for other purposes; to the Committee on the Judiciary.

THE TEACHER LIABILITY PROTECTION ACT OF 1999

● Mr. COVERDELL. Mr. President, I rise today to introduce the Teacher Liability Protection Act of 1999. This legislation provides limited immunity for teachers, principals and other education professionals who take reasonable measures to maintain order and discipline in America's schools and classrooms in order to create a positive education environment. In other words, it allows teachers to do what is necessary to provide an environment conducive to learning without fear of being sued. This bill allows teachers to control their classrooms. It allows teachers to teach.

The ability of teachers and principals to teach, inspire and shape the intellect of our Nation's students is hindered by frivolous lawsuits and litigation. By creating a national standard for protecting teachers and education professionals through limited civil liability immunity, we allow teachers to teach, and we help our children to learn.

Mr. President, we must give educators the resources they need to educate our children, and these resources include the legal protection necessary to do their job and maintain a safe classroom. Principals must be able to control the schools, teachers must be able to control classrooms. Unruly and unmanageable children must not be allowed to endanger, intimidate or harm other students. It is our responsibility, as members of the United States Senate, to give teachers the legal protections necessary to provide a safe learning environment for all children in their care. We must give teachers the freedom they need to responsibly handle potentially dangerous situations without the fear of frivolous legal reprisals.

Based on the Volunteer Protection Act of 1997, which I introduced and which was signed into law, the Teacher Liability Protection Act would create a national standard to protect every teacher in the country, but would not override any state law that provides greater immunity or liability protection. This bill recognizes the authority of the states on these matters and allows them to opt out of the coverage and provide teachers with a higher or lower level of liability protection if they so choose.

This bill also recognizes that millions of parents across the nation depend upon teachers, principals and other school professionals for the educational development of their children. it affirms the fact that most teachers are hard-working professionals who care deeply for our children and go to extraordinary lengths to help them learn. However, this bill does not protect a teacher when he or she engages in wanton and willful misconduct, a criminal act or violations of State and

Federal civil rights laws. It simply protects teachers who undertake reasonable actions to maintain order, discipline and an appropriate learning environment as the public and society expect them to do.

I invite my colleagues to support this important and meaningful legislation and to give our Nation's teachers the freedom they need to educate our children.●

By Mr. THOMAS (for himself and Mr. ENZI):

S. 1722. A bill to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any 1 State, and for other purposes; to the Committee on Energy and Natural Resources.

TRONA MARKET COMPETITION ACT OF 1999

Mr. THOMAS. Mr. President, I rise today to introduce a bill which revises an outdated and constricting statute for the number of federal sodium leases which can be held by any single producer within a state. This limitation is damaging the economic viability of an environmental responsible and critical mining industry for our country. The soda ash industry has been operating under the present acreage limitation for five decades. This cap for lease holdings is the oldest acreage limitation under the Mineral Leasing Act. In fact, sodium is the only mineral subject to the Act which has not had an increase since the law was amended in 1948. It is out of date with the competitive and technological advances in the industry and needs to be changed as we move into the next century.

Specifically this legislation provides the Secretary of the Interior with discretion to increase the federally held acreage of individual sodium producers; the same additional discretionary authority he has had for some time for other mineral categories affected by this law. It would increase the current limitation from 15,360 acres per producer, to 30,720 acres.

The Mineral Leasing Act set forth these limits to ensure that no single entity can control too much of any single mineral reserve. This remains an important objective. A lease limitation ensures that there is sufficient competition, while providing an incentive for development of these reserves and ensures a reasonable rate of return to the Federal Treasury. My bill is consistent with these objectives and seeks only to conform the present limitation to current economic and international conditions. Indeed I am pleased that this bill has the full support of the Wyoming Mining Association, including smaller sodium lease holders, who have traditionally been concerned increasing acreage.

Mr President, I offer this bill after carefully reviewing the need for it in light of current conditions affecting the soda ash industry in my state. In my examination, I have been reminded that U.S. soda ash producers, four (of five) of which are in our state, are extremely competitive with one another for a relatively flat domestic market. And, they are also faced with stiff international competition.

I believe this legislation is necessary to sustain the global competitiveness of the U.S. soda ash industry. Since our state is blessed with the largest known deposits of trona in the world, I am proud to say that the United States sodium industry is also the world's low cost supplier of soda ash. U.S. produced soda ash, critical to glass manufacture, is accountable for a $400 million positive contribution to our balance of trade. Today, the U.S. soda ash industry comprises five active producers—four in my home state—generating some 12 million tons of soda ash per year, or approximately a third of the world's demand.

But I have learned we cannot take these producers for granted. Like so many other industries basic to our economy such as steel, paper, aluminum, copper, and so on, the soda ash mines must take the measures necessary to stay competitive. I know, as Chairman of the Foreign Relations Subcommittee on East Asian and Pacific Affairs, that many countries have make it difficult to export U.S. soda ash. They have erected tariff and non-tariff barriers to support their own less efficient domestic producers.

For this season, U.S. producers have formed the American Natural Soda Ash Corporation (ANSAC), in recognition that the growth of U.S. soda ash is dependent on its ability to effectively export. ANSAC is the sole authorized exporter of soda ash and is wholly owned by the six U.S. sodium producers. It accounts for the employment of some 20,000 people in the U.S. and exports more than $400 million in soda ash to 45 different countries.

This is but one example of how our domestic industry has taken the steps necessary to compete effectively abroad. In addition, the producers in my state are making major investments in moderizing their facilities and sustaining the level of capital investment necessary to continue to be competitive both at home and abroad. The start-up cost for a new soda ash operation is estimated to be at least $350 million, and to develop a world class mine, $150 million. This is largely due to the fact that soda ash is mined underground and thus requires a sophisticated processing plant to turn raw ore into the finished products. This is simply the reality of what is required to stay competitive.

At this cost a new entrant, as well as existing producers, must have a predictable ''mine plan.'' A primary component of such a plan is a predictable level of reserves that will last several decades. The legislation I am introducing today would help provide this predictability by giving the Secretary the discretion to raise lease limits on a case-by-case basis if the producer can show it is in need of additional reserves to maintain its operations.

Producers need to know of mine expansion is possible in order to develop structural design plans which are safe, efficient and maximize the large economic outlays. This is the predictability that any manufacturer needs when contemplating a major capital investment. And in the end, it is the capital required, rather than the acreage available, the must be weighed by new entrants.

I would like to note that despite consolidated in the Wyoming trona patch, there is an anticipated new entrant to the soda ash business in our neighboring state of Colorado. Moreover, in Wyoming, six other leaseholders have substantial holdings that could be translated into active production. This bill does not discourage their entry. In fact, by raising the current cap on acreage holdings, it creates an incentive for additional purchase by these holders, one of whom already exceeds the existing limitation.

Raising the acreage limitation for trona is also consistent with good environmental and safety practices followed by this industry. Much of the currently mined out acreage is essential to proper ventilation of ongoing operations and therefore critical mine safety. In addition, the mechanically mined out sections are also available for proper tailings disposal, thus avoiding environmental degradation elsewhere. This is a practice encouraged by our Wyoming State Department of Environmental Quality.

In summary, Mr. President, the bill I am introducing today provides critical changes in existing statutes in order to sustain the economic viability of an environmental responsible and critical mining industry in our country. The current sodium lease limitation is approximately one-third of the per state Federal lease cap for coal potassium, and one-sixteenth the lease acreage cap for oil and gas. After passing the Mineral Leasing Act in 1948, Congress and the Bureau of Land Management have revised acreage limits for other minerals to meet the needs of these industries consistent with good mining and environmental practices. In light of the conditions I have described, I believe it is time we recognize the need to update the lease limitation for the trona industry as well.

I thank you for the time and opportunity to discuss this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1722

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

SECTION 1. TITLE.

This Act shall be entitled the ''Trona Market Competition Act of 1999''.

SEC. 2. SODIUM MINING ON FEDERAL LAND.

(a) FINDINGS.—Congress finds that—

(1) Federal land contains commercial deposits of trona, the world's largest deposits

of trona being located on Federal land in southwestern Wyoming;

(2) trona is mined on Federal land through Federal sodium leases under the Act of February 25, 1920 (commonly known as the ''Mineral Leasing Act'') (30 U.S.C. 181 et seq.);

(3) the primary product of trona mining is soda ash (sodium carbonate), a basic industrial chemical that is used for glassmaking and a variety of consumer products, including baking soda, detergents, and pharmaceuticals;

(4) the Mineral Leasing Act sets for each leasable mineral a limitation on the amount of acreage of Federal leases any 1 producer may hold in any 1 State or nationally;

(5)(A) the present acreage limitation for Federal sodium leases has been in place for over 5 decades, since 1948, and is the oldest acreage limitation in the Mineral Leasing Act;

(B) over that time, Congress or the Bureau of Land Management has revised the acreage limits applicable to other minerals to meet the needs of the respective industries; and

(C) currently the sodium lease acreage limit of 15,360 acres per State is approximately ⅓ of the per-State Federal lease acreage limit for coal (46,080 acres) and potassium (51,200 acres) and 1/16 of the per-State Federal lease acreage limit for oil and gas (246,080 acres);

(6) 3 of the 4 trona producers in Wyoming are operating mines on Federal leaseholds that contain total acreage close to the sodium lease acreage ceiling;

(7) the same reasons that Congress cited in enacting increases per State lease acreage caps applicable in the case of other minerals—the advent of modern mine technology, changes in industry economics, greater global competition, and the need to conserve Federal resources—apply to trona;

(8) existing trona mines require additional lease acreage to avoid premature closure, but those mines cannot relinquish mined-out areas to lease new acreage because those areas continue to be used for mine access, ventilation, and tailings disposal and may provide future opportunities for secondary recovery by solution mining;

(9) to enable them to make long-term business decisions affecting the type and amount of additional infrastructure investments, trona producers need certainty that sufficient acreage of leasable trona will be available for mining in the future; and

(10) to maintain the vitality of the domestic trona industry and ensure the continued flow of valuable revenues to the Federal and State governments and of products to the American public from trona production on Federal land, the Mineral Leasing Act should be amended to increase the acreage imitation for Federal sodium leases.

(b) AMENDMENT.—Section 27(b)(2) of the Act of February 25, 1920 (30 U.S.C. 184(b)(2)), is amended by striking ''fifteen thousand three hundred and sixty acres'' and inserting ''30,720 acres''.

Mr. ENZI. Mr. President, today I join Senator THOMAS in the introduction of S. 1722, a bill to increase the federal statutory acreage limitation for domestic trona producers. This legislation will bring the federal statutory acreage limitation for trona more in line with acreage limitations for other mineral commodities and will allow American trona producers to remain competitive in the international marketplace well into the twenty-first century.

This legislation will make a small but important change in the federal Mineral Leasing Act that would allow the Secretary of the Interior, at his discretion, to permit a person or corporation to hold sodium leases on federal land of up to 30,720 acres in any one State. This is a two-fold increase over the current discretionary acreage limitation of 15,360 acres. The current limit was established over 50 years ago while the acreage limitation of other minerals, including coal, potassium, and oil and gas, have been increased considerably during that same time in order to meet the needs of these industries. By increasing the federal acreage limitation for trona, Congress will take an important step to ensure future productivity and international competitiveness of an industry that has great importance for the State of Wyoming and the United States. This legislation will in turn benefit the federal government through continued royalties derived from soda ash mined on federal land.

Mr. President, the State of Wyoming has long depended on the mineral industry as a vital part of its economy. Since one-half of our state is comprised of federal land, private companies must temporarily lease portions of this land in order to extract minerals that benefit the entire country, and indeed, the entire world. The mining of natural soda ash, or trona, is an integral part of the state's economy, especially for those who live in southwestern Wyoming. This trona is mined and converted to refined soda ash (sodium carbonate) which is used in the production of glass, detergents, pharmaceuticals, and other sodium chemicals. Currently, three of the four trona producers in Wyoming are operating mines on federal leaseholds that contain total acreage close to the discretionary sodium lease acreage ceiling. By increasing this federal limit, we will give Wyoming producers the certainty they need to continue and expand their substantial capital investments in the State of Wyoming and allow America to remain competitive in this important mineral industry. This acreage increase represents a modest, responsible modification to the Mineral Leasing Act that takes modern economic realities into account without deterring the entry of new companies into the domestic market for mineable trona.

I urge my colleagues to support the swift passage of this modification to the Mineral Leasing Act in order to ensure stability, growth, and continued international competitiveness of America's trona industry.

By Mr. BAUCUS:

S. 1724. A bill to modify the standards for responding to import surges under section 201 of the Trade Act of 1974, to establish mechanisms for agricultural import monitoring and the prevention of circumvention of United States trade laws, and to strengthen the enforcement of United States trade remedy laws; to the Committee on Finance.

THE AGRICULTURE IMPORT SURGE RELIEF ACT

Mr. BAUCUS. Mr. President, I rise today to introduce the Agriculture Import Surge Relief Act of 1999.

This year's harvest is nearly over in Montana and the rest of the country. But instead of breathing a sigh of relief after a summer of hard work, many of our farmers are holding their breath, wondering whether they will even be able to farm next year. With prices at a 50-year low, global oversupply and unpredictable surges in imports, our rural communities continue to face crisis.

We in the Senate have been working hard to address this triad of problems. Today, I would like to offer a partial solution to the trade angle—the Agriculture Import Surge Relief Act. This Act addresses surges in agricultural imports.

For a variety of reasons, including overcapacity overseas, misaligned exchanges rates, and low international commodity prices, we may find a sudden, sharp, and unpredictable increase in import levels of particular agricultural product. This type of sudden rise in import levels damage the heart of our economy and our farm communities.

We must do a better job of monitoring these surges so that we see them as soon as they start. And we must do a better and faster job of responding to these surges to provide relief to our producers before they go out of business.

The Agriculture Import Surge Relief Act targets these goals by making several critical improvements in Section 201 of U.S. trade law.

Section 201 is the so-called ''safeguard'' provision that is designed to prevent serious disruption of our domestic industry because of imports. It is also the very provision that was used by U.S. lamb producers earlier this year to find relief from a surge in lamb imports from Australia and New Zealand. I am pleased that U.S. lamb producers prevailed; but it cost them dearly—in both time and money. Unlike other industries, agriculture is extraordinarily time sensitive. A year-long case can find many producers driven out of business before it ends.

It is also important to note that Section 201 is not a protectionist measure. It is a short-term mechanism used to get an ''injured'' American industry back on its feet and competing again. I consider Section 201 as a ''breathing room'' provision. That is, it gives temporary relief to a domestic industry by providing for a short-term restraint on imports that have surged into the United States.

My bill proposes four changes to the way we anticipate and respond to surges in agriculture.

First, the Act amends Section 201 of the Trade Act of 1974 to be more responsive to import surges—for any industry.

Like the Import Surge Relief Act I introduced last May, co-sponsored by

Senator LEVIN, this bill eases Section 201's overly strict injury standard. No longer will American industry have to comply with a standard higher than that of our international trading partners. They will simply have to prove an increase in imports over a short period of time which cause or threaten to cause serious injury to the domestic market.

The Act also speeds up the process for addressing import surges. Recently, I hosted a town hall meeting in Kalispell, Montana. Many agriculture leaders expressed their concern that the process of responding to surges is just too long. The same message came through loud and clear last week when a record number of us in the Congress testified before the International Trade Commission regarding imported Canadian cattle. Relief that is too late can mean the devastation of an industry—and the devastation of Rural America.

My bill would cut the time in half for this process and give the ITC Commissioners the ability to make decisions on an expedited basis.

It will also bring credibility to the final decision-making process. As we learned in the lamb case, the President has the ultimate decision-making authority. This means he can accept, change or reject recommendations from the International Trade Commission based on information above and beyond the evidence presented during the laborious hearings.

My bill requires that the President, in deciding whether to take action, focus more than he has in the past on the beneficial impact of a remedy, rather than on the negative impact on other industries. And in do so, he must make provisional relief available on an urgent basis.

Second, the Act establishes an Agricultural Products Import Monitoring and Enforcement Program. The program shall: Promote and defend US policy with respect to import safeguards and countervailing or anti-dumping duty actions if challenged in the World Trade Organization, identify foreign trade-distorting measures, and develop policies and responsive actions to address such measures.

Finally, the bill provides an early warning system. We simply cannot wait until we see that an American industry is devastated. We must be able to project ahead, understand the threats facing an industry, and then consider quickly what type of action to take, if any.

My bill requires the Secretary of Commerce to monitor imports and report its findings on a quarterly basis until 2005. This is absolutely critical to take rapid action.

Finally, with the next round of the World Trade Organization talks approaching, the expiration of the Farm Bill, and uncertainties in global financial markets, anything can happen. U.S. industry, and our farm communities, however, should not bear the brunt.

The Agricultural Import Surge Relief Act will begin to bring stability and predictability back to the system. I urge my colleagues to support this proposal.

ADDITIONAL COSPONSORS

S. 178

At the request of Mr. INOUYE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 178, a bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research.

S. 381

At the request of Mr. INOUYE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 381, a bill to allow certain individuals who provided service to the Armed Forces of the United States in the Philippines during World War II to receive a reduced SSI benefit after moving back to the Philippines.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 777

At the request of Mr. FITZGERALD, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 805

At the request of Mr. DURBIN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Georgia (Mr. COVERDELL) were added as cosponsors of S. 805, a bill to amend title V of the Social Security Act to provide for the establishment and operation of asthma treatment services for children, and for other purposes.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1327

At the request of Mr. CHAFEE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1327, a bill to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, and for other purposes.

S. 1369

At the request of Mr. JEFFORDS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1369, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 1448

At the request of Mr. HUTCHINSON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1448, a bill to amend the Food Security Act of 1985 to authorize the annual enrollment of land in the wetlands reserve program, to extend the program through 2005, and for other purposes.

S. 1478

At the request of Mr. DASCHLE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1478, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 1483

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1483, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 1500

At the request of Mr. HATCH, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1500, a bill to amend title XVIII of the Social Security Act to provide for an additional payment for services provided to certain high-cost individuals under the prospective payment system for skilled nursing facility services, and for other purposes.

S. 1515

At the request of Mr. HATCH, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1515, a bill to amend the Radiation Exposure Compensation Act, and for other purposes.

S. 1563

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S.

1563, a bill to establish the Immigration Affairs Agency within the Department of Justice, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1592, a bill to amend the Nicaraguan Adjustment and Central American Relief Act to provide to certain nationals of El Salvador, Guatemala, Honduras, and Haiti an opportunity to apply for adjustment of status under that Act, and for other purposes.

S. 1609

At the request of Mrs. HUTCHISON, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1609, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare Program.

S. 1619

At the request of Mr. DEWINE, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1619, a bill to amend the Trade Act of 1974 to provide for periodic revision of retaliation lists or other remedial action implemented under section 306 of such Act.

S. 1626

At the request of Mr. HATCH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1626, a bill to amend title XVIII of the Social Security Act to improve the process by which the Secretary of Health and Human Services makes coverage determinations for items and services furnished under the Medicare Program, and for other purposes.

S. 1644

At the request of Mr. ABRAHAM, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1644, a bill to provide additional measures for the prevention and punishment of alien smuggling, and for other purposes.

S. 1652

At the request of Mr. CHAFEE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 1652, a bill to designate the Old Executive Office Building located at 17th Street and Pennsylvania Avenue, NW, in Washington, District of Columbia, as the Dwight D. Eisenhower Executive Office Building.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE RESOLUTION 190

At the request of Mr. CAMPBELL, the names of the Senator from Florida (Mr. MACK) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of Senate Resolution 190, a resolution designating the week of October 10, 1999, through October 16, 1999, as the ''National Cystic Fibrosis Awareness Week''.

SENATE RESOLUTION 202—RECOGNIZING THE DISTINGUISHED SERVICE OF JOHN E. COOK OF WILLIAMS, ARIZONA

Mr. DOMENICI (for himself and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 202

Whereas John E. Cook has recently retired from the National Park Service after 43 years of distinguished service to the United States and the people of the western region of the Nation;

Whereas John E. Cook most recently served 87 park units in 8 western States, stretching from the Canadian border to Mexico, as Director of the Intermountain Region of the National Park Service;

Whereas John E. Cook is in the third of 4 generations from the Cook family who have served the National Park Service with enthusiasm and dedication;

Whereas John E. Cook's father, John O. Cook, and his grandfather, John E. Cook, served the National Park Service in the southwestern region, and his daughter Kayci Cook, currently serves as superintendent of Fort McHenry National Monument and Historic Shrine in Baltimore;

Whereas John E. Cook began his National Park Service career as a mule skinner at what is now Saguaro National Park;

Whereas John E. Cook, who is of Cherokee descent, speaks Navajo, and has worked diligently to promote Native American understanding;

Whereas John E. Cook has held 4 regional directorships, 1 deputy regional directorship, and 5 superintendencies within the National Park Service, and has proven to be a strong manager of people and parks, linking cultural and natural resource management; and

Whereas the citizens of the United States and the National Park Service owe John E. Cook a debt of gratitude and wish to congratulate him on his well-deserved retirement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates John E. Cook for 43 years of service to the National Park Service;

(2) acknowledges the admiration and affection that John E. Cook's friends share for him; and

(3) recognizes the pride and high standard of workmanship exhibited by John E. Cook for 43 years.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

THOMPSON AMENDMENT NO. 2292

(Ordered to lie on the table.)

Mr. THOMPSON submitted an amendment intended to be proposed by him to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

At the end of the bill, add the following:

SEC. 6. MODIFICATION OF CONTRIBUTION LIMITS.

(a) INCREASE IN INDIVIDUAL LIMITS.—Section 315(a)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(1)) is amended—

(1) in subparagraph (A), by striking ''$1,000'' and inserting ''$3,000'';

(2) in subparagraph (B), by striking ''$20,000'' and inserting ''$60,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(b) INCREASE IN AGGREGATE INDIVIDUAL LIMIT.—Section 315(a)(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(3)) is amended by striking ''$25,000'' and inserting ''$75,000''.

(c) INCREASE IN MULTICANDIDATE LIMITS.—Section 315(a)(2) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(a)(2)) is amended—

(1) in subparagraph (A), by striking ''$5,000'' and inserting ''$15,000'';

(2) in subparagraph (B), by striking ''$15,000'' and inserting ''$45,000''; and

(3) in subparagraph (C), by striking ''$5,000'' and inserting ''$15,000''.

(d) INDEXING OF INCREASED LIMITS.—Section 315(c) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)) is amended—

(1) in the second sentence of paragraph (1), by striking ''subsection (b) and subsection (d)'' and inserting ''subsections (a), (b), and (d)''; and

(2) in paragraph (2), by striking subparagraph (B) and inserting the following:

''(B) the term 'base period' means—

''(i) in the case of subsections (b) and (d), calendar year 1974; and

''(ii) in the case of subsection (a), calendar year 1999.''.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will meet on October 14, 1999, in SR–328A at 9 a.m. The purpose of this meeting will be to discuss risk management and crop insurance.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing has been scheduled for Thursday, October 21, 1999, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to conduct oversight on the issues related to land withdrawals and potential National Monument designations using the Antiquities Act, or Federal Land Policy and Management Act (FLPMA).

The hearing will address a number of issues, including public notice and participation, the role of Congress, and the application of other laws such as the Administrative Procedure Act and the National Environmental Policy Act.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Mike Menge (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, October 13, for purposes of conducting a joint committee hearing with the Committee on Governmental Affairs, which is scheduled to begin at 10 a.m. The purpose of this oversight hearing is to receive testimony on the Department of Energy's implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Wednesday, October 13, at 10 a.m., Hearing Room (SD–406), on issues relating to the Clean Water Act, including the following bills:

S. 669, Federal Facilities Clean Water Compliance Act of 1999;

S. 188, Water Conservation and Quality Incentives Act; and

S. 1706, Water Regulation Improvement Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''Pain Management and Improving End-of-Life Care'' during the session of the Senate on Wednesday, October 13, 1999, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, October 13, 1999, at 9:30 a.m., to mark up S. 964, the Cheyenne River Sioux Tribe Equitable Compensation Act and S. 1508, the Indian Tribal Justice Systems Legal and Technical Assistance Act of 1999 followed by a hearing on S. 1507, the ''Native American Alcohol and Substance Abuse Program Consolidation Act of 1999.''

The hearing will be held in room 485, Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COCHRAN. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a closed hearing on Wednesday, October 13, 1999, beginning at 10 a.m., in Room S407, the Capitol.

The PRESIDING OFFICER. without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 13, 1999, at 9:30 a.m., for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EUROPEAN AFFAIRS

Mr. COCHRAN. Mr. President, I ask unanimous consent that the subcommittee on European Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, October 13, 1999, at 10:15 a.m., to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources by granted permission to meet during the session of the Senate on Wednesday, October 13, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 167, a bill to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania; S. 311, a bill to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes; S. 497, a bill to redesignate Great Kills Part in the Gateway National Recreation Area as ''World War II Veterans Park at Great Kill''; H.R. 592, an act to designate a portion of Gateway National Recreation Area as ''World war II Veterans Park at Miller Field''; S. 919, a bill to amend the Quininebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor; H.R. 1619, an act to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor act of 1994 to expand the boundaries of the Corridor; S. 1296, a bill to designate portions of the lower Delaware Valley River and associated tributaries as a component of the National Wild and Scenic Rivers System; S. 1336, a bill to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by New York State, and for other purposes; and S. 1569, a bill to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. COCHRAN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, October 13, 1999, in open session, to recieved testimony on force structure impacts on fleet and strategic lift operation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO COLONEL RANDALL D. BOOKOUT

● Mr. SHELBY. Mr. President, I wish to recognize and pay tribute to Colonel Randall D. Bookout, Chief, Senate Liaison Division, Office of the Chief of Legislative Liaison for the U.S. Army, who will retire on January 1, 2000. Colonel Bookout's career spans 27 years during which he has distinguished himself as a soldier, leader and friend of the United States Senate.

An Ohio native, Colonel Bookout graduated from the United States Military Academy in 1972 and was commissioned as a lieutenant in the Infantry Branch of the U.S. Army. During his career, he has commanded at the platoon through the battalion levels, where he ably trained and led America's soldiers at home and overseas. In Fort Wainwright, Alaska, he commanded the 4th Battalion, 9th Infantry Regiment, ''The Manchus.'' He has also served in command and staff positions at Fort Carson, Colorado, the United States Military Academy at West Point, New York, the Pentagon and overseas in Panama and Korea. Prior to assuming his current duties, he served as the Aide de Camp to the Secretary of the Army.

Since January 1996, Randy Bookout has served with distinction as the Chief of the Army's Senate Liaison Office where he has superbly represented the Chief of Legislative Liaison, the Chief of Staff, Army and the Secretary of the Army, as well as promoting the interests of the soldiers and civilians of the Army. His professionalism, mature judgment, sage advice and inter-personal skills have earned him the respect and confidence of the Members of Congress and Congressional staffers with whom he has worked on a multitude of issues. In over four years on the Hill, Randy Bookout has been a true friend of the U.S. Congress. Serving as the Army's primary point of contact for all Senators, their staffs and Congressional Committees, he has assisted Congress in understanding Army policies, actions, operations and requirements. As a result, he and his staff have been extremely effective in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition, he

has provided invaluable assistance to Members and their staffs while planning, coordinating and accompanying Senate delegations traveling worldwide to over sixty countries. His substantive knowledge of the key issues, keen legislative insight, and ability to effectively advise senior members of the Army leadership directly contributed to the successful representation of the Army's interests before Congress.

Throughout his career, Colonel Randy Bookout has demonstrated his profound commitment to our Nation, his selfless service to the Army, a deep concern for soldiers and their families, and a commitment to excellence. Colonel Bookout is a consummate professional whose performance, in over 27 years of service, has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

Mr. President, I ask my colleagues to join me in thanking Colonel Bookout for his honorable service to the U.S. Army and the people of the United States. We wish him and his family Godspeed and all the best in the future.●

CELEBRATING THE 250TH ANNIVERSARY OF KAHAL KADOSH BETH ELOHIM

● Mr. HOLLINGS. Mr. President, it is a pleasure for me to recognize today the congregation of Kahal Kadosh Beth Elohim in Charleston, S.C. as it celebrates its 250th anniversary on October 23 1999.

Beth Elohim is the fourth oldest Jewish congregation in the United States. The congregation still worships in a synagogue built in 1840–41 in the Greek Revival style, making it the oldest synagogue in continuous use in the United States. In 1980, the building was designated a National Historic Landmark.

Jewish settlers arrived in Charleston as early as 1695 and by 1749 were numerous enough to organize the present congregation of Beth Elohim, then known as Holy Congregational House of God. These settlers were attracted by South Carolina's civil and religious liberty as well as the economic opportunities the colony offered. In 1792, construction of the synagogue began. The structure stood until being destroyed in the Charleston fire of 1838. The visiting General Marquis de Lafayette observed the original building to be ''spacious and elegant.''

Beth Elohim also holds the distinction of being the cradle of Reform Judaism in the United States. In 1824, a group of progressive members of the congregation petitioned for a shortened Hebrew ritual, English translation of prayers and a sermon in English. Their petition being denied, they decided to organize The Reformed Society of Israelites. It was a short-lived society, but when the members returned to the congregation at Beth Elohim, their practices and principles influenced the worship service there and today still form the basis of Reform Judaism. During the construction of the new temple in 1840, an organ was installed, encased in mahogany to complement the building's interior. Said to have 700 pipes and costing $2,500, the organ provided the first instrumental music used in worship in any synagogue in America.

Many members of K.K. Beth Elohim have been distinguished city, state and national leaders, including early congregant Moses Lindo, who before the Revolution helped to develop the cultivation of indigo. Joseph Levy, veteran of the Cherokee War of 1760–61, was probably the first Jewish military officer in America. Almost two dozen men of Beth Elohim served in the American Revolution, most notably Francis Salvador who, as a delegate to the South Carolina Provincial Congresses of 1775–1776, was one of the first Jews to serve in the American legislature. The blind poet Penina Moise was a famous early superintendent of the Jewish Sunday School at Beth Elohim.

Today, Beth Elohim is led by Rabbi Anthony David Holz and Rabbi Emeritus William A. Rosenthall. The congregation continues to function as a vital part of the Charleston community and deserves many congratulations on reaching this milestone—250 years of rich history.●

BILL WOLFF

● Mr. BURNS. Mr. President, I rise today to recognize the efforts of a group of farmers in eastern Montana who pulled together following a tragic accident to help the Family of Bill Wolff harvest their crops.

Sadly, the Wolff family suffered a terrible loss on September 10, when a farming accident claimed Bill's life. In the midst of this tragedy, Bill's neighbor's gathered in an impressive effort to help the Wolff family harvest their grain.

In all more than 20 trucks and 12 combines arrived in Glendive to assist in the harvest. Working simultaneously, the combines were able to cut 135 acres per hour and bring in the harvest for the Wolff family.

Jim Wolff, one of Bill's nephews said, ''After experiencing the great teamwork here today, it's going to be difficult to go home and finish my own harvest by myself.'' In addition, many neighbors mirrored Jim's sentiment and expressed a sense of privilege that they were able to join with the Wolff family during their time of need.

Montanans are truly a special breed of people—always quick to lend a hand to others. It says so much that these people took time away from their own extremely hectic harvest schedules to help the Wolffs, and I commend them for it. Their selflessness serves as an example of us all.

I also extend my most sincere sympathies to the Wolf family. As evidenced by the outpouring of support from his neighbors. Bill was a man who was loved by a great many people and his loss will be shared by them also.●

INSTALLATION OF WILLIAM GORDON

● Mr. BINGAMAN. Mr. President, on Sunday William C. Gordon was installed as the 16th President of the University of New Mexico.

A psychologist by training, Dr. Gordon came to New Mexico by way of Wake Forest University, and Rutgers, where he earned his Ph.D. He taught at the State University of New York before moving to Albuquerque more than twenty years ago. Serving as a Professor of Psychology, then as chairman of the department, he became Dean of the College of Arts and Sciences. From there he became the Provost and Vice President for Academic Affairs and then assumed the job of interim president. It was during that period, and after a national search had been conducted, that he himself was named President in March of this year.

Distinguished and well respected, Dr. Gordon has worked diligently throughout his administrative career to improve the university not only for the students and faculty, but for the staff and the wider community. He has sought to improve both the education people are getting, and the way they are getting it. The University of New Mexico is our state's largest institution of higher learning. The potential this represents is not lost on Dr. Gordon, and we look to him for leadership well into the 21st century.●

TRIBUTE TO SERGEANT MAJOR GORDON R. TAFT, UNITED STATES ARMY

● Mr. SHELBY. Mr. President, I rise today to pay tribute to Sergeant Major Gordon R. ''Randy'' Taft, United States Army, a native of Decatur, Alabama, who is retiring this month from active duty after twenty-six years of distinguished service to the country. Sergeant Major Taft, who currently serves as the Senior Enlisted Advisor to the Director of the Defense Logistics Agency in Fort Belvoir, Virginia, has devoted his professional life to supporting the personal, administrative, and logistics needs of military men and women assigned around the world in defense of our freedom. His accomplishments are many and his reputation for leading and developing young soldiers is legendary. Randy Taft's selfless contributions to the National Defense will be missed, so as he transitions to new opportunities, I want to say thanks to him on behalf of a grateful Nation.

Sergeant Major Taft's numerous military awards and decorations reflect the tremendous impact he has had on the lives of America's fighting men and women. His decorations include the Legion of Merit, the Meritorious Service Medal, the Army Commendation Medal, and the Humanitarian Service

Medal. But the medals and certificates do not say it all. Like all Sergeants Major in their day-to-day activities and accomplishments, Randy Taft has served as a positive role model for a whole generation of the Army's finest soldiers. Whether he was serving as a personnel specialist, a platoon sergeant, a recruiter, a member of the Army's premier Honor Guard, or as the Senior Enlisted Advisor for the 44,000 person Defense Logistics Agency, he has led by example. His greatest accomplishments are the young soldiers he has helped mold into the kind of citizens this country can be proud to call our Army.

Mr. President, I am proud and honored to congratulate Sergeant Major Randy Taft upon the occasion of his retirement from the United States Army.●

SET A GOOD EXAMPLE

● Mr. CLELAND. Mr. President, these are difficult times for our nation's children as they watch their peers turn to violence, drugs, truancy and gang membership. If one were to believe the evening news, there appears to be little good news coming from our schools. But I rise before my colleagues today to share with them some good news. Thunderbolt Elementary School in Savannah, Georgia, has been recognized by the Concerned Businessmen's Association of America as violence-free and the ''Best Example in America'' of what a safe and drug-free school should be.

Thunderbolt Elementary is the only school out of the 10,600 which enrolled in the national ''Children's Set a Good Example'' Competition during the past 12 years to win the national award three times in a row. Additionally, Thunderbolt has also been chosen this year by the judges of the first ''Best of the Best'' competition, which will be held just once every ten years, as the best of the best elementary schools in America.

The war against drug abuse, violent crime, illiteracy and intolerance is a multifaceted battle being fought in every sector of our community. It is a war that ravages our streets and has kids killing other kids. Too many of our children have become casualties of this epidemic. We as a society must apply proven, workable methods if we are to salvage our youth and rid our cities of those social ills. Positive counter peer pressure could be more effective than authoritarian efforts when it comes to influencing youth away from drug abuse and gang involvement and I am so proud of Thunderbolt Elementary for showing this to be true.

The work that the students at Thunderbolt have done is inspiring and I hope that they will be an example to other students around the country.●

RUSSELL W. PETERSON HONORED WITH FIRST-EVER ''LIFETIME ACHIEVEMENT AWARD'' BY CREATIVE GRANDPARENTING, INC.

● Mr. BIDEN. Mr. President, I rise today to honor the lifetime achievements of a man with truly a lifetime of achievements.

Russell W. Peterson served as Governor of Delaware from 1968–1972, restoring peace on the streets of Delaware's largest city in the wake of the tumultuous 1968 summer riots—as he overcame decades of resistance to implement a sweeping overhaul of State government. Russ Peterson is known to Delawareans as the father of the state's landmark Coastal Zone Act, just as he is renowned nationally as one of our country's leading environmentalists.

I will go into more detail of his many accomplishments, however, the reason I pay tribute to him today is for his recognition—not only as a statesman, environmentalist and civil rights leader—but as a grandfather! Delaware's Creative Grandparenting, Inc. has awarded Russell W. Peterson its first-ever ''Lifetime Achievement Award.'' Peterson, a grandfather of 17 and father of four, deserves every accolade bestowed upon him.

When Russ Peterson was elected Governor of Delaware in 1968, the National Guard patrolled the streets of Wilmington. As he promised, the day Peterson was sworn in as Governor, the National Guard was pulled from the streets. As a 27-year-old New Castle County Councilman first elected that same year in 1968, I assure you Governor Peterson's leadership and steady stewardship made a lasting impression upon me. I am proud to call him a friend.

As Governor, he bucked resistance and reformed Delaware's arcane Commission form of Government into a Cabinet form of government. He convinced the General Assembly to streamline 112 Commissions into ten department leaders. It was nothing short of a revolution!

His greatest accomplishment came in June, 1972, when he single-handedly pushed through the landmark Coastal Zone Act, which forever prohibits development along Delaware's precious coastal zone. Yes, he's the man who proclaimed ''to hell with Shell,'' as he fought efforts by oil refineries to further develop on the Delaware River. The Coastal Zone Act shall forever stand as a monument to Russ Peterson in my State.

Governor Peterson also signed Delaware's Fair Housing Act into law and appointed the first female to the Delaware bench—Family Court Judge Roxana C. Arsht. And in July, 1972, he signed into law a major revision of the Delaware Code, which is important for what was not included. The Whipping Post! From 1669–1952, more than 1,600 men were flogged at the whipping post. Delaware was the last State to eliminate this barbaric punishment, thanks to Russ Peterson.

After leaving office in 1972, Russ served as an advisor to Presidents and held numerous prestigious environmental positions. He was named Vice-Chair of Governor Nelson Rockfeller's National Commission on Critical Choices of America. Then, he chaired President Ford's Council on Environmental Quality. In 1976, Peterson became President of New Directions, a world-wide citizens' lobby group. In 1978, he was tapped to be the director of the congressional Office of Technological Assessment. He secured his worldwide reputation as an environmentalist as the President of the National Audubon Society.

Mr. President, I consider myself very fortunate to call him a friend. I am honored that just last week, Governor Peterson took the time to write me a handwritten note to say he was ''proud that you are my Senator.'' That sort of praise from such an accomplished man is humbling.

Russ Peterson, my friend, you have a lot of living yet to do and more accomplishments yet to come. Today, though, we honor your lifetime of achievements.●

NATIONAL SAVE SCHOOLS FROM VIOLENCE DAY

● Mrs. LINCOLN. Mr. President, I have spoken several times this year about the need for our Nation to address juvenile violence. Today, I would like to commend another group that has joined the call to end violence. The American Medical Association Alliance has designated today as National SAVE Schools from Violence Day, and I would like to praise their efforts.

The AMA Alliance SAVE (Stop America's Violence Everywhere) campaign began in 1995 and comprises a grassroots effort of 700 local and state-level projects to curb violence. Through the campaign, the Alliance has created unique workbooks and activities for use as conflict resolution tools in classrooms across the country. One of their themes, Hands are not for hitting, catches children's attention by challenging them to come up with other uses for their hands. Rather than seeing their hands as weapons, children are reminded that their hands can be used for hugging, collecting bugs or coloring with crayons.

Another campaign theme, I Can Choose, teaches children that they can choose their attitudes and behavior. Other projects including I Can Be Safe and Be a Winner have been distributed nationwide.

Using its Hands are not for hitting campaign and others like it, the AMA is working to call attention to school safety and the way children interact. Nationally, the AMA hopes to reach 1 million children by the year 2000 with activities that help them manage anger and build self-esteem. This type of private sector involvement represents a key building block in our nation's commitment to providing a safe learning environment for our children.

Many of my colleagues know that I introduced the Safe Schools Act of 1999 to provide resources to public schools so they can remain safe and strong cornerstones of our communities. As we move into the 21st century, we must adapt our approach to education to meet the changing needs of students, teachers and parents.

Although I am one of the youngest members of the Senate, I grew up in Helena, Arkansas during what seemed to be a much simpler time. Our parents pulled together to make everyone's education experience a success. Students came to school prepared to learn. Teachers had control of their classroom. The threat of school violence was virtually non-existent.

Now, more than twenty years later, things are different—very different. Our children are subjected to unprecedented social stresses including divorce, drug and alcohol abuse, child abuse, poverty and an explosion of technology that has good and bad uses.

These stresses exhibit themselves in the behavior of teenagers, as well as in our young children. Increasingly, elementary school children exhibit symptoms of substance abuse, academic underachievement, disruptive behavior, and even suicide.

Although school shootings will probably not occur in a majority of our schools, each time we witness a tragedy like Jonesboro or Littleton, it makes us wonder if the next incident will be in our own home towns.

This is a very complex problem and there is no one single answer. It will take more than metal detectors and surveillance cameras to prevent the tragedies occurring in our schools. I believe the Safe Schools Act reflects the needs and wishes of students, parents, teachers and school administrators.

Unfortunately, there are not nearly enough mental health professionals working in our nation's schools. The American School Health Association recommends that the student-to-counselor ratio be 250:1. In secondary schools, the current ratio is 513:1. In elementary schools, the student-to-teacher ratio exceeds 1000:1.

Students today bring more to school than backpacks and lunchboxes—many of them bring severe emotional troubles. It is critical that schools be able to help our troubled students by teaching children new skills to cope with their aggression.

So, I commend the AMA Alliance for designating today as National SAVE Schools from Violence Day and encourage students, teachers, parents and the community to work together to make our schools safe.●

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 106–14

Mr. MCCONNELL. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following convention transmitted to the Senate on October 13, 1999 by the President of the United States:

Food Aid Convention 1999, Treaty Document 106–14.

I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Food Aid Convention 1999, which was open for signature at the United Nations Headquarters, New York, from May 1 through June 30, 1999. The Convention was signed by the United States June 16, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Convention.

The Food Aid Convention 1999 replaces the Food Aid Convention 1995. Donor members continue to make minimum annual commitments that can be expressed either in the quantity or, under the new Convention, the value of the food aid they will provide to developing countries.

As the United States has done in the past, it is participating provisionally in the Food Aid Committee. The Committee granted the United States (and other countries) a 1-year extension of time, until June 30, 2000, in which to deposit its instrument of ratification.

It is my hope that the Senate will give prompt and favorable consideration to this Convention, and give its advice and consent to ratification by the United States at the earliest possible date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *October 13, 1999.*

UNANIMOUS CONSENT AGREEMENT—H.R. 1000

Mr. MCCONNELL. Mr. President, I ask unanimous consent that with respect to H.R. 1000, FAA reauthorization, the Senate insist on its amendment, request a conference with the House on the disagreeing votes, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. HAGEL) appointed, from the Committee on Commerce, Science, and Transportation, Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. LOTT, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. KERRY, and for the consideration of title IX of the bill, from the Committee on the Budget, Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD conferees on the part of the Senate.

CONVEYING CERTAIN PROPERTY FROM THE UNITED STATES TO STANISLAUS COUNTY, CALIFORNIA

Mr. MCCONNELL. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 356, just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 356) to provide conveyance of certain property from the United States to Stanislaus County, California.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. I ask unanimous consent the bill be read the third time, passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 356) was read the third time and passed.

RECOGNIZING THE DISTINGUISHED SERVICE OF JOHN E. COOK

Mr. MCCONNELL. I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 202, submitted earlier today by Senator DOMENICI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 202) recognizing the distinguished service of John E. Cook of Williams, Arizona.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DOMENICI. Mr. President, it is my honor today to introduce a Senate resolution honoring a wonderful man and public servant, John E. Cook. The National Park Service recently celebrated its 83rd birthday, and for more than half that time—43 years—John served the Service with distinction, grit and integrity.

John E. Cook most recently served as Director of the Intermountain Region of the National Park Service, which stretches from Canada to Mexico and covers eight states, including Colorado, Utah, Arizona, Montana, New Mexico, Oklahoma, Texas and Wyoming. There he oversaw 87 diverse park units, including national parks, national monuments, national preserves, and national recreation areas. Since I have been a Senator from New Mexico, John and I have worked on various, and sometimes contentious, park issues. I have always appreciated our relationship, and his frankness and competence in dealing with issues.

Anyone who knows John would agree he is a great guy. Before starting his work for the National Park Service, he worked as a farm and ranch hand—and I've even heard a few good stories from his days as a rodeo cowboy. John began his Park Service career as a mule skinner at what is now Saguaro National

Park, and he has worked as a fire fighter, laborer, ranger, superintendent, and regional director throughout the western United States.

In addition to being a strong manager of people and parks, linking cultural and natural resource management, John has worked diligently to promote understanding of American Indians. Former Interior Secretary Stewart Udall appointed John superintendent at Canyon de Chelly National Monument in Arizona partially because he speaks Navajo. He has received awards for his work in parks around the Navajo Nation, and has taught other park staff on American Indians' connection to lands that are now national parks.

The National Park Service owes John Cook a debt of gratitude, and the many honors he has received in his service will not repay what he has done for the parks of the west. I only hope that he will enjoy his extra free time to get in some hunting—a passion both he and I enjoy. I am pleased to offer this resolution, and I thank my colleagues for joining me in honoring this fine man.

Mr. MCCONNELL. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements relating to this resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 202) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 202

Whereas John E. Cook has recently retired from the National Park Service after 43 years of distinguished service to the United States and the people of the western region of the Nation;

Whereas John E. Cook most recently served 87 park units in 8 western States, stretching from the Canadian border to Mexico, as Director of the Intermountain Region of the National Park Service;

Whereas John E. Cook is in the third of 4 generations from the Cook family who have served the National Park Service with enthusiasm and dedication;

Whereas John E. Cook's father, John O. Cook, and his grandfather, John E. Cook, served the National Park Service in the southwestern region, and his daughter Kayci Cook, currently serves as superintendent of Fort McHenry National Monument and Historic Shrine in Baltimore;

Whereas John E. Cook began his National Park Service career as a mule skinner at what is now Saguaro National Park;

Whereas John E. Cook, who is of Cherokee descent, speaks Navajo, and has worked diligently to promote Native American understanding;

Whereas John E. Cook has held 4 regional directorships, 1 deputy regional directorship, and 5 superintendencies within the National Park Service, and has proven to be a strong manager of people and parks, linking cultural and natural resource management; and

Whereas the citizens of the United States and the National Park Service owe John E. Cook a debt of gratitude and wish to congratulate him on his well-deserved retirement: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates John E. Cook for 43 years of service to the National Park Service;

(2) acknowledges the admiration and affection that John E. Cook's friends share for him; and

(3) recognizes the pride and high standard of workmanship exhibited by John E. Cook for 43 years.

ORDERS FOR THURSDAY, OCTOBER 14, 1999

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Thursday, October 14. I further ask consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin 60 minutes of debate on the conference report to accompany the Defense appropriations bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MCCONNELL. For the information of all Senators, the Senate will begin consideration of the Defense appropriations conference report at 9:30 a.m. tomorrow. By previous consent, there will be 60 minutes of debate on the conference report, with a vote scheduled to occur at 4 p.m. tomorrow. For the remainder of the day, the Senate will resume debate on the campaign finance reform bill. Amendments to the bill are expected to be offered, and therefore Senators may anticipate votes throughout the day. The Senate may also consider any other conference reports available for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:37 p.m., adjourned until Thursday, October 14, 1999, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate October 13, 1999:

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MYRON G. ASHCRAFT, 6527

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. NORTON A. SCHWARTZ, 7542

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. JOSEPH W. RALSTON, 9172

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. RALPH E. EBERHART, 7375

DEPARTMENT OF DEFENSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE CHAIRMAN OF THE JOINT CHIEFS OF STAFF AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND 154:

To be general

GEN. RICHARD B. MYERS, 7092

EXTENSIONS OF REMARKS

INTRODUCTION OF RULES OF ORIGIN LEGISLATION

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. CARDIN. Mr. Speaker, today I am introducing a bill to amend the rules of origin for certain textile products. This bill would amend the rule of origin requirements contained in section 334 of the Uruguay Round Agreements Act (URAA) in order to allow dyeing, printing, and two or more finishing operations to confer origin on certain fabrics and goods. Specifically, this dyeing and printing rule would apply to fabrics classified as of silk, cotton, man-made, and vegetable fibers and certain products classified in enumerated headings of the Harmonized Tariff Schedule.

Under current law, fabrics and certain products derive their origin in the country where the fabric is woven or knitted, notwithstanding any further processing (such as dyeing and printing). This bill would change that rule for fabrics and products included within its scope and would base origin determinations for customs and marking purposes in the place where these finishing operations take place.

Enactment of this bill would also settle a longstanding dispute in the World Trade Organization (WTO) brought by the European Union (EU) against the United States regarding section 334 of the URAA. The Administration worked with the EU—in close consultation with U.S. industry—to resolve outstanding concerns with respect to section 334, and, in August, concluded a settlement with the EU, under which the Administration agreed to propose new legislation to Congress to amend section 334.

I urge my colleagues to suport swift enactment of this bill. It is non-controversial, was drafted in consultation with domestic industry, will have minimal effect domestically, and will settle an outstanding trade irritant between the European Union and United States. I look forward to its passage into law in the remaining weeks of the congressional session.

TRIBUTE TO STEVE SIMPSON

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this moment to recognize the hard work and dedication of Deputy Steve Simpson, a fine police officer who has represented the Orange County Sheriff's Department since 1990. Deputy Simpson has been recognized as Deputy of the Year for Orange County because of his outstanding dedication and service to the citizens of Orange County.

Deputy Simpson began his career in 1990 at the Central Men's Jail, he also served at the James A. Musick Facility and the Central Women's Jail. He worked quickly to establish himself as an outstanding patrol officer. His work ethic and willingness to handle any assignment has endeared him to his peers and supervisors. In the last year alone Deputy Simpson has made 99 arrests including 12 felony arrests. He is a member of the Tactical Support Team and serves as a specialist on the actual entry team. Deputy Simpson currently serves as a patrol officer in the City of Lake Forest.

Mr. Speaker, Deputy Steve Simpson is an outstanding member of the Orange County Sheriff's Department and is a valuable asset to our community. Law enforcement officers risk their lives daily to provide safety to our nation and Deputy Simpson has provided safety with excellence. Deputy Simpson truly deserves this recognition as South Orange County Exchange Club Officer of the Year and I am pleased to recognize his accomplishments before this House today.

TRIBUTE TO GENESIS FAMILY HOME

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. HAYES. Mr. Speaker, I rise today to honor Mr. and Mrs. John K. Edmond, Sr., founder of the Genesis Family Home in Concord, North Carolina.

The Genesis Family Home's philosophy is to create a new beginning for young adults, ranging from 9 to 17.

The Genesis Family Home provides a residential setting for these young adults for whom removal from home to a community-based residential setting is essential to facilitate treatment.

Treatment is targeted to those who no longer meet criteria for in-patient psychiatric services or intensive residential treatment and need a step-down placement in the community, or those who have been placed in non-residential community setting and need a more intensive treatment program.

Mr. and Mrs. Johnson are responding to the children in need in our community that need our help in the transition back into family life.

Positive role models are often hard to find, the Johnson's aren't only role models—they are the boost these young adults need to survive.

Mr. Speaker, I congratulate the Genesis Family Home on the difference it is making on our community.

A TRIBUTE TO MR. KENNETH GAMBLE AND UNIVERSAL COMMUNITY HOMES

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor one of my most distinguished constituents, Kenneth Gamble and the organization he created, Universal Community Homes.

Many of my colleagues will recognize Kenny Gamble as the pop music icon who gave us the ''Sound of Philadelphia'' as he steered Philadelphia International Records to the heights of the music industry. The unmistakable sounds of artists such as the Intruders, The Delfonics, The Spinners, The O'Jays, Phyllis Hyman, Teddy Pendergast, and Harold Melvin and the Blue Notes have enriched the lives of all Americans. It was Kenny's vision and hard work that made that possible.

Mr. Speaker, Kenny Gamble could have chosen to take his well earned financial rewards and enjoy the ''good life'' away from the urban environment. Instead, he came back home to Philadelphia. We often hear people say that they want to make a difference. Well, Kenny Gamble has made a difference. He has taken an area that was plagued by drugs, violent crime and abandoned buildings and made from it a true community. He built houses, made community-based small businesses possible, mentored children, and did so much more. Throughout all this, he set an example. He showed young people in the neighborhood he grew up in that they could succeed without using or selling drugs. That the ball field is not the only way to escape poverty. That faith in God and respect for people is an honorable way to live. And most of all, that one need not flee ones past to live a bright future.

Mr. Speaker, the non-profit development company Mr. Gamble founded, Universal Community Homes has already completed over $13 million in real estate and economic development programs, holds leadership positions in 13 community partnerships, and currently operates several educational, social and human service programs at 4 locations. Under Mr. Gamble's direct leadership and tremendous financial commitment, Universal Community Homes, in a relatively short period of time, has begun one of the largest concentrated community development initiatives in the history of Philadelphia.

Mr. Speaker, October 13, 1999 has been designated Universal Community Homes Day in Philadelphia. I urge all my colleagues to join me in honoring this great man and his proud organization.

A TRIBUTE TO SONDRA MILLER

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Judge Sondra Miller, an extraordinary jurist and community leader who will be honored with the Diane White ''Advocate for Women's Justice'' Award on October 28th.

Judge Miller has enjoyed a remarkable career in the law. Currently an Associate Justice of the Appellate Division of the Supreme Court of the State of New York, she has previously served as a Justice of the Supreme Court for the Ninth Judicial District, and as a Family Court Judge in Westchester County.

Judge Miller has also lent her energy and expertise to a great number of organizations which support our legal system and advance the values of a strong society. Her expertise and commitment to women and children has been especially inspiring. Judge Miller has been the Co-Chair of the New York State Task Force on Family Violence, the Founder of Judges and Lawyers Breast Cancer Alert, and a Commissioner of the Governor's Permanent Judicial Commission on Justice for Children, among many other volunteer posts.

To each challenge, Judge Miller brings a keen legal mind, a genuine devotion to our system of law, and a determination to seek justice. It is no wonder that she has been recognized repeatedly by her peers, receiving honors such as the Westchester Woman of the Year Award, the Founders Award from the Woman's Bar Association of the State of New York, and the New York State Bar Association Howard A. Levine Award for Outstanding Work in the Area of Children and the Law.

Judge Miller's commitment to the law is matched by an equally powerful devotion to the larger community. She has been active in a wide variety of organizations, ranging from the League of Women Voters, to Hadassah, to Planned Parenthood. In each case, Judge Miller has earned the respect and admiration of friends and associates.

In short, Judge Miller is a trail-blazer whose work and personal example have made a difference to countless Americans, and who continues to offer the very highest quality of personal and professional service.

I am proud to join in recognizing Judge Sondra Miller and confident that she will remain a leading light for many years to come.

ADDRESS BY H.E. LENNART MERI, PRESIDENT OF ESTONIA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. KUCINICH. Mr. Speaker, I submit the following for the RECORD.

ADDRESS BY H.E. LENNART MERI, PRESIDENT OF ESTONIA, AT THE BREAKFAST OF THE JOINT BALTIC AMERICAN NATIONAL COMMITTEE HONORING THE MEMBERS OF THE BALTIC CAUCUS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 1999—WASHINGTON, DC

Mr. Chairman, Members of Congress, Ladies and Gentlemen:

I appreciate being here in this very distinguished company. I appreciate the opportunity to address this distinguished audience here today and I will do so in a triple capacity: as an Estonian, as a representative of the Baltic states, and as European. I will focus on the challenge of NATO enlargement to the Baltic states, but I will do so in the context of the evolving European-U.S. relationship and of the situation in and the relationship with the Russian Federation.

The world today is changing, and it should be our joint endeavor to change it in a way, which promotes our common interests. These interests include, both as far as Estonia and the U.S. are concerned, a stable and secure Europe and a stable, secure, democratic and cooperative Russia. The question is how to achieve these two aims. I will present to you my case that, including the Baltic States in NATO can actually contribute to both.

Ladies and Gentlemen, the security relationship between the US and Europe is changing and evolving. What is not and what should not change is the American commitment to European security. After all, for forty years it was the United States presence in Europe that guaranteed safety and freedom to the non-communist part of the continent. Even in countries that were not and are not members of NATO it is generally acknowledged today that their safety was a consequence of the United States military presence in Europe. For all the manpower and military hardware that the European NATO members themselves put up it was essential for America to be ever-present and ready to support and lead the defense of western Europe, should it come to that. Today, the security situation has altered drastically. In this situation it is clear that we Europeans have to do more and that we have to be better prepared to manage crises on our own doorstep to be a more partner to the United States.

The contrary, the US presence in Europe is today as vital as it has ever been. History has shown that the United States will be involved, sooner or later, in a European conflict. This is a sign of our close economic ties, but it is more importantly, and I believe above all, a sign of the convictions and values we share on both sides of the Atlantic Ocean. Therefore we must continue to work together to strengthen and expand the still all too narrow area where democracy rules and human rights are respected. It is right of the United States to want its European partners to contribute more and it is right of the Europeans to strengthen common defense capacities. Yet all this means is that we are restructuring a successful and vital relationship. We are not—and we must not—alter the fundamental principles on which this co-operation is based, and these principles are caught up in one word: NATO. NATO is today and will remain for the foreseeable future the only organisation capable of ensuring a safe and secure Euro-Atlantic region.

Estonia and our two Baltic neighbours, Latvia and Lithuania, wish to be part of this co-operation. Or rather I should say that we are already part of it. Estonia, Latvia and Lithuania have been working together with NATO forces in Bosnia and now in Kosovo. We are exercising with US and European forces on a regular basis. In the very near future Estonian radar stations and those of our neighbours will be hooked up to NATO systems and we will start exchanging vital information.

Thus the co-operation between Estonia and NATO, between our neighbours and NATO is already happening. We have demonstrated clearly our willingness and readiness to contribute to European and Trans-Atlantic security and stability because we believe that this also affects our security. Kosovo and Bosnia were not far away events in far away places but were of direct relevance to our own national security. If one nation in Europe is not secure then no one is secure. We may be able to avoid direct conflict, but we cannot avoid refugees and disruptions in trade that result from these wars. Therefore it is in our direct national interest to contribute to European and Trans-Atlantic security, just as I am convinced that it is in the United States interest to remain engaged in Europe.

This is the reason why we wish to join NATO and this is why I believe it is also in the national interest of the United States to have the Baltic states become members of the Alliance.

Ladies and Gentlemen, it is fashionable for some nowadays to speak of a realist, or neo-realist policy agenda. The argument is that what worked well until the end of the Cold War will work well today. I would be the last one to dispute that the US policies, which led to the collapse of the Soviet Union, were wrong or ineffective. On the contrary; they were right and effective. But the world of 1999 is different from the world of 1989, or 1979, 69 or 59. We no longer have the Cold War; we no longer have the Soviet Union. Instead we have a Central Europe stretching from the Gulf of Finland to the Adriatic and Black Seas that is free once more and we have a Russia which is struggling to find a democratic path. We also have an independent Ukraine, and Georgia and Azerbaijan and Armenia . . . The list goes on! And we are faced with the fact that the United States truly is the one remaining superpower.

Thus, our policy agenda today should also proceed from the fact that we face a new world, which requires new solutions. The world of tomorrow is in the process of being shaped. In shaping this world we must act with great agility and great speed. Whether we term the policies realistic or idealistic or something in between has in this case no relevance. What is required is determined action. Any other approach is, I believe, simply unrealistic.

I am convinced that the United States has a profound interest in leading this endeavour. An expanded area of democracy and freedom is in the US interest, because it increases stability. And stability in turn is a catalyst for economic development, which increases trade, and so on. And one major way of increasing stability is to continue the enlargement of NATO.

There will be those—perhaps even here, in this room—who will say that I am wrong, that continuing the enlargement of NATO will only irritate Russia, make it even harder to deal with and that for that reason NATO should not expand. Certainly not to the Baltic states.

Ladies and Gentlemen, Dreams of the instant birth of a free and democratic Russia, where human rights would be respected were very popular in the West at the beginning of this decade. We in Estonia never shared this enthusiasm. But neither do we share the gloom of many Western observers today who seem to write off Russia and to say that nothing good will ever come out of there. I believe that Russia can indeed become a truly democratic country. But it will simply take a lot of time. What Russia needs during this time of growing up is firm guidance on what is and what is not permitted in our new world.

Today we see once again the bombing of villages and the killing of civilians in Chechnya. We see the deportation of tens of thousands of persons from Moscow—simply because of the different colour of their skin. And we see worrying calls for a strong man

to lead Russia. All of these symptoms give cause for concern. We must in no way nurture these trends, we must in no way give people who advocate such policies a reason to believe that they are accepted or tolerated by the West. Rather we have to support those politicians in Russia who even today are expressing reservations about the war in Chechnya and the deportation of persons because of the colour of their skin. We must nurture the democratic forces in Russia, however weak, so that Russia may one day find the political will to abandon her post-feudal way of thinking and start to build a civil society. This means supporting the Russian democrats and providing assistance, but precisely targeted assistance. It means staying engaged with Russia. It means stability around Russia will be the best way to assist her democratic forces. It also means enlarging NATO to include those countries of central Europe that wish to join, including the Baltic states.

Ladies and Gentlemen, One of the fundamental tenets of our common heritage is the promotion of the free right of men and nations to choose their destiny. It is a tenet, which underpins the international society in which we live and where we wish to live. This is the principle, which should guide us when discussing the future NATO membership of Estonia, Latvia and Lithuania. Any word—any hint—that Russia has a say in this matter will only strengthen those in Moscow who aim to do things the old feudal way. It will strengthen those who do not wish to have Russia become a member of the democratic society of nations. It will bring us all further from the goal of enhancing the sphere of stability and security in Europe.

In short, Baltic NATO membership is in the interest of those who wish to strengthen democracy in Russia.

Mr. Chairman, Ladies and Gentlemen, I have approached Baltic membership in NATO from two angles: from a European and from a Russian one. Europe's role within NATO is growing and the Baltic states are committed to being part of this development. We are willing to carry our share of the burden.

On the other hand, Russia's future is only now taking shape and Baltic membership of NATO will help steer this development in the right direction.

The Baltic Caucus in the Senate and in the House and Baltic Americans are a crucial element in our strategy for gaining membership of the Alliance. It is you who are our advocates both here in Washington and across the United States. I hope that my presentation here today has further served to strengthen your resolve and has provided you with some additional ideas on this issue. I am convinced that by working together we can achieve our common goal so that Estonia, Latvia and Lithuania may in the near future join the United States as full members of NATO.

By working together, Estonia and the US, the Baltic states and the US, Europe and the US, we can ensure that our world of tomorrow will be somewhat safer, somewhat more democratic, somewhat more prosperous than the world of today.

Thank you.

TRIBUTE TO REAR ADMIRAL NORBERT R. RYAN, JR.

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. SPENCE. Mr. Speaker, I rise today to recognize Rear Admiral Norbert R. Ryan, Jr., the outgoing Chief of Legislative Affairs for the U.S. Navy. During the past three years, he has proven to be an invaluable asset to the House Armed Services Committee, the House of Representatives and the Congress. It is an honor to have the opportunity to thank Rear Admiral Ryan for his dedicated service and to recognize him for his accomplishments.

A native of Mountainhome, Pennsylvania, Rear Admiral Ryan began his military career after graduating from the U.S. Naval Academy in 1967. From the beginning, Rear Admiral Ray demonstrated his leadership skills, and in 1993 after a distinguished career as an aviator, Rear Admiral Ryan was selected for rear admiral (lower half). In 1996, Rear Admiral Ryan was selected to represent the Navy on Capitol Hill as Chief of Legislative Affairs. Given the significant changes in Navy leadership during his tenure, Rear Admiral Ryan's steadfast leadership and strategic vision may be credited with keeping the Navy's legislative strategy on course. Over the past three legislative cycles, I watched as he successfully navigated Navy leadership through difficult challenges to key naval programs including the F/A–18E/FSuperhornet, the CVN–77/CVN(X), the DD–21, Tactical Tomahawk, Virginia Class Submarines, shipyard maintenance and the Navy's role in Kosovo.

As Chairman of the House Armed Services Committee, I have had the pleasure of working closely with Norb Ryan. His success has been due in no small part to the strong relationships that he has built with Members of the House and our staffs. He enhanced these action, and established an impressive program to maximize congressional exposure to the men and women who serve in the Navy and Marine Corps.

Rear Admiral Ryan may also be credited with initiating a series of Congressional Constituent Caseworker workshops by geographical region. Today, these workshops are invaluable to Members of Congress and ensure that we have the information we need on Navy programs to respond to the concerns of our constitutents.

Rear Admiral Ryan's tireless efforts throughout his distinguished career have benefited America's Navy. He is a spirited and resourceful naval officer with whom it has been a pleasure to work. I look forward to working with Norb in the future and am certain that his contributions in the years ahead will continue to benefit both the Navy and the Nation.

While his presence on Capitol Hill will be missed, Rear Admiral Ryan will be doing critically important work in his new role as Chief of Naval Personnel. I can think of few officers as well suited to leading America's navy into the new millenium. As his career sails on, I would like to send Rear Admiral Ryan the traditional Navy farewell wish—''Fair Winds and Following Seas!''

TRIBUTE TO MIKE PETRO

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to recognize Firefighter Mike Petro for his dedication and service to the Orange County Fire Department. Mike Petro joined the fire service in 1984 as a volunteer fire fighter in north San Diego while he was a freshman in college. The California Department of Forestry and Fire Protection later hired him to be a Seasonal Firefighter. In 1989, Mike was hired as a Firefighter with the Orange County Fire Department, now the Orange County Fire Authority (OCFA).

During Mike Petro's service career he has participated in and remains on several Fire Authority and County wide pre-hospital emergency care committees including: Local 3631 Pre-Hospital Care Committee, Equipment Project Team and EMS Continuous Quality Improvement Steering Committee. He has served as a Cardio Pulmonary Resuscitation (CPR) Instructor and teaches CPR classes for the OCFA's community CPR program. Additionally, he is an Emergency Medical Technician instructor for Rancho Santiago Community College and a guest lecturer for Saddleback Community College's Paramedic program. Mike Petro has also been a Paramedic Preceptor and an assistant instructor for Career and Reserve OCFA fire fighter academies.

Mr. Speaker, firefighters provide key services in protecting communities and citizens, as well as our Nation's forests. Mike Petro has gone above and beyond the call of duty in his service to the Orange County Community. I am proud to recognize Mike Petro as Firefighter of the Year.

TRIBUTE TO ANSON COUNTY JAYCEES

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. HAYES. Mr. Speaker, I rise today to honor the Anson County, North Carolina chapter of the Jaycees.

The Anson County Jaycees were recognized as the number one chapter in North Carolina Jaycees Parade of Excellence.

The Jaycees are a national organization of men and women between the ages of 21–39 who want the best opportunities for leadership development, volunteerism, and community service.

At the fall convention of the North Carolina Jaycees, The Anson County chapter also was awarded first place out of approximately 90 chapters.

Individual members were also recognized for their successes: Ken Caulder, Mark Snuggs, and Jennifer Tucker were 3 of the Anson Chapter's 48 members who were singled out for their good deeds.

Mr. Speaker, I congratulate the Anson County Jaycees on the difference they are making on our community and I wish them continued success as they look forward to the next convention in February 2000.

TRIBUTE TO CATCH IN PHILADELPHIA

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Citizens Acting Together Can

Help (CATCH), as it celebrates its 20 years of service and commitment to the community. CATCH is a non-profit organization incorporated in the Commonwealth of Pennsylvania on November 12, 1976. The Corporation was established to assume responsibilities for the operation of the Community Mental Health and Retardation Center in Catchment Area 2B, located within the Southwestern portion of Philadelphia.

On July 1, 1979 CATCH assumed full responsibilities for the operations of the Community Mental Health Center, giving the Center the operational name of CATCH Community Mental Health/Mental Retardation Center. The Center is currently under the leadership of Raymond A. Pescatore, Chief Executive Officer with Edward C. Mintzer, Jr., Esq., serving as Board Chairman.

CATCH is a full-service, accredited Mental Health/Mental Retardation Center committed to serving citizens of Philadelphia.

CATCH continues to attract the attention of the community through its reputation of reliable service, leadership qualities and strong commitment. In keeping with its reputation of high quality care, CATCH serves the community offering the following services: Residential and Emergency Services, Mental Health Services and Developmental Disabilities Services.

In recognition of its years of service, I join the Citizens Acting Together Can Help, Inc., as it celebrates its 20 year anniversary.

IN HONOR OF MRS. STELLA M. ZANNONI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in memory of Mrs. Stella Zannoni, a retiree of the honorary consul of Italy for the State of Ohio, who died in August.

Mrs. Zannoni took an active part in her community. She was appointed honorary consul by the Italian government in 1978, as well as being the co-owner and secretary-treasurer of Cleveland Imported Groceries and Wines Inc. At the store Mrs. Zannoni assisted customers in obtaining answers to questions about pensions, property matters and visas. In view of all who had the pleasure to know her and to work with her, she managed to help and touch the lives of tens of thousands of Clevelanders. The current honorary consul of Italy member was quoted saying that Mrs. Zannoni set an example for the Italian community with her selflessness and strength.

Mrs. Stella Zannoni received several honors and awards for her service in the Cleveland community as well as in the Italian Community. She was a steadfast believer in the art of the possible, of providing opportunities to all, and in the idea that anything was possible with the proper amount of hard work, diligence and sense of hope and optimism. She had spirit, spunk and outgoing joy for others. Mrs. Stella Zannoni will be greatly missed.

My fellow colleagues please join me in honoring the memory of Mrs. Stella Zannoni, a true beacon in the Cleveland community.

TRIBUTE TO BRADLEY JAY RICHES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to recognize Deputy Brad Jay Riches for the Blue and Gold Posthumous Award for his tremendous service as Deputy Sheriff for the Orange County Sheriff's Department. Deputy Riches began his service originally as a Paid Call Firefighter with Orange County Fire Authority and as an Emergency Medical Technician before joining the Orange County Sheriff's Department in 1989.

Deputy Riches attended the Sheriff's Academy and graduated as a Deputy Sheriff in 1990. He worked in the Musick Facility and the Central Main jail prior to his transfer to the Patrol Division in 1998. Deputy Riches began his assignment with the City of Lake Forest Police Services Unit in December 1998.

On Saturday, June 12, 1999 at approximately 1 am, Deputy Riches was making a routine patrol check of a convenience store in Lake Forest when he was suddenly and without provocation, shot and killed by a suspect. Law enforcement officers put their lives at risk daily to ensure the safety of our citizens. Deputy Brad Riches paid the ultimate price for our safety, with his very life.

Mr. Speaker, I am deeply honored to recognize Deputy Brad Riches for his tremendous service and sacrifice for the citizens of Lake Forest, California. His brave service to our community will not be forgotten.

THE 25TH ANNIVERSARY OF THE ALLIANCE FOR THE MENTALLY ILL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to the Alliance for the Mentally Ill, an outstanding nonprofit association which will celebrate its 25th Anniversary on October 14, 1999.

The Alliance for the Mentally Ill is a special organization whose membership includes individuals who suffer from mental illnesses and their families. These dedicated people contribute almost all the funding for this nationwide group. Their hard work and commitment to the improvement of the lives of the mentally ill is truly remarkable.

Mr. Speaker, the founders of Alliance for the Mentally Ill first met in San Mateo County, California, in 1974 to discuss their concerns about the treatment of their mentally ill children. The organization has grown tremendously since then, but it still has the same intense personal concern for the people it serves. In 1979 a national group was established, based in Washington D.C. I am happy to say that the National Alliance for the Mentally Ill (NAMI) now has representatives in all fifty states.

As its membership grew from ten people to over two hundred thousand, the fundamental mission of the Alliance has remained the same—to fight discrimination, to educate the public and those who are suffering, and to strive towards better treatment and research for an illness that has been historically misunderstood. This organization fights the traditional isolation and fear of mental illness with knowledge and compassion.

The Alliance for the Mentally Ill provides a network of support groups and educational services to assist families of the mentally ill at the local level. It has now assumed a vital role in our nation's health care community and is working closely with professionals on a variety of programs. Some of the programs it has helped to implement include a local mental health care center and an agency that provides supported housing. Newsletters and speakers keep the community active and informed about the important issues affecting the mentally ill. The organization has promoted a greater awareness of mental illness and encouraged our community colleges to implement peer counseling programs. As always, the Alliance has focused on helping adolescents and children, who are so much in need of special support.

Mr. Speaker, I want to pay tribute to the Alliance for the Mentally Ill on this important 25th anniversary. This outstanding organization deserves our gratitude and our congratulations for a quarter century of selfless and dedicated service to the people of our nation.

TRIBUTE TO THE LATE JESSIE COLLINS TRICE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mrs. MEEK of Florida. Mr. Speaker, it is indeed a distinct honor to pay tribute to one of Miami-Dade County's unsung heroines, the late Jessie Collins Trice. Her untimely demise from the scourge of lung cancer last Friday, October 8, 1999 will truly leave a deep void in our midst.

Mrs. Jessie Collins Trice represented the best and the noblest of my community. Having dedicated a major portion of her life in championing the health care of African-Americans and Hispanics throughout Florida, she tirelessly advocated a monumental struggle toward ensuring the creation of the Health Choice Network to provide comprehensive primary and preventive health care to low-income and uninsured populations in minority communities. Her mission undergirded her belief that health care was a right for the poor and the underserved.

Ms. Trice was a multi-dimensional public servant, a civic activist par excellence, an indefatigable community-builder, a loving mother and a doting grandmother, completely unselfish in all her endeavors. The genuineness of her stewardship on behalf of our community was buttressed by her utmost consecration to her vocation as God's faithful servant, bringing hope and optimism to thousands of ordinary folks whose lives she touched so deeply, never holding anyone at arm's length.

What we most know about Jessie Trice is that she was a trailblazer in the realm of health care. She was the first Black to receive a nursing degree from the University of Miami, the first and only Black to serve as Director of

Nursing for the Miami-Dade County Department of Public Health, the only Black to have served as Chairperson of the Florida State Board of Nursing, and founder of the Miami-Dade Black Nurses Association. She also served as the past President of the Florida Association of Community Health Centers and the National Association of Community Health Centers.

For the past eighteen years, she held the distinction of President and CEO of the Economic Opportunity Family Health Center, Inc., the largest minority employer in the Liberty City community. Through a staff of 300 employees, more than 9-million dollars are added annually to the local economy. Her record of sustained service has been recognized at the local, state and national levels. This was evidenced by her appointment in 1991 to the National Advisory Committee on Infant Mortality by then Secretary of Health Louis Sullivan and the Florida Work Group on Health Care by the late Governor Lawton Chiles. Along with Elizabeth Taylor, she was featured in the Miami Herald as the distinguished ''Miamian,'' after testifying before the U.S. Senate for increased funding for those afflicted with the HIV-AIDS virus.

This remarkable lady was my friend and confidante. I am deeply saddened by her passing away. She will indeed be an indelible reminder of the noble commitment and awesome power of public service on behalf of the less fortunate. Her faith was deep and genuine, and her love for our community defined her dynamic friendship and understanding. No one who knew Jessie—and being struck by her sunny disposition and optimism—went away not acknowledging the presence of a caring and compassionate community leader.

Jessie Collins Trice's life was akin to that of a burning candle. A candle's lifelong service is to shed its light to illuminate the darkness of pessimism and hopelessness—until it is consumed. She conscientiously consecrated her life by serving God through her fellow human beings—especially the women and children from the innercity. I do remember cogently her challenging words: ''Our children are our future, and if we don't expend every effort to help our children, we won't have a future.''

This Friday, October 15, 1999 at a funeral mass at the Archdiocese of Miami's St. Mary's Cathedral, I join the Miami-Dade County community to celebrate her life and her friendship. Undoubtedly, Jessie Collins Trice would urge us that her death does not represent an irrevocable termination or a grim finality. She would rather have us firmly believe that she will live on in the good deeds she amply left behind. She will carry on through the wonderful thoughts and memories we all have of her.

Like the God whom she served faithfully during her earthly sojourn, she came and lived among us that we may have life—and have hope more abundantly. This is the wonderful legacy Jessie Collins Trice left behind. And this is the gift with which she blesses us. May Almighty God grant her eternal rest!

LABOR CELEBRATION

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. KANJORSKI. Mr. Speaker, I rise today to bring to the attention of my colleagues a very special celebration taking place in my district this week. The Greater Wilkes-Barre Central Labor Council will gather to recognize the contributions of organized labor over the last century. I am pleased and proud to have been asked to participate.

A number of my good friends at the Labor Council will preside at this event: President Sam Bianco, Vice-President Joseph Capece, Secretary Lois Hartel, Treasurer Joseph Gorham and Trustees Ed Harry, Ed Hahn, Ed Walsh, David Williams, and Jerry Kishbaugh. The banquet will feature a comprehensive slide show that depicts the struggles of labor over the last century, highlighting such victories as anti-child labor laws, free public education, voting rights, equal pay for equal work, Social Security, job-safety, workers compensation, civil rights, the eight-hour work day, the minimum wage, and other triumphs. The program will also highlight the historic contributions of the Greater Wilkes-Barre Central Labor Council, which received the 1998 National AFL–CIO Model Cities in Community Services Award.

The Greater Wilkes-Barre Central Labor Council was founded in September 1894 by a group of six men: John J. Casey and Daniel Shovlin of the Plumbers and Steamfitters Union, Pat O'Neill and John Gibbon of the Stone Cutters Union, Amos Ayers of the Carpenters Union, and David Brovea of the Painters Union. In the beginning, fear of being blacklisted and jailed forced the Council members to hold secret, hidden meetings. The first such meeting was held in an old stone yard until rain forced the gathering to move under a bridge. There, in the rain-soaked autumn air, the Labor Council was founded.

John J. Casey went on to head what was then called the Central Labor Union, or CLU and the Building Trades Council. By 1902, 118 local unions were affiliated with the CLU. In 1903, United Mine Workers President John Mitchell told the American Federation of Labor convention in Boston that Wilkes-Barre was the ''best organized city in the United States.'' Within the next few years, it was common to see as many as 300 members at the bimonthly meetings.

The father of Labor Council was John J. Casey, who sought to unite all the trade unions in the event of a major problem with local contractors. Casey, a central figure in the history of the local labor movement, came from an inspiring background. Born in a company-owned mining shack in the anthracite region, Casey lost his father in a mining accident at age eight. With no compensation laws in place at that time, Casey was forced to leave school and become a breaker boy, working ten-hour days for pennies. It was here that the seed of labor activism was born in John J. Casey

John J. Casey realized legislation was needed to obtain equal labor rights and social justice for working men and women. He successfully ran for State Representative and, later, for the United States Congress. When he won his congressional seat in 1912, John J. Casey became the first labor leader ever elected to that body. During his tenure, he was instrumental in the passage of laws prohibiting child labor and supporting vocational education in public schools.

Mr. Speaker, I am extremely proud of the labor unions in Northeastern Pennsylvania. The unions not only brought fair labor practices to the area, they saved lives, protected our children, and are responsible for much of the wonderful quality of life we enjoy here. I join with this hardworking group of dedicated individuals in paying tribute to their origins, their heroes, and the rank-and-file laborers whose rights they so fiercely protect every day. I applaud the Greater Wilkes-Barre Central Labor Council for bringing the proud history of local labor unions to the attention of the Luzerne County community and send my sincere best wishes for continued success.

TAIWAN'S NATIONAL DAY

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. ORTIZ. Mr. Speaker, on the occasion of Taiwan's National Day, I wish to convey my best wishes to the people of Taiwan, congratulating them for their successes in the past and extending my sympathies to all the earthquake victims and their families. My prayers are with them.

Taiwan is a model of success in Asia. Through hard work and ingenuity, Taiwan has emerged as one of the strongest economies on the Pacific Rim and is a showcase democracy in the world. The accomplishments of Taiwan, whether economic or political, are truly impressive.

I am confident that Taiwan's future successes will remain impressive, despite the recent earthquake which has severely damaged Taiwan's economy and infrastructure. Godspeed and good fortune to our friends in Taiwan as they rebuild their nation.

TRIBUTE TO TODD OFFORD

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to recognize Mr. Todd Offord as Reserve Firefighter of the Year for the City of Lake Forest. When Todd was 16 years old he began as a Fire Explorer and was certified in Fire Control and auto extrication. He also attended the Fire Explorer Academy at El Toro Marine Base. In 1989, Todd became a Paid Call Firefighter and has since attended the Driver/Operator academy, become certified as an Emergency Medical Technician, and attended the Orange County Fire Departments 562 hour Firefighter Academy.

In his time as a Reserve Firefighter, Todd has helped with yearly Christmas decorations, community fairs, serving food to the homeless and many other volunteer projects. Todd is currently employed by the El Toro Water District in customer service and continues to be a valuable asset to the Reserve Firefighters in Lake Forest.

Mr. Speaker, reserve firefighters provide key services in protecting communities and citizens, as well as our Nation's forests. Todd Offord has gone above and beyond the call of duty in his service to the Orange County Community. I am proud to recognize Todd Offord as Reserve Firefighter of the Year.

HONORING BILL BURKE FOR HIS ROLE AS CHAIRMAN OF THE SAN DIEGO CHAPTER OF THE AGC

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BILBRAY. Mr. Speaker, I would like to take this time to honor and congratulate Bill Burke for the leadership and direction he has provided to the San Diego Chapter of the Associated General Contractors (AGC) over the last 23 years. As Chairman of AGC, his countless hours of persistent hard work have led to some great strides and advancements for general contractors in San Diego.

During Bill's tenure he provided fundamental leadership that expanded the tasks of the San Diego AGC by moving them into a multi-dimensional organization that not only strives to accomplish the goals and achievements of the construction industry, but also provides apprenticeships, safety, and benefit programs. He has demonstrated great flexibility and creativity over the last two decades to keep ahead of the changing role of general contractors and the construction industry in San Diego County.

At the end of this year Bill Burke will be retiring from his leadership position. He will remain a constant standard and hard act to follow for all future AGC Chairmen, his impact on the construction industry in San Diego county will be felt for many future generations. I thank him for all his efforts and congratulate him on his retirement and wish him the best of luck in all future endeavors.

WHAT ARE THE PRIORITIES OF CONGRESS?

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Ms. DEGETTE. Mr. Speaker, what are the priorities of this Congress? Today, the House voted on the Defense Appropriations Conference Report, the final vote to determine funding for the Department of Defense. The Defense Appropriations, Military Construction, and Energy and Water Appropriations bills together have provided $289 billion in defense funds, which is $8 billion more than was requested by the Administration. In addition, the Defense Appropriations Conference Report allocates $1 billion for the procurement of ''test'' F–22 fighters and an additional $275 million has been provided for the purchase of five unrequested F–15 jets. Extra funding, well beyond what is needed to maintain a strong defense, is being allocated to the Defense Department at the same time as programs that help the neediest Americans are being severely cut. Millions of children across the country are without health care, programs to help improve our children's education are being cut, and millions of people are living in poverty at a time when affordable housing is consistently decreasing. This Congress must better prioritize in order to provide for the needs of Americans.

Currently, 11 million children in the United States go without health insurance and 150,000 of them are in my home state of Colorado. Eight million children without health insurance could be insured using the excess $8 billion in defense funding.

Several ''test'' F–22 fighters will be purchased by the United States at a cost of $300 million per plane. Every uninsured child in Colorado who suffers because he or she cannot receive health care could be covered at half the price of a single F–22 fighter. Instead, the fighter jets will be produced while children in every state across America suffer due to a lack of needed health coverage.

Education is another area where deep funding cuts will harm our nation's children. Approximately $3 billion has been targeted for cuts from the education budget for fiscal year 2000. These cuts damage education programs intended to assist over two million children. This proposal would cut programs that provide needed after school care, reading and math help for low-income children, and technology support for schools. Under current proposals, states would not receive grants to assist in School-to-Work programs and funding would be denied for drug and violence coordinators in middle schools across the country. The cost of a single F–22 fighter would provide approximately 750,000 low-income and needy children with lunches at school for a year through the National School Lunch program. In addition, about 675,000 needy students could be provided with school lunches at the cost of the five unrequested F–15 fighters provided for in the Defense Appropriations Conference Report. Instead, 2.9 billion dollars' worth of education programs are in danger of being underfunded.

Finally, even in today's booming economy, millions of Americans suffer from homelessness and poverty. According to a Congressional Research Service report by Morton J. Schusseim, ''Housing the Poor: Federal Housing Program for Low-Income Families,'' on any given night, 600,000 people sleep on the streets because they have no home. In addition, 12.5 million people are classified by the government as having severe housing problems such as substandard and crowded living conditions. In recent years, there has been a 15.8 percent increase in the number of very-low-income households in the United States and the number of affordable housing units has decreased by 42 percent between 1974 and 1995. Severe physical deficiencies such as bad wiring, broken heating and dilapidated structures affect 3.1 million families that rent homes.

So, what are the priorities of this Congress? The answer lies in its actions. When defense is provided with billions of dollars more than what was requested, when too many kids remain uninsured, and when education initiatives and affordable housing programs are in danger of being cut by millions, it becomes crystal clear that the priorities of this Congress are grossly out of sync with those of the American people.

FOCUSING ON ACADEMIC EXCELLENCE IN THE NEW BRAUNFELS INDEPENDENT SCHOOL DISTRICT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. RODRIGUEZ. Mr. Speaker, I rise today to recognize the education efforts of the New Braunfels Independent School District in collaboration with the Center for Leadership in Science, Mathematics and Technology at the Alamo Community College District. These two educational districts have joined to host a meeting entitled ''The Community Focuses on Academic Excellence,'' scheduled for October 19, 1999, in New Braunfels, TX. The meeting will address the need for more students to engage in hands-on science exploration in grades K–12.

The New Braunfels Independent School District has demonstrated an exceptional dedication to expand the educational horizons of its students, particularly in science. Together, the New Braunfels Independent School District and Alamo Community College District have invited a keynote speaker, Dr. Lawrence Lowery from the Lawrence Hall of Science at U.C. Berkeley, to discuss the topic ''How Students Learn.'' The United States Marine Corps will be on hand to present $10,000 for an Annenberg Satellite Dish for use in all schools in New Braunfels. The commitment of the school districts, the support of the parents, and the generosity of the community will help expand the horizons of our children.

Science is key to understanding the world we live in. It is important for our students to have the type of hands-on education in science that is both challenging and rewarding. Without exposure to the sciences early on, our students will be left behind on the road of educational advancement. We have seen time and again that a commitment to higher standards of education is a commitment to excellence and a commitment to our future.

I would like to commend the New Braunfels Independent School District for its focus on its students. The efforts of teachers, parents, and a community of supporters will help us reach our common goal, academic excellence and a love of learning.

WILT CHAMBERLAIN'S PENNSYLVANIA LEGACY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. GEKAS. Mr. Speaker, I rise to pay tribute to one of the greatest basketball players, and one of the most magnificent Pennsylvanians that ever lived. As the Representative from Hershey, Pennsylvania, I have a unique remembrance of Wilton Norman Chamberlain.

On the tragic occasion of his death we remember his awesome physical stature and stunning agility, his God given athletic prowess. Inevitably, we recall what is one of the greatest feats in all of sport: Wilt Chamberlain's 100 point game. Chamberlain's 100 point game, a record that will surely stand through the next millennium, took place on March 2, 1962, in Hershey, Pennsylvania.

Wilt Chamberlain, a Philadelphia native, began his career with the Philadelphia Warriors in 1959. He remained loyal to his team for many years, and to people all over Pennsylvania, as evidenced by the game at Hershey. To his credit and the credit of the NBA, the value of bringing professional basketball to people in reaches otherwise untouched by the big city teams was well recognized.

Wilt Chamberlain's 100 point game will be remembered as one of the greatest athletic accomplishments of all time. But it will be remembered by the people of Hershey for the great and imposing presence that left its impression there 37 years ago, and remains to this day.

BALANCED BUDGET ACT CUTS TO MEDICARE

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BALDACCI. Mr. Speaker, Maine hospitals, home health agencies, and skilled nursing facilities are in a state of crisis. Congress must address this issue before we recess for the year.

I am proud of the fact that Maine health institutions are efficient and perform above the norm nationwide in regards to quality of care. But now our providers, especially those in rural areas, are suffering disproportionately under the Balanced Budget Act Medicare cuts, and our resources are stretched to the limit. With the BBA Medicare cuts, our hospitals will lose $338 million over 5 years.

Maine has the lowest Medicare inpatient operating margins in the country. In fact, our operating margins are in the negative. Because of these already too-low Medicare reimbursement rates, any cuts to Medicare hurt Maine that much harder. There are no more margins left to cut. Cost shifting will occur and this will hurt all Maine citizens.

One area which particularly concerns me and my constituents is the effect of the interim payment system on home health agencies. The burden home health agencies have been asked to bear is extreme, especially when considering that the losses are spread among only 40 providers in the state. I hope that a fix can be developed for home health providers that includes the elimination of the 15 percent reduction in payments due to begin October 2000. Home health agencies in my district also ask that an outlier payment be added to the Interim Payment System to adequately account for high-need, high-cost patients. A flexible overpayment schedule, interest-free, would be helpful to providers, as well as a gradual raise in the per beneficiary limits for agencies falling under the national median and the extension of Periodic Interim Payments.

I am very concerned about the effects of the outpatient prospective payment system and the severe cuts Maine providers will experience under this reimbursement system. By HCFA's own admission in the May 7 published rule, rural hospitals will take the biggest hit in reimbursements from the outpatient PPS. The total reduction in the first year for all institutions will be $900 million, or a 5.7 percent average reduction per facility. I hope we consider placing a ceiling on the level of cut any hospital would face to their outpatient reimbursements.

Skilled nursing facilities are under particular burdens under the BBA as well. The prospective payment system is reducing payments by 20 percent. Rural facilities, especially, do not have the operating margins to absorb such a drastic cut. There are no accounting methods to increase payments for medically complex cases. On a related front, many providers believe the $1,500 annual cap on therapy services is arbitrary and very hurtful for seniors. Many of these seniors have multiple therapy needs which can run out in a matter of months under this tight cap.

Changes in reimbursement for Graduate Medical Education unintentionally hurt family practice training in districts such as my own. I hope that this body reviews the technical corrections to GME reimbursements contained in my bill, H.R. 1222, which addressed this issue. These corrections are especially important for rural communities, where there are still shortages of family practice physicians.

Finally, I hope we consider as part of BBA corrective legislation the incorporation of provisions of H.R. 1344, the Triple-A Rural Health Improvement Act, developed by the Rural Health Care Coalition of the House. This bill is designed to address further the need for health care access for seniors in rural areas.

We must take the initiative to attack the problem of inadequate provider reimbursements now. I urge my colleagues to support the restoration of some of the most-harmful BBA cuts.

CELEBRATING THE HARRY AND ROSE SAMSON FAMILY RESOURCE CENTER

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BARRETT of Wisconsin. Mr. Speaker, I appreciate this opportunity to share with my colleagues a few words of congratulations to the Neighborhood House of Milwaukee on the dedication of its Harry and Rose Samson Family Resource Center, as well as my sincere appreciation for the generosity of Harry Samson.

Neighborhood House has a long and rich history of service to children and families in my hometown of Milwaukee, WI. Its program services are delivered in a community setting and are tailored to meet the diverse needs of neighborhood residents. The goal has always been to build ''Healthy Families in a Strong Community,'' and Neighborhood House has never forgotten that the one implies the other.

I have respected Harry Samson for years, and I have the deepest regard and admiration for his commitment to improving the lives of others in our community. Harry and his late wife, rose have led by example, giving generously of their financial resources, their time and their creative energy to support the Children's Outing Association, Congregation Shalom, the Next Door Foundation, the Jewish Community Center, and other worthy organizations.

Today in Milwaukee, Harry Samson's many friends and admirers will join Neighborhood house leadership and staff and neighborhood residents in celebrating Harry's latest gift to Milwaukee: the Harry and Rose Samson Family Resource Center. The Center will be home to a new and expanded program of services at Neighborhood House. These include support groups to help parents and other childcare givers, employment and work search resources and workshops, a clothing exchange to help families meet the clothing needs of growing children, a play area that will serve both parents and area in-home child care providers, and a health and wellness program with diagnostic screenings, nutrition information, immunization and other services.

Mr. Speaker, wish I could be in Milwaukee today to shake Harry's hand and thank him for his gift of renewed hope. I wish I could join the excited people touring the new Center for the first time. But I appreciate this opportunity to share their story with my colleague and to offer my most sincere appreciation to Harry Samson for this unparalleled devotion and generosity and my heartfelt congratulations to Neighborhood House on the dedication of the Harry and Rose Sampson Family Resource Center.

A TRIBUTE IN HONOR OF JOSEPH BARBERA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Mr. Joseph Barbera, who, along with his partner Mr. William Hanna, created some of the most beloved characters of the twentieth century, including Scooby-Doo, Tom and Jerry, Yogi Bear and Boo Boo, The Flintstones, The Jetsons, Johnny Quest, Huckleberry Hound, and Quick Draw McGraw. For many generations of young viewers, these characters have served both as barometers of American culture and as tools for shaping the way these viewers relate to their family and friends. And not just in this country—Hanna-Barbera shows have been seen in nearly 100 countries and translated into 22 languages. It is with great pleasure that I speak today about part of that duo, Mr. Barbera, who is being honored with the Lifetime Achievement Award by the Italian American Cultural Society.

Joseph Roland Barbera was born in New York City in 1911 to Vincente and Frances Barbera. In the early 1930's in New York City, he began his famous animation career as an accountant, and fortunately for us, found that his more exceptional skills lay elsewhere. He started supplementing his work by drawing cartoons for magazines, and soon had a job as an animator. In 1937 his career took another turn, and Mr. Barbera joined MGM Studio's cartoon unit, where he met Mr. Hanna and the two immediately produced one of their most famous creations. Their first collaboration was titled ''Puss Gets the Boot,'' which led to two of America's most entertaining pals, Tom and Jerry. The duo would eventually receive seven Academy Awards throughout the next two decades for their cat-and-mouse team.

In 1957, when MGM closed its animation studio, Mr. Barbera joined with Mr. Hanna in forming Hanna-Barbera Productions. A year later the studio had won the first of eight Emmy Awards for ''The Huckleberry Hound

Show.'' The duo went on to create many more classics such as ''The Flintstones,'' ''the Jetsons,'' ''Top Cat,'' and ''The Adventures of Jonny Quest,'' to the great delight of viewers of all ages.

The reason that both adults and children have such an affinity to the shows can perhaps be given by Mr. Barbera himself. In a recent interview with the Las Vegas Review-Journal he said, ''We never really played down to kids. We made what I call entertainment for families. The kids got on board and the adults came on board. We never really lost any of them.'' today, the Flinstones still rank as one of the top-rated programs in syndication history.

In addition to great talent, Mr. Barbera is blessed with a loving family. He and his wife, Sheila, live in Studio City, CA, where Mr. Barbera continues to serve as a creative consultant, most recently with the animated feature film ''Tom and Jerry—The Movie.'' He is also blessed with three children, Jayne, a production executive; Neal, a writer/producer; and Lynn, married to a producer and a mother of two.

Mr. Speaker, I invite you and my colleagues to join with me in honoring Mr. Joseph Barbera, who has given many generations, both young and old alike, beloved characters like Scooby-Doo, Tom and Jerry, Yogi Bear and Boo Boo.

CHILD ABUSE PREVENTION AND ENFORCEMENT ACT

SPEECH OF

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 5, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill. (H.R. 764) to reduce the incidence of child abuse and neglect, and for other purposes:

Mr. QUINN. Mr. Chairman, I want to commend my fellow colleagues for their work in passing H.R. 764, the Child Abuse Prevention Act. This bill is a step in the right direction toward achieving our ultimate goal of eliminating child abuse.

Mr. Chairman, there are a few provisions currently being debated in the conference committee negotiations on H.R. 1501, the juvenile justice bill, that will help prevent child abuse and neglect. The first provision is the Parenting as Prevention Program. This program would provide parenting support and education centers to promote early brain development, child development and education.

The second provision that deserves our complete support is the Juvenile Accountability Incentive Block Grant, of which 25% is specifically reserved for prevention activities. This grant program would ensure that adequate resources are available for efforts aimed at preventing juvenile delinquency, including programs that prevent child abuse and neglect.

Numerous studies have concluded that there is a direct link between child abuse and a later onset of criminal activity as a juvenile. In fact, in one of the most detailed studies on this issue, the National Institute of Justice concluded that being abused or neglected as a child increased the likelihood of arrest as a juvenile by 59%. Therefore, we must invest in programs that help to reduce child abuse.

In my home state of New York, a fifteen year study of a nursing home visitation program reported that state-verified cases of child abuse and neglect were reduced by 79% among program participants. Furthermore, youths whose mothers participated in the program were 55% less likely to be arrested.

Mr. Chairman, as we debate juvenile crime, our primary focus should be on child abuse. I urge all of my colleagues to support these provisions that are put forth in the juvenile justice bill.

CAPTAIN SANDRA REDDING MAKES HISTORY WITH CALIFORNIA HIGHWAY PATROL

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. LEWIS of California. Mr. Speaker, I would like today to call your attention to an unprecedented accomplishment by Capt. Sandra Redding, who on Nov. 1 will become the first woman to serve as assistant chief of the California Highway Patrol.

A graduate of San Gorgonio High School in San Bernardino, Capt. Redding has risen quickly through the ranks of the CHP to her present position as commander for the San Bernardino area, where she has served since 1996.

Although she originally attended California State College, San Bernardino, with the goal of becoming a teacher, Capt. Redding developed a love of law enforcement and joined the San Bernardino Police Department in 1977. That same year, she was appointed to the CHP academy, and in 1978 joined that renowned law enforcement agency.

Serving throughout Southern California, Capt. Redding was promoted sergeant in 1983—the second woman to reach that position in the CHP. She became the second woman promoted to lieutenant in 1987, and was the third woman appointed as captain in 1996.

When she moves up to her new post as assistant chief, Capt. Redding will move to CHP headquarters in Sacramento to oversee programs in the Personnel and Training Division. She will be joined there by her husband, Jarrell, who is retiring after 27 years in the CHP, and stepdaughters Jessica and Jacqueline. But the Inland Empire will keep a claim on her through her proud parents, Joseph and Betty Hayes, who live in Highland.

Mr. Speaker, we can all be proud of the accomplishments of this product of San Bernardino schools. I ask you and my colleagues to join me in congratulating her and wishing her well in her new assignment.

VOA'S 40TH ANNIVERSARY OF SPECIAL ENGLISH PROGRAMMING

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. GILMAN. Mr. Speaker, the Voice of America (VOA) is celebrating 40 years of broadcasting Special English programs. I call this to the attention of our colleagues because this is a service offered by the United States Government that is appreciated by millions around the world, but is little known here at home. VOA's Special English program was first broadcast over the international airwaves on October 19, 1959. Today, there are Special English broadcasts around the world seven days a week, six times a day, delivering the latest news and features on American culture, science, medicine, and literature.

Special English began as an experiment to communicate by radio clearly and simply with people whose native language is not English. It was an immediate success. Special English programs quickly became some of the most popular programs on VOA. Forty years later they still are. And they still are unique. No other international radio station has a specialized series of English news and feature programs aimed at non-native English speakers around the world.

VOA Special English is different from standard English in the way it is written and the way it is delivered. Its vocabulary is limited to 1,500 words. It is spoken slowly, in short, active-voice sentences. Although the format is simple, the content is not. Complex, topical subjects are described in an easy to understand, concise way.

Through the years, Special English has become a very popular English teaching tool, even though it was not designed to teach English. Its limited vocabulary, short sentences and slow pace of speaking help listeners become comfortable with American English. Individuals record the programs and play them over and over to practice their listening skills. Teachers of English in dozens of countries including China, Japan, Vietnam, Iran, Cuba, Russia, Nepal and Nigeria use Special English in their classes. They praise it for improving their students' ability to understand American English and for the content of the programs.

For many listeners, VOA Special English programs provide a window into American life that may change some misconceptions. A listener from China wrote:

> A wonderful world appeared before my eyes through my radio receiver. There were your history, your everyday life, your brave and intelligent people and your words. To get a better appreciation about you, I spent most of my spare time in learning. I could say you presented people like me, those who have only limited English knowledge, an approachable American culture and acted like a usher leading us into it.

For other listeners, VOA Special English provides information that they cannot get elsewhere. A listener in Havana, Cuba writes:

> I'm sure that you are not able to imagine how many people listen to you every day. What is important in Special English is that you broadcast the most important news and later give us important reports about science, environment, agriculture and then follow with 15 minute programs about all the things people are interested in.

And for other listeners, VOA Special English offers a way of learning American English. A listener in Tehran, Iran writes:

> It was summer 1993 that I started listening to your programs, and during the first summer, I really had a great improvement in my English speaking, specially my accent. Many

times I wanted to write letters to you, but I was afraid, because I was not sure I could write in a way that I could reflect what was in my heart. I thank you because you did something that no one could do. I suffer from visual problems, so your programs with their independence of vision helped me a lot.

Mr. Speaker, the hundreds of such testimonial letters and e-mail messages that are received each month are proof that Special English makes a difference in the lives of people around the world. I invite my colleagues to join me in congratulating the Special English branch of the Voice of America on its 40th anniversary.

DR. PETER LUNDIN, A VERY SPECIAL ROLE MODEL

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. STARK. Mr. Speaker, kidney failure, and the need for dialysis 3 times weekly, is a devastating disease that grinds many people down.

One of the most remarkable people I know is Dr. A. Peter Lundin, who experienced kidney failure as a young man 33 years ago, but who entered the world of medicine, became a nephrologist, and has had a remarkable and successful medical practice since then. He has been President of the American Association of Kidney Patients and a tireless advocate for the Nation's quarter million renal patients.

He is truly a role model, a figure of courage and determination, to thousands. I would like to include in the RECORD at this point an article he recently wrote for RenaLIFE entitled "Dialysis at the Beginning."

Thank you, Dr. Lundin, for the great help and inspiration you have given to so many.

DIALYSIS AT THE BEGINNING

(By A. Peter Lundin, MD)

Patients starting on dialysis today do not realize how easy and routine it has become. Since the 1960s when it began, dialysis therapy has grown into a well-organized, efficiently run, multi-billion dollar industry. From the perspective of the doctor and provider, it is no big deal to start a patient on dialysis today. Everybody who needs it, can get it. Patients really cannot be blamed for their ignorance of how relatively easy they have it because the emotional trauma of losing your kidneys and beginning a new and restricted life with dialysis has not changed. What has changed in this regard is much less attention today is paid to emotional adjustment. Patients are told when they need an access placed and when to start dialysis, often with little consideration of the impact of this new and dramatic event on their lives. Dialysis units are often compared with factory assembly lines where patients come, get their treatment and leave without so much as a word of concern.

It was not like this when I began on hemodialysis in 1966. Then it was available in only a few centers scattered across the country. You had to have a willing insurance company or pay for it yourself. Because there were very few slots available you were chosen by a committee based on your social worth. Only breadwinners or housewives caring for working husbands and children were eligible. You were expected to continue working after you started dialysis. If you had another complicating disease such as diabetes or were over 50 years of age, dialysis was not even offered to you.

The therapy itself was cumbersome and took a long time. It was done in settings where lots of nurses and doctors were available because of the uncertainty of how stable patients would be. Everybody was carefully observed by a psychiatrist for signs of distress. Everything was being measured because there was much to learn about this new therapy. How much time to spend on the machine and how often during the week to dialyze were still being developed. The few medications available for high blood pressure had powerful side effects and were rarely effective. There were no replacements for the erythropoietin and active vitamin D, which the dying kidneys had stopped making, therefore we were all constantly anemic. To get my hematocrit (amount of red cells in the blood) above 20 percent I needed frequent blood transfusions. The only way to control phosphorous in the blood was to eat a diet without phosphorous containing foods and to take Amphogel, an aluminum containing antacid. In those days Amphogel tasted like chalk. It came only as large unswallowable tablets or in liquid form and was extremely constipating. Due in part to the unpalatability of this therapy, some patients already had severe crippling bone disease. Others were already running out of areas for new accesses, their arteries and veins having been used up by multiple external catheters.

In those days we did not have grafts or fistulas. We dialyzed through an external shunt in the arm or leg. In my case it was in my leg so I had more independence in putting myself on and off the machine. While I did not have to worry about getting stuck with needles, the shunts caused serious concerns of their own. They easily got infected, damaged the veins and arteries, and often clotted. All of these problems led to a shunt life expectancy of about six months. One of mine was chronically leaking from the arterial side, forcing me to walk on crutches from class to class. After getting heparin for dialysis it might take several hours with pressure to stop bleeding. When it clotted I had my own declotting kits. Sometimes it would take several hours to open the shunt up again.

I was an undergraduate student at Santa Clara University in California when my kidneys failed. I was not a candidate for transplant, and as a student I was not a dialysis candidate either because I would have to become dependent on my family again. Nevertheless by a series of fortunate events the future came about and I am here 33 years later to tell about it.

I learned how to dialyze myself at the University of Washington in Seattle in their Remote Home Dialysis Program. After three months of training I returned to Northern California and to school. I had the hope and expectation of becoming a medical doctor, and I transferred to Stanford University, feeling it would be easier to get into medical school from there. While taking a full course load of physics, chemistry, biology and mathematics I dialyzed at home. The treatments were done, then as now, three times per week, but they lasted for 10 hours. Clearly, to be able to go to school the dialysis sessions had to occur overnight. After setting up the machine I would get on about 7 p.m. and off at 5 a.m. Of course, I had to sleep and did while the machine was washing the blood.

When I started dialyzing at home, dialyzers and blood tubing did not yet come in clean packages out of a box. They had to be put together by hand. At first, I had specially made glass drip chambers and long roles of plastic tubing. Dialysis membranes came in a large flat box. The open end of the tubing had to be softened by sticking it in acetone and was then attached to both ends of the glass drip chamber. The dialysis membranes were soaked and sanitized for several hours in a container filled with acetic acid. Carefully removed, they had to be stretched over long plastic boards. There were four membranes divided into two layers each between three boards. Then this construction was filled with formaldehyde overnight before the next dialysis. With practice I was able to put it all together in a bit less than an hour. Taking it apart when the dialysis was over took less time, but before the next dialysis it had to be put together again.

My break came in 1968 when I was accepted to medical school in Brooklyn. It was my salvation. I was put on dialysis for 14 hours overnight, three times per week. I felt much better. I was learning to become a doctor. I got my first and only fistula which works well to this day. It was from that period of my life I learned some very important lessons about how to survive with dialysis: the importance of good dialysis and a reliable blood access.

Getting dialysis treatments today is, in many ways, very much easier on the patient, who is on average older and having many more medical problems. Supplies, equipment, medications and ways to treat other medical problems have greatly improved over the years. While having one's access fail is no less traumatic today than it was back then, the future promises to bring additional advances to improve the lives of patients with kidney failure.

INTRODUCTION OF THE SOUTHEAST FEDERAL CENTER PUBLIC-PRIVATE REDEVELOPMENT ACT OF 1999

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Ms. NORTON. Mr. Speaker, along with Chairman BOB FRANKS today, I rise to introduce the Southeast Federal Center Public-Private Redevelopment Act of 1999 (SEFCA) to develop the largest undeveloped parcel of prime real estate here in the District of Columbia—the Southeast Federal Center located in Southeast Washington. This bill follows a tour of the site at the suggestion of Rep. BOB FRANKS, Chairman of the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation, as a result of questions I raised to General Services Administration (GSA) officials at a congressional hearing on May 11, 1999, concerning the failure of the federal government to make productive use of this valuable federal land while the government pays to rent and lease space for federal facilities.

I recently held a town meeting in the District focusing on the development of the Southeast Federal Center and other properties owned by the federal government and the jobs and spin-off economic benefits that they inevitably have on their surrounding communities. Because the parcel is located in this city, the District of Columbia would gain immeasurably from the project at the same time that the federal government finally would achieve productive use and revenue from valuable property. The win-win approach embodied in this bill has clear potential for a new kind of partnership between hard pressed cities and the federal government.

The Southeast Federal Center is a 55-acre undeveloped site just 5 minutes from the U.S. Capitol. Located between M Street, S.E. and the Anacostia River next to the Washington Navy Yard, the site is considered by real estate and land use experts to be one of the most valuable pieces of property remaining on the entire east coast. It is as important a federal parcel as Constitution Avenue and Pennsylvania Avenue, the existing prime locations for federal facilities. The property was once a part of the Washington Navy Yard, but approximately 30 years ago, this large parcel was transferred to the GSA in anticipation that the site would be developed into office space for federal agencies. For years, the site remained environmentally degraded, but I have worked hard to secure funds for this purpose, and to its credit, Congress responded by appropriating the necessary funds in FY 1997–99, and environmental upgrading is nearing completion. Yet, despite its inherent value, prime location, a $30 million infusion from the federal government for environmental cleanup of the site, and a proposed mall with stores and amenities to be built by the government to serve federal employees and the neighborhood, GSA has been continually frustrated in attempts to attract federal government tenants to the site, and the property has remained undeveloped. Thus, instead of using this federal land to house federal agencies or for other productive purposes, the federal government rents other space throughout the region. The financial loss to the federal government as a result of its failure to make use of this valuable asset is incalculable.

Federal land cannot be used for other than federal purposes without legislation and the new approach embodied in this bill. One of the main reasons the site still lies unused is because the federal government has been unable to commit sufficient financial resources for its development. The bill would overcome this obstacle by creating a public-private partnership whereby the federal government would make the land available for development and a private developer would furnish the necessary capital to make the land productive. This kind of partnership represents an important breakthrough in securing the highest and best use for federal resources, securing revenue for the federal government, and saving the government money while at the same time contributing to the local D.C. economy and its neighborhood. The approach is mutually beneficial: the federal government makes its property available for development and revenue-producing occupancy and the developer, selected competitively, receives a valuable opportunity.

Our bill would authorize the Administrator of the GSA to enter into agreements with a private entity to provide for acquisition, construction, rehabilitation, operation, maintenance, or use of facilities located at the site. The bill provides the GSA with wide latitude to enter into arrangements to bring any appropriate development work to the site—private, federal, local, or some combination. The bill also specifies that any agreement entered between the GSA and the developing entity must (1) have as its primary purpose enhancing the value of the Southeast Federal Center; (2) be negotiated pursuant to procedures that protect the federal government's interests and promote a competitive bidding process; (3) provide an option for the federal government to lease and occupy any office space in the developed facilities; (4) not require, unless otherwise determined by the GSA, federal ownership of any developed facilities; and (5) describe the duties and consideration for which the U.S. and the public or private entities involved are responsible. The bill also authorizes GSA to accept non-monetary, in-kind consideration, such as the provision of goods and services at the site.

I very much appreciate Chairman BOB FRANKS for his indispensable leadership on the bill. The Southeast Federal Center has been a subject at hearings since I came to Congress almost 10 years ago, and before. BOB FRANKS is the first chair of the Subcommittee to initiate action. New to the chairmanship of the Subcommittee, he was astonished to discover during my questioning of GSA witnesses that so large and valuable a federal parcel has long gone unused while taxpayers had been laying out billions of dollars to lease space for federal facilities. On the spot, he suggested that the subcommittee tour the parcel. Shortly thereafter, Chairman FRANKS indicated that he wanted to hold a hearing to work for expeditious passage of a bill for productive use of the parcel and revenue to the federal government. The result is a bipartisan effort made possible by the Chairman's understanding that something could be done about a notorious waste of a valuable federal resource.

I urge rapid passage of the Southeast Federal Center Public-Private Redevelopment Act of 1999 so that the progress we have made thus far can soon produce a result at once beneficial to the federal government and the nation's capital.

INTRODUCTION OF LEGISLATION TO EXPAND THE ACREAGE LIMITATION FOR SODIUM LEASES

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mrs. CUBIN. Mr. Speaker, today I am introducing legislation to amend the Mineral Leasing Act (MLA) to grant the Secretary of the Interior the discretion to increase the number of federal leases which may be held by any one producer in a single State. The present acreage limitation for sodium leases of 15,360 acres has been in place for five decades—longer than any other existing law. In fact, sodium is the only mineral subject to the MLA which has not had an increase in acreage since the law was amended in 1948. My bill would increase that limitation to 30,720 acres per producer. Frankly, the current limit is just out of step with the competitive and technological advances of this industry and must be changed as we move into the next century.

The MLA set forth acreage limits to ensure that no single entity held too much of any single mineral reserve. This remains an important objective. A lease limitation ensures that there is sufficient competition, while providing an incentive for development of these reserves and ensuring a reasonable rate of return to the Federal and State Treasuries. My bill is consistent with these objectives and seeks only to grant the Secretary of the Interior the discretionary authority to adjust the present lease limitation to current economic and international conditions.

Mr. Speaker, I offer this bill after carefully reviewing current conditions of the trona industry in my State. In the course of that review, I have been reminded that U.S. soda ash producers, four of which are in Wyoming, are extremely competitive with one another for a share of the relatively flat domestic market. They are also faced with strong international competition.

With that in mind, I believe this legislation is critical to the domestic industry to sustain its global competitiveness. Wyoming is the Saudi Arabia of the world in terms of trona deposits, generating some 12 million tons of soda ash per year and $400 million to our balance of trade. But I have also learned that we cannot take this industry for granted. Like so many industries basic to our economy such as steel, paper, aluminum, copper and coal, the soda ash producers must take measures to stay competitive. Many countries, including China and India, with vast supplies of trona, have erected tariff and non-tariff barriers to support their own less efficient producers, making it difficult to export U.S. soda ash.

For this reason, U.S. producers have formed the American Natural Soda Ash Corporation (ANSAC), a Webb-Pomarene trading association, in recognition of the fact that growth of the U.S. soda ash industry is directly tied to its ability to effectively export. ANSAC is the sole authorized exporter of soda ash and is wholly owned by the six U.S. sodium producers. It accounts for the employment of some 20,000 people in the U.S. and exports to 45 different countries.

This is but one example of how our domestic industry has taken the steps necessary to compete effectively abroad. In addition, the producers in my state are making major investments in modernizing their facilities and sustaining the level of capital investment necessary to continue to be competitive both at home and abroad. The start up cost for a new soda ash operation is estimated to be at least $350 million dollars and to develop a world class mine, $150 million. Putting this in perspective, our Wyoming soda ash producers invest on average twice as much as their counterparts in the Powder River coal basin. This is largely due to the fact that soda ash is mined underground and thus requires a sophisticated processing plan to turn raw ore into finished products. That is simply the reality of what is required to stay competitive.

But more importantly, at these costs, a new entrant, as well as existing producers, must have a predictable mine plan. A primary component of such a plan is a predictable level of reserves that will last several decades. My bill would help provide this predictability by giving the Secretary of the Interior the discretion to raise lease limits on a case-by-case basis if the producer can show it is in need of additional reserves to maintain its operations.

In short, what discourages new entrants into this process is not available acreage, but the realities of capital investment required to sustain a competitive soda ash operation. Because domestic consumption is only anticipated to grow at about one percent over the next ten years, a new producer must have the wherewithal to build an operation which can effectively compete in international markets, where a 60 percent growth rate is expected over the next decade. Soda ash prices have

been declining about 1 percent a year since 1991. Any company coming into this industry has to recognize that their investment will take a while to realize returns.

In summary, the bill I am introducing today is necessary for a number of reasons. It is consistent with good mining and environmental practices and it is good public policy. I commend it to my colleagues for their support.

CONGRATULATING CENTRAL CONNECTICUT STATE UNIVERSITY ON ITS 150TH ANNIVERSARY

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I rise to commemorate the 150th anniversary of Central Connecticut State University (CCSU), a regional, comprehensive university in my hometown dedicated to learning in the liberal arts and sciences and the strengthening of our communities and economy.

To appreciate the importance of this University to the state of Connecticut and the city of New Britain, we need to understand its remarkable history of anticipating the educational needs of our society as they have developed and responding with forward thinking, high quality courses and new partnerships.

CCSU is Connecticut's oldest, publicly-supported institution of higher education. Founded in 1849 as the New Britain Normal School, a training facility for teachers, it moved to the site of its modern-day campus in 1922. Eleven years later it became the Teachers College of Connecticut and began offering 4 year Bachelor of Arts degrees.

In 1959, with the capacity to offer liberal arts degrees, it became the Central Connecticut State College and in 1983, the Central Connecticut State University. The University now not only offers a wide range of undergraduate but also graduate programs.

CCSU plays an important role in the state of Connecticut's education mission. It is the largest of four comprehensive Universities within the Connecticut State University System and enrolls 12,000 full-time and part-time students. Its 400 full-time faculty members, 350 lecturers and over 500 administrators and staff are dedicated to providing a quality educational experience to these students.

One can learn a great deal about a university from how it defines itself. CCSU's mission statement clearly articulates its goal of not only educating its students but of preparing them for making positive contributions in the challenging, fast paced world of work and the equally important world of civic responsibility.

''With learning at the heart of all our activities, our fundamental responsibility is to empower students to attain the highest standards of academic achievement, public service and personal development. Preparing students for enlightened and productive participation in a global society is our obligation.''

Through CCSU's active participation in the State and the communities of New Britain and Central Connecticut, it not only provides a quality education to its students but provides them with an excellent example of community involvement and volunteerism. The State of Connecticut affords a special designation to those programs which contribute to the betterment of the State as a whole and CCSU has earned the ''Center for Excellence'' designation in both international education and technology education.

CCSU has long been a generous partner with the people of New Britain as they look for ways to bring new businesses to the town and to promote a better quality of life for all of its residents. As manufacturing faced the challenges of competing globally, CCSU developed the state's first Masters degree in Industrial Technical Management to accelerate the modernization of manufacturing management to enhance quality and productivity. This not only better prepared students to help lead the rebirth of manufacturing, but made critical resources available to the multitude of small and medium sized manufacturers being challenged to meet new standards to succeed in serving globally competing companies. Following this development of its graduate courses, CCSU developed a Center for International Education and a Program in International Business as well as developed partnerships with educational institutions in 19 countries around the world. CCSU is the State's flagship university in international education.

In its own neighborhood of New Britain and Central Connecticut, the University works with many city and community programs to promote the economic development of New Britain, including the Mayor's Development Cabinet, the Metro Economic Development Authority; the New Britain Marketing Collaborative and the Greater New Britain Network Group and the Initiative for a Competitive Inner City.

The Center for Social Research (CSR) at CCSU is also involved in enhancing economic development by providing critical resources to our Neighborhood Revitalization Zones (NRZ) including the Broad Street NRZ, the Arch Street NRZ and the North and Oak Street NRZ. It conducted research to identify the unemployed and the underemployed in our city neighborhoods to enable the city to attract employers who could hire them. This approach promises to both strengthen the economic base of the community and improve people's lives without creating the urban and environmental problems that accompany commuters and their automobiles.

CCSU serves as a resource for the community at large by performing needs assessment and public opinion surveys, developing training workshops, and using its resources to help community organizations address specific needs. It is also conducting surveys for the Main Street New Britain Project to identify the combination of shops and restaurants that will bring more people to downtown Main Street.

In addition, it has partnered with the Klingberg Family Centers of New Britain, a day-school and residential facility for troubled children and families, to create a Community Outreach Center to better serve our families. CCSU's Tutor Corp, funded by Stanley Works, is a group of 40 students who work with 150 New Britain middle and high school students at risk for dropping out of school. The tutors also provide support to the Teen Pregnancy Prevention Program at Pathways Senderos.

I pay tribute to CCSU's remarkable history of leadership in education and creative development of partnerships strengthening our community and economy. As Central Connecticut State University nears its 150th anniversary on October 23, 1999, I salute this fine institution that has served as a stable and generous source of information, expertise, guidance and charity throughout its history as it prepares the state's youths for adulthood and partners with communities to solve problems. We congratulate CCSU on her long and successful history and thank her for her leadership into the new millenium.

HATE CRIMES PREVENTION ACT

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mrs. KELLY. Mr. Speaker, without check, hate can vein our society like subterranean mold, popping up now and then to spread vitriol over the land. On the occasion of the anniversary of Matthew Shephards' brutal killing, and in memory of those who have also lost their lives due to their race, national origin, disability or sexual orientation, I speak out today in support of the Hate Crimes Prevention Act of 1999. Additionally, I urge my colleagues to preserve its inclusion in the Conference Report for the Departments of Commerce, Justice and State and the Judiciary Appropriations Act for Fiscal Year 2000.

The hate crimes legislation in both the House and the Senate have been widely supported. The inclusion of the House and Senate versions of this bill in the C/J/S Conference report is critical to its success. I urge my colleagues on the Conference Committee to include this measure in their final report. Its long past time. Over the last year we have heard from the families of individuals whose lives have been viciously ended. These families, and those they speak for, have asked us to expand the federal jurisdiction to reach serious, violent hate crimes. With hope, the day will come that this type of measure will no longer be necessary. But until that time, let us act now so that more families do not have to live through the tragedy of losing a loved one to this type of vicious hate.

STOP RESUMPTION OF MILITARY TIES TO PAKISTAN

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. McCOLLUM. Mr. Speaker, I rise today out of my great concern for the possible resumption of military supply between the U.S. and Pakistan. The Department of Defense Appropriations conference report allows the President to waive certain sanctions against India and Pakistan under the Glenn and Pressler amendments. While I am pleased that the economic and technological restrictions have been lifted, I am gravely concerned about the prospect of military exchanges with an unstable Pakistan.

As I am sure colleagues are aware, Pakistan's government has been ''dismissed'' by its army, leaving the country in much uncertainty. As a new nuclear state, this type of disruption should certainly cause concern for its neighbor. However, this is compounded by the

role that the Pakistani military played in the recent Kargil episode which erupted this May. The Indian Army discovered the infiltration of Pakistani regular troops and an assortment of ISI-sponsored Mujahideen into the northern parts of Indian Kashmir.

There is no doubt that the Pakistani military supported, encouraged, and participated in this incursion. To allow U.S. military support to the very organization that prompted this action would send the signal that the U.S. supports such action. Late today, I received a communication from India's Prime Minister A.B. Vajpayee, expressing his government's concern over the repeal of the Pressler amendment. Mr. Vaypayee's statement echoes my concern over the signal that this action will send to Pakistan, endorsement of the action in Kargil.

I encourage my colleagues to carefully consider the ramifications of repealing this provision at this time and the potential that it has to seriously damage our relationship with a long-standing friend, India.

SENSE OF THE HOUSE URGING 95 PERCENT OF FEDERAL EDUCATION DOLLARS BE SPENT IN THE CLASSROOM

SPEECH OF

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. MCINTOSH. Mr. Speaker, I rise today in support of House Resolution 303 expressing the sense of the House of Representatives that 95 percent of Federal education dollars be spent in the classroom. Currently as few as 65 cents of every Federal education dollar is reaching the place where it can do the most good. In some places across the country, the discrepancy is even greater. Consumed by the bureaucracy and special interests, funds are not reaching the people for whom they are meant—the children.

During the 105th Congress, the Education Subcommittee on Oversight and Reform investigated the trail of Federal dollars from the taxpayer's pocket book through the government money mill and back to the schoolhouse. In the course their investigations, they discovered quite a few leaks in the system. Taxpayer money is lost at each level on bureaucracy, paperwork, and other nonclassroom-centered activities.

Every year, millions of dollars, hours of work, and talent are lost on paperwork. Using resources which should be spent in the classroom on children, paperwork places a burden on teachers and local administrators taking them away from the most important work they perform.

According to the Education at a Crossroads Report released last year by the Education Subcommittee on Oversight and Investigations the U.S. Department of Education requires over 48.6 million hours' worth of paperwork per year—or the equivalent of 25,000 employees working full-time. Without fully accounting for all the attachments and supplemental submissions required with each application, the Committee counted more than 20,000 pages of applications states must fill out to receive federal education funds each year.

One governor noted in his testimony that local schools in his state had to submit as many as 170 federal reports totaling more than 700 pages during a single year. This report also noted that more than 50 percent of the paperwork required by a local school is a result of federal programs which account for 6 percent of the funding.

Principal Steve Hall of Muncie, Indiana who administers Federal funds for schools in my home town recently told me, ''We still recommend and request a reduction in grant preparation and paperwork for the Title I program for our school district. If this preparation was reduced, we could spend more time for planning and preparing to work with high-needs students, and the more time with students means more educational success for our students.''

Directing money away from paperwork and toward students has become a high priority for me during the reauthorization of the Elementary and Secondary Education Act. I am a proud co-sponsor of this resolution because I believe it should serve as a guide for every piece of education legislation we write this Congress.

The resolution clearly spells out our education priorities and draws a clear distinction between our vision and that of our opponents. We believe local educators are the best people to make resource allocation decisions about students, not Washington bureaucrats. Educators understand their students' background and needs and can respond directly to them. We trust parents and teachers to use the money to best meet the unique needs of children in their care.

This resolution raises the bar urging nothing less than 95 percent of funds go to children. We must prioritize the way we spend our education dollars, and put children first. It is that simple. It is the standard I intend to use while in Congress and throughout my career in public service. I urge my colleagues to support this resolution and use its principles to guide their efforts in reforming education.

CONGRATULATING TAIWAN ON ITS NATIONAL DAY

HON. LINDSEY O. GRAHAM

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. GRAHAM. Mr. Speaker, I rise today to congratulate Taiwan on its National Day. I wish to extend my condolences to the people of Taiwan who have lost loved ones during Taiwan's most recent earthquakes, and I pray that Taiwan will soon return to normalcy. The Taiwanese government has been trying its very best to help all victims and their families with financial and psychological assistance whenever and wherever it is needed. I am pleased to learn that they have received so much international assistance from around the world as they begin to rebuild. The people of the United States have been so generous with their donations of time and materials in an effort to help Taiwan cope with the devastation of the quake.

The silver lining of this latest tragedy is that is proves Taiwan is not alone in the world. Taiwan has many friends here and around the world who stand willing and ready to help. We hope that Taiwan will have fully recovered in time to celebrate their next National Day.

DR. AULAKH NAMED KHALISTAN MAN OF THE YEAR

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. TOWNS. Mr. Speaker, I was pleased to note that the annual convention of the Council of Khalistan named Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, as Khalistan Man of the Year.

Dr. Aulakh is well known to us here on Capitol Hill. He has been a tireless advocate for freedom for the Sikhs. He has consistently worked to expose the brutal human-rights violations committed against the Sikhs by the Indian government. He has worked with us here in Congress to preserve the true history of the Sikhs which the Indian government is trying to alter.

Dr. Aulakh has also worked for the rights of Sikhs in this country. He provided information to support asylum requests. He has supported Charan Singh Kalsi, the Sikhs who was fired by the New York Transit Authority because he refused to remove his turban for a hard hat. He is actively working to get the authorities in Mentor, OH, outside Cleveland, to drop concealed weapons charges against Gurbachan Singh Bhatia for carrying his kirpan, a ceremonial sword required by the Sikh religion.

For all of these reasons and more, Dr. Aulakh deserves the support of all Sikhs and richly deserves the title of Khalistan Man of the Year.

I submit the resolution designating Dr. Aulakh Khalistan Man of the Year into the RECORD for the information of my colleagues.

RESOLUTION DESIGNATING DR. AULAKH KHALISTAN'S MAN OF THE YEAR FOR 1999

PASSED AT THE CONVENTION OF THE COUNCIL OF KHALISTAN, OCTOBER 9–10, 1999, RICHMOND HILL, NY

Whereas the struggle for a free Khalistan is the most important issue facing the Sikh Nation;

Whereas Dr. Gurmit Singh Aulakh and the Council of Khalistan have been working tirelessly for this goal for eleven years;

Whereas Dr. Aulakh has been very successful in internationalizing the Sikh freedom struggle, in bringing the genocide against the Sikhs and other minorities to the attention of Congress and the media, in giving speeches, raising funds, and otherwise creating a political and social climate that brings Sikh freedom closer to fulfillment;

Therefore be it resolved by the delegates of this convention:

That Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, is hereby designated as Khalistan's Man of the Year for 1999.

WORLD SHOULD SUPPORT SIKH FREEDOM

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Mr. DOOLITTLE. Mr. Speaker, when I picked up my Washington Times on October

7, I was pleased to see a letter from Dr. Gurmit Singh Aulakh, whom many of us know well.

Dr. Aulakh, who is the President of the Council of Khalistan, wrote about the Sikh independence struggle. He noted that Sikhs are ''culturally, religiously, and linguistically distinct from Hindu India'' and that they ruled Punjab independently for many years before the British conquered the subcontinent.

Dr. Aulakh's letter asked why India, which prides itself on being democratic, doesn't hold a plebiscite in Punjab, Khalistan on the question of independence. That is the democratic way to do things. But India appears to care more about achieving hegemony in South Asia than it does about the democratic principles it proclaims.

It is interesting that this letter ran on the 12th anniversary of the day the Sikh nation declared the independence of the Sikh homeland, Punjab, naming their new country Khalistan.

The recent elections in India underline the instability of India's multiethnic state. India has 18 official languages and Christians, Sikhs, Muslims, and others suffer from religious persecution. Many experts predict that India will soon break up.

America and the world should support the freedom movements in Khalistan, Kashmir, Nagaland, Assam, and the other nations seeking their freedom from India. We should cut American aid to India until it learns to respect human rights and we should work for an internationally-supervised plebiscite in Punjab, Khalistan, in Kashmir, in Nagaland, and in all the other areas seeking independence, on the question of their future political status.

Mr. Speaker, I insert Dr. Aulakh's letter into the RECORD. I hope that my colleagues will read it.

[From the Washington Times, Oct. 7, 1999]

SIKH INDEPENDENCE DESERVES INTERNATIONAL SUPPORT

(By Gurmit Singh Aulakh)

We appreciate Arnold Beichman's mention of the Sikh struggle for an independent Khalistan (''Crossing the mini-state frontier,'' Commentary, Sept. 23). Sikhs are culturally, linguistically and religiously distinct from Hindu India, and we have a history of self-rule in Punjab. Sikhs are a separate nation.

Sikhs drove foreign invaders out of the subcontinent in the 18th century. Banda Singh Bahadar established Khalsa rule in Punjab in 1710. The Sikh rule lasted until 1716. Sikh rule was re-established in 1765, lasting until the British conquest of 1849. Sikh rule extended to Kabul and was considered one of the powers in South Asia. Since then, the Sikh nation has been struggling to regain its sovereignty.

No Sikh has ever signed the Indian constitution. On Oct. 7, 1987, the Sikh nation declared its independence, forming the separate nation of Khalistan. Our effort to liberate Khalistan is peaceful, democratic and nonviolent, but our declaration of independence is irrevocable and nonnegotiable.

India claims that the struggle for independence is over. If that is the case, why doesn't ''the world's largest democracy'' hold a plebiscite in Punjab to decide the question of independence the democratic way?

India is not one country. It is an empire of many countries that was thrown together by the British for their administrative convenience. Like the former Soviet Union, it is destined to fall apart.

In the June 17, 1994, issue of Strategic Investment, Jack Wheeler of the Freedom Research Foundation predicted that within 10 years, India ''will cease to exist as we know [it].'' Stanley Wolpert, a professor at the University of California in Los Angeles who wrote a biography on the late Indian Prime Minister Jawaharlal Nehru, predicted on CNN that both India and Pakistan will soon break up.

Sikhs oppose tyranny wherever it rears its head. Consequently, we support freedom for the people of Kashmir, Nagaland and other countries seeking their freedom.

The world helped East Timor achieve its freedom. The world helped Kosovo achieve its freedom. It is time for the free nations of the world to cut off aid to India and support an internationally supervised plebiscite to help the people of Khalistan, Kashmir, Nagaland and all nations of South Asia to achieve their freedom.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, October 14, 1999 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

OCTOBER 15

9 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine quality management at the Federal level.
SD–628

10:30 a.m.
Foreign Relations
To hold hearings on the nomination of Donald Stuart Hays, of Virginia, to be Representative to the United Nations for U.N. Management and Reform, with the rank of Ambassador; and the nomination of James B. Cunningham, of Pennsylvania, to be Deputy Representative to the United Nations, with the rank and status of Ambassador.
SD–419

OCTOBER 19

9:30 a.m.
Armed Services
To hold hearings to examine future naval operations at the Atlantic Fleet Weapons Training Facility.
SD–106

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanism for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.
SD–366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings on issues relating to the MCIWorldcom/Sprint merger.
SD–226

Environment and Public Works
Fisheries, Wildlife, and Drinking Water Subcommittee
To hold hearings to examine the benefits and policy concerns related to habitat conservation plans.
SD–406

10:30 a.m.
Governmental Affairs
To hold hearings on S. 1378 and H.R. 391, bills to amend chapter 35 of title 44, United States Code, for the purposes of facilitating compliance by small businesses with certain Federal paperwork requirements, to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.
SD–628

2 p.m.
Energy and Natural Resources
Governmental Affairs
To hold joint oversight hearings on the implementation of provisions of the Department of Defense Authorization Act which create the National Nuclear Security Administration.
SH–216

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 1365, to amend the National Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation; S. 1434, to amend the National Historic Preservation Act to reauthorize that Act; and H.R. 834, to extend the authorization for the National Historic Preservation Fund.
SD–366

OCTOBER 20

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the use of performance enhancing drugs in Olympic competition.
SR–253

Judiciary
To hold hearings on the Justice Department's role and the FALN.
SD–226

Indian Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act in the 21st Century, focusing on Indian reservation roads; to be followed by a business meeting on pending calendar business.

SR–485

2 p.m.

Foreign Relations

To hold hearings on extradition Treaty between the Government of the United States of America and the Government of the Republic of Korea (hereinafter referred to as ''the Treaty''), signed at Washington on June 9, 1998 (Treaty Doc. 106–02).

SD–419

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 1167, to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for expanding the scope of the Independent Scientific Review Panel; S. 1694, 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; S. 1612, to direct the Secretary of the Interior to convey certain irrigation project property to certain irrigation and reclamation districts in the State of Nebraska; S. 1474, providing conveyance of the Palmetto Bend project to the State of Texas; S. 1697, to authorize the Secretary of the Interior to refund certain collections received pursuant to the Reclamation Reform Act of 1982; and S. 1178, to direct the Secretary of the Interior to convey certain parcels of land acquired for the Blunt Reservoir and Pierre Canal features of the Oahe Irrigation Project, South Dakota, to the Commission of Schools and Public Lands of the State of South Dakota for the purpose of mitigating lost wildlife habitat, on the condition that the current preferential leaseholders shall have an option to purchase the parcels from the Commission.

SD–366

OCTOBER 21

9:30 a.m.

Armed Services

To resume hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo; to be followed by a closed hearing (SR–222).

SD–106

Energy and Natural Resources

To hold oversight hearings on issues related to land withdrawals and potential National Monument designations using the Antiquities Act, or Federal Land Policy and Management Act.

SD–366

OCTOBER 26

2:30 p.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on the Real Property Management Program and the maintenance of the historic homes and senior offices' quarters.

SR–222

OCTOBER 27

9:30 a.m.

Indian Affairs

To hold hearings on proposed legislation authorizing funds for elementary and secondary education assistance, focusing on Indian educational programs; to be followed by a business meeting on pending calendar business.

SR–285

NOVEMBER 4

9:30 a.m.

Indian Affairs

To hold joint hearings with the House Committee on Resources on S. 1586, to reduce the fractionated ownership of Indian Lands; and S. 1315, to permit the leasing of oil and gas rights on certain lands held in trust for the Navajo Nation or allotted to a member of the Navajo Nation, in any case in which there is consent from a specified percentage interest in the parcel of land under consideration for lease.

Room to be announced

CANCELLATIONS

OCTOBER 26

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 882, to strengthen provisions in the Energy Policy Act of 1992 and the Federal Nonnuclear Energy Research and Development Act of 1974 with respect to potential Climate Change.

SD–366

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report on Agriculture Appropriations.

Senate rejected the resolution of ratification to the Comprehensive Nuclear Test Ban Treaty.

House committees ordered reported 11 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S12449–S12564

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 1720–1724, and S. Res. 202. **Page S12555**

Measures Reported: Reports were made as follows:

S. 492, to amend the Federal Water Pollution Act to assist in the restoration of the Chesapeake Bay. (S. Rept. No. 106–181)

S. 1632, to extend the authorization of appropriations for activities at Long Island Sound. (S. Rept. No. 106–182)

H.R. 2724, to make technical corrections to the Water Resources Development Act of 1999, with an amendment in the nature of a substitute. (S. Rept. No. 106–183) **Pages S12554–55**

Measures Passed:

Land Conveyance: Senate passed H.R. 356, to provide for the conveyance of certain property from the United States to Stanislaus County, California, clearing the measure for the President. **Page S12563**

Recognizing Service of John E. Cook: Senate agreed to S. Res. 202, recognizing the distinguished service of John E. Cook of Williams, Arizona. **Page S12563**

Campaign Finance Reform: Senate began consideration of S. 1593, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform. **Pages S12550–51**

Senate will continue consideration of the bill on Thursday, October 14, 1999. **Pages S12550–51**

Agriculture Appropriations—Conference Report: By 74 yeas to 26 nays (Vote No. 323), Senate agreed to the conference report on H.R. 1906, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2000. **Pages S12449–S12504**

Treaty Rejected: By 48 yeas to 51 nays, 1 responding present (Vote No. 325), two-thirds of the Senators present and not having voted in the affirmative, the resolution of ratification to the Comprehensive Nuclear Test-Ban Treaty, opened for signature and signed by the United States at New York on September 24, 1996 (Treaty Doc. 105–28) was not agreed to and the Senate does not advise and consent to the ratification of the treaty. **Pages S12505–50**

During today's proceedings of the Senate, the following action also occurred:

By 55 yeas to 45 nays (Vote No. 324), Senate agreed to the motion to proceed to Executive Session. **Pages S12504–05**

FAA Authorization—Conferees: Senate insisted on its amendment to H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: from the Committee on Commerce, Science, and Transportation: Senators McCain, Stevens, Burns, Gorton, Lott, Hollings, Inouye, Rockefeller, and Kerry; and from the Committee on the Budget for the consideration of Title IX: Senators Domenici, Grassley, Nickles, Lautenberg, and Conrad. **Page S12563**

Department of Defense Conference Report—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of the conference report on H.R. 2561, making appropriations for the Department of Defense for the fiscal

year ending September 30, 2000, on Thursday, October 14, 1999, with a vote on adoption to occur at 4 p.m. **Page S12550**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Food Aid Convention 1999 (Treaty Doc. No. 106–14).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Page S12563**

Notice of Intent: A notice of intent was submitted to amend the Standing Rules of the Senate that would require any Senator to report credible information of corruption to the Select Committee on Ethics. **Page S12552**

Messages From the President: Senate received the following message from the President of the United States:

A message from the President of the United States transmitting, a report relative to telecommunications payments pursuant to Treasury Department specific licenses; referred to the Committee on Foreign Relations. (PM–64). **Page S12552**

Nominations Received: Senate received the following nominations:

4 Air Force nominations in the rank of general.

1 Department of Defense nomination in the rank of general. **Page S12564**

Messages From the President: **Page S12552**

Messages From the House: **Pages S12552–53**

Measures Referred: **Page S12553**

Measures Placed on Calendar: **Page S12553**

Enrolled Bills Presented: **Page S12553**

Communications: **Page S12553**

Executive Reports of Committees: **Pages S12553–54**

Petitions: **Page S12554**

Statements on Introduced Bills: **Pages S12555–58**

Additional Cosponsors: **Pages S12558–59**

Amendments Submitted: **Page S12559**

Notices of Hearings: **Page S12559**

Authority for Committees: **Page S12560**

Additional Statements: **Pages S12560–63**

Record Votes: Three record votes were taken today. (Total—325) **Pages S12504–05, S12548**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:37 p.m., until 9:30 a.m., on Thursday, October 14, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12564.)

Committee Meetings

(Committees not listed did not meet)

FLEET AND STRATEGIC LIFT OPERATIONS

Committee on Armed Services: Subcommittee on SeaPower concluded hearings on the force structure impacts on fleet and strategic lift operations, after receiving testimony from Vice Adm. William J. Fallon, USN, Commander, United States Second Fleet; Vice Adm. Daniel J. Murphy, Jr., USN, Commander, United States Sixth Fleet; Maj. Gen. Charles H. Coolidge, Jr., USAF, Director of Operations and Logistics, U.S. Transportation Command; and Maj. Gen. Emil R. Bedard, USMC, Commanding General, II Marine Expeditionary Force.

NATIONAL PARKS/HISTORIC PRESERVATION/RECREATION

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded hearings on S. 167, to extend the authorization for the Upper Delaware Citizens Advisory Council and to authorize construction and operation of a visitor center for the Upper Delaware Scenic and Recreational River, New York and Pennsylvania, S. 311, to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, S. 497, to designate Great Kills Park in the Gateway National Recreation Area as "World War II Veterans Park at Great Kills", H.R. 592, to designate a portion of Gateway National Recreation Area as "World War Veterans Park at Miller Field", S. 919, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, H.R. 1619, to amend the Quinebaug and Shetucket Rivers Valley National Heritage Corridor Act of 1994 to expand the boundaries of the Corridor, S. 1296, to designate portions of the lower Delaware River and associated tributaries as a component of the National Wild and Scenic Rivers System, S. 1366, to authorize the Secretary of the Interior to construct and operate a visitor center for the Upper Delaware Scenic and Recreational River on land owned by New York State, and S. 1569, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts for study for potential addition to the National Wild and Scenic Rivers System, after receiving testimony from Denis P. Galvin, Deputy Director National Park Service,

Department of the Interior; Robert A. Gaines, Commissioner, National Capitol Planning Commission; Arthur H. Wilson, on behalf of the Disabled American Veterans, Lois Pope, and Jesse Brown, all of the Disabled Veterans' LIFE Memorial Foundation, Inc., Washington, D.C.; William E. Douglass, Upper Delaware Council, Inc., Narrowsburg, New York; Charlene Perkins Cutler, Quinebaug-Shetucket Heritage Corridor, Inc., Putnam, Connecticut; and William S. Napolitano, Southeastern Regional Planning and Economic Development District, Taunton, Massachusetts.

FEDERAL WATER POLLUTION CONTROL

Committee on Environment and Public Works: Committee concluded hearings on S. 188, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements, S. 1706, to amend the Federal Water Pollution Control Act to exclude from stormwater regulation certain areas and activities, and to improve the regulation and limit the liability of local governments concerning co-permitting and the implementation of control measures, and S. 669, to amend the Federal Water Pollution Control Act to ensure compliance by Federal facilities with pollution control requirements, after receiving testimony from Senator Burns; J. Charles Fox, Assistant Administrator for Water, Environmental Protection Agency; Bruce deGrazia, Assistant Deputy Under Secretary of Defense for Environmental Quality; Maryland Assistant Attorney General Mary Rosewin Sweeney, Annapolis, on behalf of the National Association of Attorneys General; Helen Walker, Victoria County Court, Victoria, Texas, on behalf of the Texas Counties Storm Water Coalition; Doug Harrison, Fresno Metropolitan Flood Control District, Fresno, California, on behalf of the National Association of Flood and Stormwater Management Agencies; Steve Fleischli, Santa Monica BayKeeper, Santa Monica, California; and Jan Lee, Oregon Water Resources Congress, Salem.

FOSTER CARE SYSTEM

Committee on Finance: Subcommittee on Health Care held hearings on S. 1327, to amend part E of title IV of the Social Security Act to provide States with more funding and greater flexibility in carrying out programs designed to help children make the transition from foster care to self-sufficiency, receiving testimony from Senator Bond; Representatives Cardin, DeLay, and Nancy Johnson; Sister Mary Rose McGready, Covenant House, New York, New York; Abigail English, Center for Adolescent Health and the Law, Chapel Hill, North Carolina; Percy Bailey, Webster Groves, Missouri; and Terry Hurrak, Annandale, Virginia.

Hearings recessed subject to call.

WTO ELECTRONIC COMMERCE

Committee on Foreign Relations: Subcommittee on European Affairs concluded hearings on the upcoming World Trade Organization Ministerial meeting agenda, focusing on electronic commerce expansion between Europe and the United States, after receiving testimony from Susan G. Esserman, Deputy United States Trade Representative; and James F. Whittaker, Hewlett-Packard Company, on behalf of the Information Technology Industry Council, Arthur B. Sackler, Time Warner, Inc., George Vradenburg, III, America Online, Inc., Eric S. Koenig, Microsoft Corporation, on behalf of the Business Software Alliance, and Jeff Kann, Visa U.S.A., all of Washington, D.C.

PAIN MANAGEMENT AND END-OF-LIFE CARE

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine pain management and improving end of life care issues, S. 1272, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and S. 941, to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, after receiving testimony from Senators Nickles, Wyden, Mack, and Lieberman; Yank D. Coble, Miami, Florida, on behalf of the American Medical Association; Gerald H. Holman, Crown of Texas Hospice, Amarillo, on behalf of the National Hospice Organization; James P. Rathmell, University of Vermont College of Medicine, Burlington, on behalf of the American Society of Anesthesiologists; and David E. Joranson, University of Wisconsin Comprehensive Cancer Center, Madison.

BUSINESS MEETING

Committee on Indian Affairs: Committee ordered favorably reported the following bills:

S. 964, to provide for equitable compensation for the Cheyenne River Sioux Tribe, with an amendment in the nature of a substitute; and

S. 1508, to provide technical and legal assistance for tribal justice systems and members of Indian tribes, with an amendment in the nature of a substitute.

NATIVE AMERICAN SUBSTANCE ABUSE PROGRAMS

Committee on Indian Affairs: Committee concluded hearings on S. 1507, to authorize the integration and consolidation of alcohol and substance programs and services provided by Indian tribal governments, after receiving testimony from Kevin Gover, Assistant Secretary of the Interior for Indian Affairs; Michel

Lincoln, Deputy Director, Indian Health Service, Department of Health and Human Services; Raymond Daw, Na'nizhoozhi Center, Inc., Gallup, New Mexico; Yvette Joseph-Fox, National Indian Health Board, Denver, Colorado; and Robert L. Greene, New York, New York, on behalf of the National Council on Alcoholism and Drug Dependence.

INTERNATIONAL Y2K ISSUES

Special Committee on the Year 2000 Technology Problem: Committee concluded hearings on international Year 2000 technology issues, focusing on security, economic, and humanitarian implications, after receiving testimony from Bonnie R. Cohen, Under Secretary of State for Management; Lawrence K. Gershwin, National Intelligence Officer for Science and Technology, Central Intelligence Agency; Michael J. Copps, Assistant Secretary for Trade Development, International Trade Administration, and James L. Price, Chief Economist, both of the Department of Commerce; Nick Gogerty, International Monitoring, London, England; Howard A. Rubin, City University of New York Hunter College, Pound City, New York, on behalf of the Gap-Gemini; and James Moody, InterAction, Washington, D.C.

Also, committee met in closed session to receive a briefing on the status of United States strategic assets worldwide from Adm. Robert Willard, Joint Staff, Department of Defense.

House of Representatives

Chamber Action

Bills Introduced: 9 public bills, H.R. 3063–3071; and 1 resolution, H. Con. Res. 197, were introduced. **Page H10032**

Reports Filed: Reports were filed today as follows:

H.R. 1753, to promote the research, identification, assessment, exploration, and development of methane hydrate resources, amended (H. Rept. 106–377 Pt. 1);

H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia (H. Rept. 106–378 Pt. 1);

Conference report on H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000 (H. Rept. 106–379);

H. Res. 328, waiving points of order against the conference report on H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000 (H. Rept. 106–380);

H. Res. 329, providing for consideration of H.R. 2679, to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses (H. Rept. 106–381); and

H. Res. 330, providing for consideration of H.R. 3064, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000 (H. Rept. 106–382). **Pages H9983–H10030, H10032**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Ronald D. Gerson of Athens, Georgia. **Page H9903**

Department of Defense Appropriations Act: The House agreed to the conference report on H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000 by a yea and nay vote of 372 yeas to 55 nays, Roll No. 494. **Pages H9909–21**

H. Res. 326, the rule that waived points of order against the conference report was agreed to by voice vote. **Pages H9907–09**

Export Enhancement Act—OPIC Authorization: The House passed H.R. 1993, to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency by a recorded vote of 357 ayes to 71 noes, Roll No. 499. **Pages H9923–57**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H9956**

Agreed to:

The Terry amendment that directs OPIC to address concerns that it does not promptly dispose of legitimate claims regarding projects that it insures or guarantees and recognize that private parties face financial obligations that cannot be deferred indefinitely; **Pages H9930–33**

The Gejdenson amendment that prohibits approval of projects that may have an adverse environmental impact until assessments have been made available to the public for a 60 day comment period and requires that OPIC meet with at least one representative of individuals who have concerns about the project's environmental impact; **Pages H9934–37**

The Traficant amendment, as modified, that requires an annual report on countries where United States goods or services do not have market access; **Pages H9951–52**

The Manzullo amendment that clarifies that the Global Diversity and Urban Export Initiative will focus on businesses that, because of their minority ownership, may have been excluded from export trade; **Page H9952**

The Rohrabacher amendment, as amended, that prohibits OPIC funding for manufacturing enterprises in foreign countries if such investments would cause a reduction in manufacturing in the United States. Earlier, agreed to the Manzullo amendment to the Rohrabacher amendment that limited the prohibition to investments that cause a reduction in U.S. manufacturing (agreed to by a recorded vote of 379 ayes to 49 noes, Roll No. 495); **Pages H9937–42, H9953–54**

The Terry amendment, as amended, that requires a GAO report that reviews claims processing by OPIC and includes an analysis of claims paid, settled, and denied. Earlier, agreed to the Menendez amendment to the Terry amendment that specified the GAO review of OPIC claims processing activity (agreed to by a recorded vote of 259 ayes to 169 noes, Roll No. 497); **Pages H9945–48, H9955**

The Terry amendment, as amended, that requires OPIC to publish and report to Congress interventions, by other Federal departments or agencies, with the intent to impede or delay the timing or settlement of any claim. Earlier, agreed to the Menendez amendment to the Terry amendment that clarifies that the interventions requiring public disclosure are those that intend to impede or delay (agreed to by a recorded vote of 253 ayes to 173 noes, Roll No. 498); and **Pages H9948–50, H9955–56**

Rejected:

The Sanford amendment that sought to authorize OPIC for one year instead of four (rejected by a recorded vote of 104 ayes to 323 noes, Roll No. 496); **Pages H9942–45, H9954–55**

Withdrawn:

The Rohrabacher substitute amendment to the Gejdenson amendment was offered, but subsequently withdrawn, that sought to require that OPIC provide all relevant environmental impact statements, assessments, and audits for a 60 day public comment period before any project is approved. **Pages H9936–37**

The Clerk was authorized in the engrossment of the bill to correct sections numbers, cross references, punctuation, indentation, and any other technical and conforming changes necessary to reflect the actions of the House. **Page H9957**

H. Res. 327, the rule that provided for consideration of the bill was agreed to by voice vote. **Pages H9921–23**

Celebrating One America: The House agreed to H. Con. Res. 141, celebrating One America. **Pages H9957–58**

Commerce, Justice, and State Appropriations—Motion to Instruct: Representative Tancredo notified the House of his intention to offer a motion to instruct conferees on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, to agree to provisions that (1) reduce nonessential spending in programs within the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies; (2) reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and (3) do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment. **Page H9958**

Juvenile Justice Reform—Motion to Instruct: Representative Jackson-Lee notified the House of her intention to offer a motion to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders to insist that (1) the committee of conference should immediately have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions, and (2) the committee of conference report a conference substitute by October 20, the six month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment. **Page H9965**

Presidential Message—Payments to Cuba: Read a message from the President wherein he transmitted his semiannual report on payments to Cuba—referred to the Committee on International Relations. **Page H9964**

Recess: The House recessed at 9:27 p.m. and reconvened at 11:07 p.m. **Page H9983**

Recess: The House recessed at 11:08 p.m. and reconvened at 11:57 p.m. **Page H10030**

Senate Messages: Message received from the Senate appears on pages H9961–62.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H10033.

Quorum Calls—Votes: One yea and nay vote and five recorded votes developed during the proceedings of the House today and appear on pages H9920–21, H9953–54, H9954–55, H9955, H9955–56, and H9956–57. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:58 p.m.

Committee Meetings

NATIONAL MISSILE DEFENSE POLICY—ANTI-BALLISTIC MISSILE TREATY

Committee on Armed Services: Held a hearing on U.S. national missile defense policy and the Anti-Ballistic Missile Treaty. Testimony was heard from Walter B. Slocombe, Under Secretary, Policy, Department of State; Lucas Fischer, Deputy Assistant Secretary, Strategic Affairs, Department of State; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Commerce: Ordered reported the following measures: H.R. 2580, amended, Land Recycling Act of 1999; H.R. 2634, amended, Drug Addiction Treatment Act of 1999; H. Res. 278, expressing the sense of the House of Representatives regarding the importance of education, early detection and treatment, and other efforts in the fight against breast cancer; H.R. 2418, amended, Organ Procurement and Transplantation Network Amendments of 1999; and H.R. 2260, amended, Pain Relief Promotion Act of 1999.

MISCELLANEOUS MEASURES

Committee on Education and the Workforce: Ordered reported, as amended, the following bills: H.R. 2, Students Results Act; and H.R. 2300, Academic Achievement for All Act (Straight A's Act).

PRESIDENTIAL TRANSITION ACT AMENDMENTS

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on a measure to amend the Presidential Transition Act of 1963. Testimony was heard from public witnesses.

OVERSIGHT—INTER-AMERICAN FOUNDATION

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs and International Relations held an oversight hearing of the Inter-American Foundation. Testimony was heard from the following officials of the Inter-American Foundation: Maria Otero, Chair; George A. Evans, President; and Adolfo A. Franco, Senior Vice President and General Counsel; and a public witness.

U.S. POLICY TOWARD KOREA

Committee on International Relations: Held a hearing on U.S. Policy Toward North Korea I: Perry Review. Testimony was heard from Representatives Knollenberg and Cox; and the following officials of the Department of State: William Perry, North Korea Policy Advisor; and Wendy R. Sherman, Counselor.

Hearings continue October 15.

VIOLATIONS OF INTELLECTUAL PROPERTY RIGHTS

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Violations of Intellectual Property Rights: How Do We Protect American Ingenuity? Testimony was heard from Raymond Kelly, Commissioner, U.S. Customs Service, Department of the Treasury; Richard Fisher, Deputy U.S. Trade Representative; Q. Tod Dickinson, Acting Assistant Secretary, Acting Commissioner of Patents and Trademarks, Department of Commerce; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 1801, Antitrust Technical Corrections Act of 1999; H.R. 3028, amended, Trademark Cyberpiracy Prevention Act; H.R. 1714, amended, Electronic Signatures in Global and National Commerce Act; and H.R. 1887, amended, to amend title 18, United States Code, to punish the depiction of animal cruelty.

ALASKAN MEASURES

Committee on Resources: Held a hearing on the following bills: H.R. 2804, Alaska Federal Lands Management Demonstration Project; and H.R. 3013, to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants. Testimony was heard from Marilyn Heiman, Special Assistant to the Secretary for Alaska, Department of the Interior; and public witnesses.

MOTOR CARRIER SAFETY ACT

Committee on Rules: Granted, by voice vote, an open rule waiving all points of order against H.R. 2679, Motor Carrier Safety Act of 1999 and against its consideration. The rule provides one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Transportation and Infrastructure. The rule provides

that the amendment printed in part A of the Rules Committee report shall be considered as adopted upon adoption of the rule, and that the bill, as amended, shall be open to amendment by title. The rule provides for the consideration, before any other amendment, of the manager's amendment printed in part B of the Rules Committee report, which shall be considered as read, may amend portions of the bill not yet read for amendment, and shall not be subject to a division of the question. The rule waives clause 7 of rule XVI (prohibiting non-germane amendments) against the amendment printed in part B of the report. The rule authorizes the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions.

CONFERENCE REPORT—VA, HUD AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a rule waiving all points against the conference report on H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and against its consideration. The rule provides that the conference report shall be considered as read. The rule also provides that H. Res. 300 shall be laid on the table. Testimony was heard from Mr. Walsh.

DISTRICT OF COLUMBIA APPROPRIATIONS

Committee on Rules: Granted, by voice vote, a closed rule waiving all points of order against consideration of H.R. 3064, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Finally, the rule provides one motion to recommit.

COMMERCIAL SPACEPLANES

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Commercial Spaceplanes. Testimony was heard from public witnesses.

FATHERS COUNT ACT

Committee on Ways and Means: Subcommittee on Human Resources approved for full Committee action the Fathers Count Act of 1999.

BRIEFING—FBI'S REEXAMINATION OF PRC THEFT OF U.S. NUCLEAR SECRETS

Permanent Select Committee on Intelligence: Met in executive session to hold a briefing on the FBI's Reexamination of Matters Pertaining to the Likely PRC Theft of U.S. Nuclear Secrets. The Committee was briefed by departmental officials.

Joint Meetings

APPROPRIATIONS—INTERIOR

Conferees met to resolve the differences between the Senate and House passed versions of H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1109)*

H.R. 2084, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2000. Signed October 9, 1999. (P.L. 106–69)

S. 1606, to extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted. Signed October 9, 1999. (P.L. 106–70)

S. 249, to provide funding for the National Center for Missing and Exploited Children, to reauthorize the Runaway and Homeless Youth Act. Signed October 12, 1999. (P.L. 106–71)

COMMITTEE MEETINGS FOR THURSDAY, OCTOBER 14, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine risk management crop insurance, 9 a.m., SR–328A.

Committee on Armed Services: to hold hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo; to be followed by a closed hearing (SR–222), 9:30 a.m., SD–106.

Committee on Energy and Natural Resources: to hold hearings on S. 1683, to make technical changes to the Alaska National Interest Lands Conservation Act; S. 1686, to provide for the conveyances of land interests to Chugach

Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act; S. 1702, to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants; H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions; and H.R. 2368, to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, 9:30 a.m., SD–366.

Subcommittee on Forests and Public Land Management, to hold hearings on S. 1218, to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots; S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming; S. 1343, to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; S. 408, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, to provide for the exchange of certain land in the State of Oregon; and S. 1599, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest, 2:30 p.m., SD–366.

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety, to hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act, 9 a.m., SD–406.

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs, to hold hearings on issues related to the crisis in Pakistan, 2 p.m., SD–419.

Committee on Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine the devastating impact that diabetes and its resulting complications have had on Americans in both human and economic terms, 9:30 a.m., SD–628.

Committee on the Judiciary: business meeting to consider pending committee business, 10 a.m., SD–226.

House

Committee on Agriculture, Subcommittee on Department Operations, Oversight, Nutrition, and Forestry, hearing to review the USDA Civil Rights Programs and Responsibilities, 10 a.m., 1300 Longworth.

Committee on Commerce, Subcommittee on Oversight and Investigations, hearing on the Olympics Site Selection Process: The Need for Reform, 10 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Oversight and Investigations, hearing on How the Quality of Grant Performance is Assessed at the U.S. Department of Labor, 10 a.m., 2175 Rayburn.

Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing on the National Youth Anti-Drug Media Campaign, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on International Child Abduction: Implementation of the Hague Convention on Civil Aspects of International Child Abduction, 10 a.m., 2172 Rayburn.

Subcommittee on Africa, to mark up the following measures: H. Con. Res. 20, concerning economic, humanitarian, and other assistance to the northern part of Somalia; and H. Con. Res. 46, urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict; and to hold a hearing on United States-South Africa Relations: Present and Future, 1:30 p.m., 2200 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the Civil Rights Division of the Department of Justice regarding Charter Schools, 10 a.m., 2237 Rayburn.

Committee on Small Business, Subcommittee on Government Programs and Oversight, hearing on Going Public-The End of the Rainbow for a Small Business? 10 a.m., 2360 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, hearing on the Recent Increase in Air Traffic Control Delays, 9:30 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up the Ticket to Work and Work Incentives Improvement Act of 1999, 1:30 p.m., 1100 Longworth.

Joint Meetings

Conference: meeting of conferees on S. 900, to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, insurance companies, and other financial service providers, 10 a.m., SC–5, Capitol.

Conference: closed meeting of conferees on H.R. 1555, to authorize appropriations for fiscal year 2000 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, 2 p.m., S–407, Capitol.

Next Meeting of the SENATE

9:30 a.m., Thursday, October 14

Senate Chamber

Program for Thursday: Senate will consider the conference report on H.R. 2561, Department of Defense Appropriations, with a vote to occur on adoption of the conference report at 4 p.m.

Also, Senate will continue consideration of S. 1593, Bipartisan Campaign Reform Act, and any other conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, October 14

House Chamber

Program for Thursday: Consideration of the conference report on H.R. 2684, Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 Conference Report (rule waiving points of order);

Consideration of H.R. 2679, Motor Carrier Safety Act of 1999 (open rule, one hour of general debate); and

Consideration of H.R. 3064, District of Columbia Appropriations Act, 2000 (closed rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

HOUSE

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