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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. THORNBERRY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
October 21, 1999.

I hereby appoint the Honorable MAC THORNBERRY to act as Speaker pro tempore on this day.

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

PRAYER

The Reverend Timothy J. O'Brien, Ph.D., Marquette University-Les Aspin Center for Government, Washington, D.C., offered the following prayer:

Let us pray. O Gracious and Loving God, we acknowledge and honor You as the source of life and the reservoir of our hope. Guide the Members of this Congress in the pursuit of Your will for the well-being of this Nation. May Your spirit guide the deliberations of this Chamber, inspiring in all of us a passion for peace and a rigorous desire to labor for what is good and decent. Bless those who commit their lives to serving others, especially to those who are entrusted with public responsibilities. May these elected leaders, as well as their families, experience the joy of knowing that You accompany them on their daily journeys. For this we pray. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. BALLENGER led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

The message also announced that Mr. DOMENICI be a conferee, on the part of the Senate, on the bill (H.R. 3064) ''An Act 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,'' vice Mr. KYL.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain fifteen 1-minutes on each side.

LOCKBOX HELD HOSTAGE

(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, the Democratic leadership in the other body has just gotten caught with both hands stuck in that cookie jar of the Social Security Trust Fund. On May 26 of this year, 147 days ago, I joined with 415 of my colleagues in supporting H.R. 1259. That is the Social Security Lockbox.

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 seniors of today and tomorrow.

Unfortunately, the Democratic leadership in the other body has failed to act on this vital legislation. The Democratic leadership refuses to allow this bill to be brought to the floor for a vote. Six times there has been an effort to end their filibuster, and six times, unfortunately, that effort has failed. The Democratic leadership has held the lockbox hostage for 147 days, and 147 days is long enough. It is time for the Democratic leadership in the other body to get its act together.

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AMERICAN PUBLIC SHOULD TRUST DEMOCRAT PARTY TO SAVE SOCIAL SECURITY

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

Ms. KILPATRICK. Mr. Speaker, American people, do not be fooled. Who do you trust to save your Social Security System, the most important system that this government has put forward since the early 1930s? I am sure you support and trust the party who fought back an $800 billion tax cut this year that would have not put a penny into Social Security. I am sure the American people support the party who will fight, who have shown to their leadership that they, and we will, protect the Social Security system.

American people, do not be fooled. Social Security is sound, and we Democrats will make sure that it will be until the new century.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that the House rules prohibit urging action in the other body.

UNIVERSITY OF MIAMI RESEARCH TEAM MAKING STRIDES IN FINDING A CURE FOR DIABETES

(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, what do Halle Berry, Mary Tyler Moore, Miss America, and another 16 million Americans have in common? Diabetes.

In the last 40 years, we have seen a dramatic increase in the number of Americans with diabetes, and this year 200,000 will lose their lives to this disease, making it the sixth leading cause of death. In fact, this disease has grown so much that the Centers for Disease Control and Prevention have labeled diabetes as the epidemic of our time.

While much work and research remains to be done in this field, scientists at the University of Miami are making gigantic strides that may very well soon lead to a cure. Dr. Camilo Ricordi and Dr. Norma Kenyon are conducting exceptional work in the field of medical research. Their current work studies with anti-CD154, an artificial antibody, has succeeded in curing monkeys from potentially fatal causes of diabetes. Further progress will soon replace harmful and less effective drugs, and may allow some diabetic patients to lead normal, healthy lives without depending on needles and insulin.

Mr. Speaker, I congratulate the championship research team at the University of Miami.

USE HONEST BUDGETING, NOT GIMMICKS, AND FINALIZE FY 2000 APPROPRIATIONS BILLS

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, just this past week I received lots of mail, especially from women in Texas, telling me how important Social Security really is to them. Social Security lifts 366,000 Texas women out of poverty, and it lowers the poverty rate among elderly women in this State from 55 to 19 percent.

It is distressing to me that while the elderly in my State are worried about the future of Social Security, the Republican-led Congressional Budget Office has revealed that the majority party's leadership has already used more than $1 billion from the Social Security surplus.

Mr. Speaker, we have to stop it. Let us use honest budgeting and not gimmicks, and talking about a lockbox, when we know it is being ignored. We understand clearly that we cannot use $13 billion from Social Security and save it at the same time.

Mr. Speaker, the people of my State and the people of this Nation want us to save Social Security.

PATH TO SECURE FUTURE IS A GOOD EDUCATION

(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, every American child deserves a secure future, and the path to the secure future is a good education. But too many of our Nation's most disadvantaged children are having their hopes and dreams dashed by failing schools.

It is time for a new approach. It is time to give these kids a chance to get out of the schools that are not working and get into ones that are. And it is time to recognize that no matter how much money we spend, our Nation's worst schools will never meet their responsibility to the students as long as the Federal Government ensnares those schools in red tape.

The Democrat solution is to keep spending more and more money on a failing system. The Republican solution is, spend the money, yes, but to reform the system as well.

In the coming weeks, the House will have the opportunity to rekindle the flame of hope for those children whose only hope lies within the schoolhouse walls, and I hope we will do it.

U.S. SHOULD SEND UNITED NATIONS A BILL

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

Mr. TRAFICANT. Mr. Speaker, the White House says we will lose our vote if we do not give $1 billion to the United Nations. Some vote, folks. We have the same vote as countries the size of West Virginia trailer parks.

In addition, we now give three times more than Germany, five times more than France, 35 times more than China every year, plus $22 billion in peacekeeping. If that is not enough to ban your nukes, while the White House prepares to veto America's defense bill, the White House wants more foreign aid money from Congress.

Beam me up here. We should not be sending a dime to the United Nations. We should send them a bill.

I yield back all the wars declared by the United Nations that were financed by Uncle Sam and fought by American troops.

PORKER OF THE WEEK AWARD

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

Mr. HEFLEY. Mr. Speaker, once again the Federal Government is playing a shell game with taxpayers' money. The Department of the Interior has been diverting millions of dollars collected from excise taxes on hunting and fishing equipment to controversial environmental projects.

Congress dictated that the taxes collected be sent back to the States to fund wildlife and sports fishing restoration management programs. However, Fish and Wildlife Service officials diverted money meant to administer programs into a slush fund to pay for 75 pet projects that are not related to hunting. The projects include $385,000 for the spotted owl, $429,000 for Atlantic salmon; $292,000 on wolf programs; $116,000 on the blackfoot ferret; and $791,000 for marine mammals.

Now, some of these may be good projects, but that is not what Congress gave the money for. It is estimated that more than $45 million has been diverted and much of it wasted by the Fish and Wildlife agency. The Fish and Wildlife Service gets my ''Porker of the Week Award.''

WHERE IS THE SECRET REPUBLICAN BUDGET PLAN

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

Mr. EDWARDS. Mr. Speaker, day 21. Day 21 of the new fiscal year, and I have one question. Where is the secret Republican budget plan? I asked this 2 days ago, and no Republican colleague could find it for me. I have asked the pages, I have looked in committee hearing rooms, I have looked on the seats of the floor of the House, but I cannot find it anywhere.

The Constitution says that the Congress, not the President, must pass appropriations bills. Yet while they are

criticizing the President, 21 days into the new fiscal year, I cannot find the Republicans' secret budget plan.

Maybe there is a reason for that. Maybe it is because the CBO says their individual proposals would spend billions of dollars of Social Security money, at the very time they are running ads against Democrats saying we are spending Social Security money.

I would suggest for the Republicans to pretend like their proposals are protecting Social Security, is kind of like Al Capone claiming to be a crime fighter.

Day 21. It is time for the Republicans to show the country and the Congress their secret Republican budget plan.

COSPONSOR THE DEFENSE OF PRIVACY ACT

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

Mr. CHABOT. Mr. Speaker, over the last several years, we have witnessed a drastic increase in the number of Federal Government proposals which erode personal privacy rights and other important civil liberties. These misguided proposals, such as the Federal banking regulators' so-called ''Know Your Customer'' scheme, clearly demonstrate that the Federal agencies continue to promulgate rules and dictate policy without consideration for the ultimate ramifications on the privacy of American families.

To prevent such assaults in the future, I am introducing the Defense of Privacy Act. My legislation will require all Federal agencies to assess the privacy implications of proposed rules and regulations.

Mr. Speaker, this commonsense reform will help agencies focus on important privacy issues while strengthening the privacy rights of every American. I urge my colleagues to cosponsor this important legislation. Let us do all we can to keep Big Brother at bay.

SOCIAL SECURITY SURPLUS

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

Mr. GREEN of Texas. Mr. Speaker, my colleagues on the other side of the aisle leave everything until the last minute. Sometimes I wonder if this Congress could not mess up a one-car funeral.

According to the Congressional Budget Office, they are dipping into the Social Security budget to the tune of $13 billion while spending thousands of dollars on false and misleading ads. Before the appropriations bills are finished, that $13 billion cut into Social Security could rise to $24 billion.

Social Security is one of the most successful domestic programs ever created. It guarantees a retirement security for millions of Americans. It is our responsibility to take the necessary steps to keep Social Security safe and strong, not only for our parents' generation, and not only for our generation, but also for our children's generation.

Where is their plan to extend the life of Social Security? It does not exist. In fact, the leaders in the Republican conference have been quoted many times against Social Security and Medicare, like this one from my colleague from Texas that says, ''No, I'm not going to make such a pledge, not to get into Social Security.''

In fact, the Republican tax plan would have sucked the surplus dry, leaving nothing for strengthening the Social Security Trust Fund, extending Medicare, or even a prescription medication provision.

□ 1015

QUIT PLAYING GAMES WITH SOCIAL SECURITY TRUST FUND

(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, my friends on the left offer so many inaccuracies and there is so little time to respond.

I would agree with one statement from the gentlewoman from Michigan, Mr. Speaker, when she said, do not be fooled. I join her in that sentiment to this degree: Do not be fooled, Mr. Speaker, do not be fooled by the claims now of fealty to Social Security when on this floor just a few nights ago my friends on the left voted against a foreign aid bill, voted to say we ought to send $4 billion more of the Social Security Trust Fund not to save Americans, not to help Americans, but to go to foreign governments.

That is wrong. That is a raid on the trust fund. If in fact they are guardians of Social Security, they should join with us to save 100 percent of the Social Security Trust Fund for Social Security.

We did it this fiscal year for the first time since 1960. Join with us. Quit playing games.

REPUBLICANS HAVE ALREADY DIPPED INTO SOCIAL SECURITY TRUST FUND

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

Mr. DOGGETT. Mr. Speaker, ''do not be fooled?'' Well, it is near trick or treat time, and what is the trick that the Republican majority is concerned about? Well, here is the gentleman from Texas (Mr. ARMEY), the majority leader for the Republicans, saying it is Social Security that is a ''bad retirement,'' a ''rotten trick'' on the American people.

As my colleague from Texas was just pointing out (Mr. GREEN), these views are ones that Mr. ARMEY keeps repeating. Questioned just a few years ago he was asked, ''Are you going to take the pledge? Are you going to promise not to cut people's Social Security to meet these promises?'' The gentleman from Texas (Mr. ARMEY): ''No, I am not going to make such a promise.''

Our Republican colleagues are the good folks who now come and tell us they want to preserve the Social Security Trust Fund. They did not vote for Social Security. They do not like Social Security. They want to substitute some privatized Social Security Wall Street private plan for the Social Security that has been so important to the American people over the last 60 years.

Let us protect Social Security, let us recognize the Republicans have already dipped into the Social Security trust fund, and let us preserve Social Security for the future.

TIME TO SLAM DOOR ON PRESIDENT'S PLANS FOR MORE TAXES AND RAIDING SOCIAL SECURITY

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

Mr. KNOLLENBERG. Mr. Speaker, President Clinton has opened the door to one of massive tax increases on working Americans and raiding Social Security to finance Washington's spending.

Revenues are flooding into the Treasury at record levels, but the President says that is not enough. As the percentage of GDP or income or however we want to look at it, taxes are at an all-time high. But the President says they have to be higher.

We squandered billions in Russia. We have got hundreds of wasteful or questionable programs, paid billions each year to so-called consultants. And still the President says we need more money because he just cannot find anything in the budget he wants to cut. He would rather raise taxes or dip into the Social Security surplus.

Mr. Speaker, the American people want to tell the President no, they do not want the President's higher taxes. This body does not want his higher taxes. Remember the vote, 419–0. They do not want him to take a step backward and raid Social Security. They do not want more spending and bigger Government.

It is time to slam a door on the President's plans for more taxes and raiding Social Security.

PRIVACY

(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, there is a terrible travesty about to be visited upon the American people. A deal between the Republican leadership and the White House has been perpetrated.

It will lead to the compromise of every single American's privacy.

Every check they have ever written, every insurance exam for their family, their medical records, the checks they have written out for the last 20 or 30 years, they can all be now sold to anyone who wants to buy them, every secret in their family. This is a deal that the Republican leadership and the White House have signed off on.

If they have their income tax form done for them by H&R Block, there is a law that says they cannot reveal it. But if they use their income tax form to apply for a mortgage, under this new law, they can sell their income tax form. They can give out that information to anyone.

But if they want to complain to Prudential or to Bank One, do not try to call the CEO. He has got an unlisted number at home. He is concerned about his privacy. He does not want them to bother him.

But they do not give a hoot about the ordinary American's privacy.

PRESIDENT IS FOR SOCIAL SECURITY LOCKBOX

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

Mr. HERGER. Mr. Speaker, now even President Clinton is for a Social Security lockbox.

Just yesterday, the President said, ''At a minimum, we should agree on a down payment on reform by passing a Social Security lockbox.''

One hundred, fourteen days ago, House Republicans and Democrats passed my legislation, the Social Security and Medicare Safe Deposit Box Act 416–12. The House of Representatives is committed to not spending one dime of Social Security Trust Fund on unrelated programs, and now the President is on board there, as well.

Mr. Speaker, Senate Republicans have tried seven times to consider the Social Security lockbox, only to be blocked by Senate Democrats.

Mr. Speaker, it appears Senate Democrats are now the only obstacle to achieving a lockbox to protect Social Security surpluses.

SENATE DEMOCRATS ARE SAVING REPUBLICANS

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

Mr. GEORGE MILLER of California. Mr. Speaker, the Senate Democrats are saving the Republicans. Because if the lockbox that the gentleman from California (Mr. HERGER) talks about was enforced today, they would be under arrest for picking the lock and stealing the Social Security money out of it because them have already spent $13 billion of Social Security money, and they keep saying they have a lockbox.

That is no lockbox. This is an open and revolving door. They have dipped into Social Security time and again in their appropriations bills.

The Congressional Budget Office tells us that already on the running account they have stolen $13 billion of people's Social Security money, and in all likelihood it will be as high as $25 billion in people's Social Security money.

Mr. Speaker, Republicans should remember that, under the Constitution, only they can spend the people's money. They have authorized, they have appropriated the expenditure of $13 billion, $13 billion of the people's Social Security money that they say is in the lockbox.

It is not in the lockbox. It is in the appropriations bills that they have been voting on day after day that exceed the request of the President of the United States. They are lucky that the police are not here arresting them today.

PRESIDENT NEEDS TO SHOW US HIS SOCIAL SECURITY PLAN

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

Mr. OSE. Mr. Speaker, did my colleagues know that Americans today are living longer and having fewer children? This means, in the end, fewer workers in the future to support each Social Security beneficiary.

In 1960, there were 5.1 workers for every person on Social Security. Today that number stands at 3.4, and on our current pace, by the year 2030, that ratio will be down to 2.1. Let me repeat that. There will be two people supporting each Social Security beneficiary.

Mr. Speaker, we need to reform our current Social Security system, and we need to reform it as soon as possible. It has now been 294 days and counting since the President promised to provide reforms to the Social Security plan. He has not delivered.

As my good friends on the other side know, we cannot make up in volume what we lack in a plan.

There is no plan. The President has not given us his machine. Mr. Speaker, I am asking the President, finally, show us your plan.

REPUBLICANS HAVE HANDS IN THE COOKIE JAR

(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, the Republican leadership reminds me of the little boy who denies eating cookies even though his mouth is smeared with chocolate and his shirt is covered with crumbs.

According to their own accounting office, the Congressional Budget Office, the Republican leadership's budget already spends $13 billion of the Social Security Trust Fund.

All of the sound and fury from the other side does not match the reality. Their hands are in the cookie jar and the Republican leadership is spending the Social Security surplus.

The Republican leadership has a long history of trying to undermine Social Security. The majority leader has called Social Security a ''rotten trick'' and said it should be ''phased out.''

This is the same party who, 60 years ago, fought fiercely to stop the creation of Social Security. They are still fighting now to spend the surplus and to see, in the long run, that it is phased out.

SOCIAL SECURITY: PEOPLE'S RETIREMENT FUND NOT PRESIDENT'S PERSONAL SLUSH FUND

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

Mr. BARTLETT of Maryland. Mr. Speaker, newspapers reported several days ago that the President has taken a new hard line with Republicans in Congress, saying that he will refuse to sign other spending measures until they address his priorities and ''assure the Social Security surplus is being protected.''

Being protected? Recently the President vetoed the foreign aid bill and has threatened to veto others because they do not spend more. But more of what?

Since the President has refused to accept our reasonable spending measures, he has only who choices left, either raise taxes or raid the Social Security Trust Fund, neither of which Congress will support, nor will I.

If President Clinton was sincere about protecting Social Security, he would sign into law the reasonable spending measures we have passed in Congress and sent to him.

Mr. Speaker, Social Security is the people's retirement fund, not the President's personal slush fund. Stop the raid on Social Security.

REPUBLICANS ONLY NEED TO LOOK IN THE MIRROR FOR WHO IS SPENDING SOCIAL SECURITY SURPLUS

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

Ms. RIVERS. Mr. Speaker, let us think about what we have been hearing this morning about attempts to spend Social Security.

First my colleagues on the other side say the President is trying to do it. But, of course, the facts are he cannot appropriate a dime, he does not have the ability. Only Congress, in fact, only the majority can do that.

Well, then they say it is the Democrats in Congress who are trying to spend the Social Security surplus.

What are the facts? The minority cannot spend money on its own. Most appropriation bills are leaving the House passed with overwhelmingly Republican support.

Democrats cannot spend any money on their own. Well, say the Republicans, somebody is spending Social Security. Well, of course somebody is, and the Congressional Budget Office says it is the Republicans who are doing it. And of course the Congressional Budget Office is led by a Republican.

So if the Republicans are committed to finding out who is spending the Social Security surplus, I can tell them where to look. In the mirror.

REPUBLICANS WILL NOT USE TAXES, USER FEES, OR GIMMICKS FOR FUNDING AMERICANS' PRIORITIES

(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, over the past few weeks Democrats have been attacking our appropriations bills by suggesting that they do not spend enough. They do not like our budget. However, the only thing they have to stand on is the President's budget and the numerous taxes and user fees included in it.

This week, we voted on the President's alternative to raise taxes and fees $240 over the next 10 years. What was in it? Just a partial list of his so-called offsets and new taxes, tobacco tax, increase the aviation fees, Superfund taxes, increase the agriculture fees, commerce fees, FDA fees, Coast Guard fees, DOT fees, EPA pesticide registration fees, FCC, and Social Security fees, and the list goes on.

Mr. Speaker, we will pass spending bills that fund priorities of the American people. We will not spend the Social Security surplus but we will not do it by heaping on new user fees, gimmicks, and taxes for every turn of an American's life.

FIFTH ANNIVERSARY OF AMERICORPS

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

Ms. WOOLSEY. Mr. Speaker, I am here today to pay tribute to AmeriCorps on its fifth anniversary.

AmeriCorps is a program that gives volunteers the chance to grow while giving millions of others a helping hand. Thanks to AmeriCorps, 4 million children have been tutored, 10,000 homes have been built, 600,000 seniors have been helped today live independently, and disaster survivors have been assisted. That is what I call a successful program.

Recently, some of my colleagues wanted to cut AmeriCorps and they want the funding to be killed. Thankfully they changed their mind. Now over the next 5 years hundreds of thousands of Americans can look forward to richer lives either through the opportunity to help others or through the good fortune of being helped.

I say keep up the good work, AmeriCorps. Happy anniversary. America thanks you.

□ 1030

LET US WORK TOGETHER TO SAVE SOCIAL SECURITY

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

Mr. SMITH of Michigan. Mr. Speaker, for those people that might be watching this session arguing between that side and this side, who think it is more important to save Social Security, really the news is so good, because if both sides can work together to make sure the President does not raid the Social Security trust fund, we are going to be so much better off.

For 40 years, we have been spending the Social Security surplus for other government programs. When we did the ''Contract with America,'' we said we were going to balance the budget. We set the target date for 2002. Actually we accomplished it this past year that ended October 1. We balanced the budget without using the Social Security trust fund. So now that we have got both sides working together, let us do that. Let us not start criticizing that we are not spending enough money in these appropriation bills because what that means is you are spending the Social Security surplus. It is tough for politicians in Washington not to spend more money to do more good things for the people in this country simply because they are more apt to get reelected when they spend that money.

Let us be frugal. Let us run our pocketbook and our checking account like everybody else.

ON H.R. 2, TITLE I REAUTHORIZATION

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

Mrs. CHRISTENSEN. Mr. Speaker, today this body will be continuing consideration of H.R. 2, the Student Results Act which reauthorizes ESEA, or Title I. Title I is a vital program for elementary and secondary schools in the territories as well as the States. My district, the Virgin Islands, relies heavily on the resources it provides to educate our children.

We in this body have a responsibility to ensure that this important measure reaches all Americans, and this includes women, people of color, the poor and those for whom English is not their first language. The bill as it exists contains much of the resources and programs our schools need, but we must give the American people the best Title I we can. That means reauthorizing the Women's Education Equity Act, keeping the poverty threshold at 50 percent, including adequate provisions for bilingual education, and saying ''no'' to vouchers.

Our future demands full support of our public school system as the best insurance for a well-educated citizenry. With the passage of the Mink-Woolsey-Sanchez-Morella amendment, we have begun to do that. Young girls and women across America are grateful to our colleagues for this amendment. Now let us pass the Payne amendment, reject the Armey amendment and help our bilingual students.

REPUBLICANS ARE NOT SPENDING SOCIAL SECURITY

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

Mr. SESSIONS. Mr. Speaker, today we are listening to political debates and discussions on the floor of the House. I well understand what is occurring here today. But the truth should not be held hostage. The fact of the matter is Republicans for years now have been insisting on us not spending Social Security. As a member of the Committee on Rules, we are under instructions by DICK ARMEY, the majority leader, that there can be no spending bill that comes on the floor of the House of Representatives that would spend Social Security for next year.

In fact, as we now see in yesterday's paper, the chief of staff for the White House says, ''The Republicans' key goal is not to spend the Social Security surplus.'' For the first time in 39 years, this year not one penny of Social Security was used to fund the government operations. I am proud of what Republicans are doing, and the American public can know that the truth of the matter is that we will make sure from this day forward with the new budget that not one penny of Social Security will be spent.

VOTE NO ON TITLE I REAUTHORIZATION

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

Mr. RODRIGUEZ. Mr. Speaker, we talk about the importance of education; yet when it comes to the education bill, we should all be disappointed in terms of where we are at with that particular bill. We talk about the global economy and yet when we look in terms of responding to the global economy, we should be there in terms of trying to teach dual language instruction, we should be there to try to improve multilingual education, we should be there to try to reinforce bilingual education.

What are we doing? We are doing just the opposite. We are not addressing the needs that we need to address. As we look at the existing piece of legislation, especially Title I, there is some specific language in Title I. It is only addressed to limited English proficiency youngsters. Every other child, if you are an Anglo, if you are black, you do not have to jump through that hoop. The cost incurred is that if you are limited English proficiency, you are required to have to get parental approval. If you are Anglo, you do not have to. If you are black, you do not have to. That is discriminatory.

I would ask that Members seriously consider that we treat everyone in the same fashion and the same form. I would ask that we vote ''no'' on Title I.

REPUBLICANS PROTECT SOCIAL SECURITY

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

Mr. TANCREDO. Mr. Speaker, what is a great day this is, in fact. I am incredibly happy to hear the discussion on the floor. I mean, this is amazing, and I hope the American people are paying strict attention here.

After 40 years of control by the Democrats in this House and in the Congress of the United States, after 40 years of spending every single dime of Social Security surplus and, by the way, a lot of money that did not even come into the government of the United States, after 40 years, they traipse to the floor today to say, ''We must protect Social Security.''

What a great battle we have won for the minds of the American public when even they are now saying they need to protect Social Security. As for the President's opinion on this, as to whether or not he wants to protect Social Security, I ask you all to think carefully of the last time you heard the President of the United States say he was going to veto a bill because it spent too much money. Never, not one, zero, nada. All the bills that the President is going to veto is because he says they do not spend enough.

PLEA FOR BIKE PARTISANSHIP

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

Mr. BLUMENAUER. Mr. Speaker, the most important act that we can do to promote livable communities on behalf of the Federal Government is simply to lead by example. There are 65 million Americans who cycle. A simple four-mile round trip on a bicycle saves 15 pounds of air pollution.

Members of this assembly have the opportunity to help lead by example by joining the Bicycle Caucus Tuesday morning with Secretary of Transportation Rodney Slater and the Washington Area Bicycle Association for a ribbon cutting for the new metropolitan branch trail.

If you do not have a bike, Member of Congress, let us know and we will loan you one for the event. You will have fun. Join the bicycle caucus, do right for America.

As we hear the battling here on the floor, this is an activity that is ''bike'' partisan. I think it will be good for us all to get on two wheels and inaugurate that trail.

CONGRESS MUST SUCCEED IN BUDGET BATTLE

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

Mr. METCALF. Mr. Speaker, we are in the last crucial days until Congress adjourns, and we must be really alert. This is a time of last-minute desperate midnight decisions. Now we must be most vigilant. The President may try to apply pressure in support of his tax increase by shutting down the government again. That is a real concern, and we cannot let that happen.

Do not let the President raid the Social Security trust fund in these last crucial hours for his spending programs. There must be real trust in the trust fund, and there must be real money there. People are depending on that money. I am one of them. It is my generation that is depending on that money. We must stop the raid on Social Security. It is our job and this Congress must succeed.

MOSELEY-BRAUN FOR NEW ZEALAND AMBASSADOR

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

Ms. MCKINNEY. Mr. Speaker, the last time I checked, a flag is made of cloth, not carved in stone. But it appears, Mr. Speaker, that the heart of at least one Senator is carved in stone and it is stone cold.

I have long known that some of my brothers and sisters in the South are still fighting the Civil War. But guess what, Mr. Speaker, the United States won. The Confederacy lost.

The South shall rise again. But this time under the leadership of a New South coalition that unites us rather than tears us apart. But some folks particularly in North Carolina did not get the message.

Like the slaves who did not get the word until years later that they were free, it appears that JESSE HELMS still has his heart in Confederate bondage. From fighting the Confederate flag on the Senate floor to singing ''Dixie'' in Senate elevators, Senator HELMS has ricocheted the Senate back to the Tara Plantation of ''Gone With the Wind.'' Thank goodness those days really are gone with the wind.

Carol Moseley-Braun could be our next ambassador to New Zealand if President Clinton stands by her.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair will once again admonish the Member not to refer to Members of the other body.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 62, not voting 19, as follows:

[Roll No. 520]

YEAS—352

Abercrombie	Chenoweth-Hage	Frost
Ackerman	Clayton	Gallegly
Allen	Clement	Ganske
Andrews	Coble	Gejdenson
Archer	Coburn	Gekas
Armey	Collins	Gilchrest
Baker	Condit	Gilman
Baldacci	Conyers	Gonzalez
Baldwin	Cook	Goode
Ballenger	Cooksey	Goodlatte
Barcia	Cox	Goodling
Barr	Coyne	Gordon
Barrett (NE)	Cramer	Goss
Barrett (WI)	Crowley	Graham
Bartlett	Cubin	Granger
Barton	Cunningham	Green (WI)
Bass	Danner	Greenwood
Bateman	Davis (FL)	Hall (OH)
Bentsen	Davis (IL)	Hall (TX)
Bereuter	Davis (VA)	Hansen
Berkley	Deal	Hastings (FL)
Berman	DeGette	Hastings (WA)
Berry	Delahunt	Hayes
Biggert	DeLauro	Hayworth
Bilirakis	DeLay	Herger
Bishop	DeMint	Hill (IN)
Blagojevich	Deutsch	Hinchey
Bliley	Diaz-Balart	Hinojosa
Blumenauer	Dicks	Hobson
Blunt	Dingell	Hoeffel
Boehlert	Dixon	Holden
Boehner	Doggett	Holt
Bonilla	Dooley	Horn
Bonior	Doolittle	Hostettler
Bono	Doyle	Houghton
Boswell	Dreier	Hoyer
Boucher	Duncan	Hulshof
Boyd	Dunn	Hunter
Brady (TX)	Edwards	Hutchinson
Brown (FL)	Ehlers	Hyde
Brown (OH)	Ehrlich	Inslee
Bryant	Emerson	Istook
Burr	Engel	Jackson (IL)
Buyer	Eshoo	Jackson-Lee (TX)
Callahan	Everett	Jenkins
Calvert	Ewing	John
Campbell	Farr	Johnson (CT)
Canady	Fletcher	Johnson, Sam
Cannon	Foley	Jones (NC)
Capps	Ford	Jones (OH)
Cardin	Fossella	Kanjorski
Carson	Fowler	Kaptur
Castle	Frank (MA)	Kasich
Chabot	Franks (NJ)	Kelly
Chambliss	Frelinghuysen	

Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Upton
Vento
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (FL)

NAYS—62

Aderholt
Baird
Becerra
Bilbray
Borski
Brady (PA)
Capuano
Clay
Clyburn
Costello
Crane
DeFazio
Dickey
English
Etheridge
Evans
Fattah
Filner
Gibbons
Gillmor
Green (TX)
Gutierrez
Hefley
Hill (MT)
Hilleary
Hilliard
Hoekstra
Hooley
Johnson, E.B.
Klink
Kucinich
Lipinski
LoBiondo
Markey
McDermott
McNulty
Meek (FL)
Miller, George
Moran (KS)
Oberstar
Pallone
Pascrell
Pastor
Peterson (MN)
Pickett
Ramstad
Rogan
Sabo
Schaffer
Strickland
Stupak
Sweeney
Tancredo
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wu

NOT VOTING—19

Bachus
Burton
Camp
Combest
Cummings
Forbes
Gephardt
Gutknecht
Isakson
Jefferson
Largent
Linder
Matsui
McCarthy (MO)
McCarthy (NY)
Sanders
Scarborough
Velazquez
Young (AK)

□ 1101

So the Journal was approved.

The result of the vote was announced as above recorded.

APPOINTMENT OF CONFEREES ON H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

The SPEAKER pro tempore (Mr. THORNBERRY). Without objection, the Chair appoints the following conferees on the bill, H.R. 3064: Messrs. ISTOOK, CUNNINGHAM, TIAHRT, and ADERHOLT, Mrs. EMERSON, and Messrs. SUNUNU, YOUNG of Florida, MORAN of Virginia, DIXON, MOLLOHAN and OBEY.

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2, the Student Results Act of 1999.

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

There was no objection.

STUDENT RESULTS ACT OF 1999

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 336 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1104

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, October 20, 1999, Amendment No. 4 by the gentlewoman from Hawaii (Mrs. MINK) had been disposed of. Three hours and 20 minutes remain for consideration of the bill under the 5-minute rule.

Are there further amendments to the bill?

AMENDMENT NO. 56 OFFERED BY MR. ARMEY

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. ARMEY:

Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

"(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

"(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

"(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend any other public or private elementary school or secondary school, including a sectarian school, in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

"(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

"(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

"(2) The State educational agency shall determine which schools in the State are unsafe public schools.

"(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

"(A) expulsions and suspensions of students from school;

"(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

"(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

"(D) enrolled students who are under court supervision for past criminal behavior;

"(E) possession, use, sale or distribution of illegal drugs;

"(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

"(G) possession or use of guns or other weapons;

"(H) participation in youth gangs; or

"(I) crimes against property, such as theft or vandalism.

"(c) TRANSPORTATION AND TUITION COSTS.—The local educational agency that serves the public school in or the grounds on which the violent criminal offense occurred or that serves the designated unsafe public school may use funds hereafter provided under this part to provide transportation services or to pay the reasonable costs of transportation or the reasonable costs of tuition or mandatory fees associated with attending another school, public or private, selected by the student's parent. The local educational agency shall ensure that this subsection is carried out in a constitutional manner.

"(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

"(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with

Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

''(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

''(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

''(g) CONSTRUCTION.—Nothing in this Act or any other Federal law shall be construed to prevent a parent assisted under this section from selecting the public or private elementary school or secondary school that a child of the parent will attend within the State.

''(h) CONSIDERATION OF ASSISTANCE.—Assistance used under this section to pay the costs for a student to attend a private school shall not be considered to be Federal aid to the school, and the Federal Government shall have no authority to influence or regulate the operations of a private school as a result of assistance received under this section.

''(i) CONTINUING ELIGIBILITY.—A student assisted under this section shall remain eligible to continue receiving assistance under this section for 5 academic years without regard to whether the student is eligible for assistance under section 1114 or 1115(b).

''(j) TUITION CHARGES.—Assistance under this section may not be used to pay tuition or mandatory fees at a private elementary school or secondary school in an amount that is greater than the tuition and mandatory fees paid by students not assisted under this section at such private school.

''(k) SECTARIAN INSTITUTIONS.—Nothing in this section shall be construed to supersede or modify any provision of a State constitution that prohibits the expenditure of public funds in or by sectarian institutions.''

After part G of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 171 of the bill, insert the following:

PART F—ACADEMIC EMERGENCIES

SEC. 181. ACADEMIC EMERGENCIES.

(a) ACADEMIC EMERGENCIES.—Title I of the Act is amended by adding at the end the following:

''PART H—ACADEMIC EMERGENCIES

''SEC. 1801. SHORT TITLE.

''This part may be cited as the ''Academic Emergency Act''.

''SEC. 1802. PROGRAM AUTHORIZED.

''(a) IN GENERAL.—The Secretary is authorized to provide funds to States that have 1 or more schools designated under section 1803 as academic emergency schools to provide parents whose children attend such schools with education alternatives.

''(b) GRANTS TO STATES.—Grants awarded to a State under this part shall be awarded for a period of not more than 5 years.

''SEC. 1803. ACADEMIC EMERGENCY DESIGNATION.

''(a) DESIGNATION.—The Governor of each State may designate 1 or more schools in the State that meet the eligibility requirements set forth in subsection (b) or are identified for school improvement under section 1116(b) as academic emergency schools.

''(b) ELIGIBILITY.—To be designated as an academic emergency school, the school shall be a public elementary school—

''(1) with a consistent record of poor performance by failing to meet minimum academic standards as determined by the State; and

''(2) in which more than 50 percent of the children attending are eligible for free or reduced price lunches under the National School Lunch Act (42 U.S.C. 1751 et seq.).

''(c) LIST TO SECRETARY.—To receive a grant under this part, the Governor shall submit a list of academic emergency schools to the State educational agency and the Secretary.

''SEC. 1804. APPLICATION AND STATE SELECTION.

''(a) APPLICATION.—Each State in which the Governor has designated 1 or more schools as academic emergency schools shall submit an application to the Secretary that includes the following:

''(1) ASSURANCES.—Assurances that the State shall—

''(A) use the funds provided under this part to supplement, not supplant, State and local funds that would otherwise be available for the purposes of this part;

''(B) provide written notification to the parents of every student eligible to receive academic emergency relief funds under this part, informing the parents of the voluntary nature of the program established under this part, and the availability of qualified schools within their geographic area;

''(C) provide parents and the education community with easily accessible information regarding available education alternatives; and

''(D) not reserve more than 4 percent of the amount made available under this part to pay administrative expenses.

''(2) INFORMATION.—Information regarding each academic emergency school, for the school year in which the application is submitted, regarding the number of children attending such school, including the number of children who are eligible for free or reduced-price lunch under the National School Lunch Act (42 U.S.C. 1751 et seq.) and the level of student performance.

''(b) STATE AWARDS.—

''(1) STATE SELECTION.—From the amount appropriated pursuant to the authority of section 1814 in any fiscal year, the Secretary shall award grants to States in accordance with this section.

''(2) PRIORITY.—To the extent practicable, the Secretary shall ensure that each State that completes an application in accordance with subsection (a) shall receive a grant of sufficient size to provide education alternatives to not less than 1 academic emergency school.

''(3) AWARD CRITERIA.—In determining the amount of a grant award to a State under this part, the Secretary shall take into consideration the number of schools designated as academic emergencies in the State and the number of eligible students in such schools.

''(4) STATE PLAN.—Each State that applies for funds under this part shall establish a plan—

''(A) to ensure that the greatest number of eligible students who attend academic emergency schools have an opportunity to receive an academic emergency relief funds; and

''(B) to develop a simple procedure to allow parents of participating eligible students to redeem academic emergency relief funds.

''SEC. 1805. SELECTION OF ACADEMIC EMERGENCY SCHOOLS AND AWARDS TO PARENTS.

''(a) SELECTION.—The State shall select academic emergency schools based on —

''(1) the number of eligible students attending an academic emergency school;

''(2) the availability of qualified schools near the academic emergency school; and

''(3) the academic performance of students in the academic emergency school.

''(b) INSUFFICIENT FUNDS.—If the amount of funds made available to a State under this part is insufficient to provide every eligible student in a selected academic emergency school with academic emergency relief funds, the State shall devise a random selection process to provide eligible students in such school whose family income does not exceed 185 percent of the poverty line the opportunity to participate in education alternatives established pursuant to this part.

''(c) PAYMENTS.—

''(1) IN GENERAL.—From the funds made available to a State under this part and not reserved under section 1804(a)(1)(D), a State shall pay not more than $3,500 in academic emergency relief funds to the parents of each participating eligible student.

''(2) PERIOD OF AWARDS.—The academic emergency relief funds awarded to parents of participating eligible students shall be awarded for each school year during the grant period which shall terminate—

''(A) when a participating eligible student is no longer a student in the State; or

''(B) at the end of 5 years,

whichever occurs first.

''(3) DURATION.—A State shall continue to receive funds under this part for distribution to parents of participating eligible students throughout the 5-year grant period.

''SEC. 1806. QUALIFIED SCHOOLS.

''(a) QUALIFICATIONS.—A State that submits an application to the Secretary under section 1804 shall publish the qualifications necessary for a school to participate as a qualified school under this part. At a minimum, each such school shall—

''(1) provide assurances to the State that it will comply with section 1810;

''(2) certify to the State that the amount charged to a parent using academic relief funds for tuition and fees does not exceed the amount for such tuition and fees charged to a parent not using such relief funds whose child attends the qualified school (excluding scholarship students attending such school); and

''(3) report to the State, not later than July 30 of each year in a manner prescribed by the State, information regarding student performance.

''(b) CONFIDENTIALITY.—No personal identifiers may be used in such report described in subsection (a)(3), except that the State may request such personal identifiers solely for the purpose of verifying student performance.

''SEC. 1807. ACADEMIC EMERGENCY RELIEF FUNDS.

''(a) USE OF ACADEMIC EMERGENCY RELIEF FUNDS.—A parent who receives academic emergency relief funds from a State under this part may use such funds to pay the costs of tuition and mandatory fees for a program of instruction at a qualified school.

''(b) NOT SCHOOL AID.—Academic emergency relief funds under this part shall be considered assistance to the student and shall not be considered assistance to a qualified school.

''SEC. 1808. EVALUATION.

''(a) ANNUAL EVALUATION.—

''(1) CONTRACT.—The Comptroller General of the United States shall enter into a contract, subject to amounts specified in Appropriation Acts, with an evaluating agency that has demonstrated experience in conducting evaluations, for the conduct of an ongoing rigorous evaluation of the education alternative program established under this part.

''(2) ANNUAL EVALUATION REQUIREMENT.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to annually evaluate the education alternative program established

under this part in accordance with the evaluation criteria described in subsection (b).

''(3) TRANSMISSION.—The contract described in paragraph (1) shall require the evaluating agency entering into such contract to transmit to the Comptroller General of the United States the findings of each annual evaluation under paragraph (2).

''(b) EVALUATION CRITERIA.—The Comptroller General of the United States, in consultation with the Secretary, shall establish minimum criteria for evaluating the education alternative program established under this part. Such criteria shall provide for—

''(1) a description of the effects of the programs on the level of student participation and parental satisfaction with the education alternatives provided pursuant to this part compared to the educational achievement of students who choose to remain at academic emergency schools selected for participation under this part; and

''(2) a description of the effects of the programs on the educational performance of eligible students who receive academic emergency relief funds compared to the educational performance of students who choose to remain at academic emergency schools selected for participation under this part.

''SEC. 1809. REPORTS BY COMPTROLLER GENERAL.

''(a) INTERIM REPORTS.—Three years after the date of enactment of the Student Results Act of 1999, the Comptroller General of the United States shall submit an interim report to Congress on the findings of the annual evaluations under section 1808(a)(2) for the education alternative program established under this part. The report shall contain a copy of the annual evaluation under section 1808(a)(2) of education alternative program established under this part.

''(b) FINAL REPORT.—The Comptroller General shall submit a final report to Congress, not later than 7 years after the date of the enactment of the Student Results Act of 1999, that summarizes the findings of the annual evaluations under section 1808(a)(2).

''SEC. 1810. CIVIL RIGHTS.

''(a) IN GENERAL.—A qualified school under this part shall not discriminate on the basis of race, color, national origin, or sex in carrying out the provisions of this part.

''(b) APPLICABILITY AND CONSTRUCTION WITH RESPECT TO DISCRIMINATION ON THE BASIS OF SEX.—

''(1) APPLICABILITY.—With respect to discrimination on the basis of sex, subsection (a) shall not apply to a qualified school that is controlled by a religious organization if the application of subsection (a) is inconsistent with the religious tenets of the qualified school.

''(2) SINGLE-SEX SCHOOLS, CLASSES, OR ACTIVITIES.—With respect to discrimination on the basis of sex, nothing in subsection (a) shall be construed to prevent a parent from choosing, or a qualified school from offering, a single-sex school, class, or activity.

''SEC. 1811. RULES OF CONSTRUCTION.

''(a) IN GENERAL.—Nothing in this part shall be construed to prevent a qualified school that is operated by, supervised by, controlled by, or connected to a religious organization from employing, admitting, or giving preference to persons of the same religion to the extent determined by such school to promote the religious purpose for which the qualified school is established or maintained.

''(b) SECTARIAN PURPOSES.—Nothing in this part shall be construed to prohibit the use of funds made available under this part for sectarian educational purposes, or to require a qualified school to remove religious art, icons, scripture, or other symbols.

''SEC. 1812. CHILDREN WITH DISABILITIES.

''Nothing in this part shall affect the rights of students, or the obligations of public schools of a State, under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

''SEC. 1813. DEFINITIONS.

''As used in this part:

''(1) The terms ''local educational agency'' and ''State educational agency'' have the same meanings given such terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

''(2) The term ''eligible student'' means a student enrolled, in a grade between kindergarten and 4th, in an academic emergency school during the school year in which the Governor designates the school as an academic emergency school, except that the parents of a child enrolled in kindergarten at the time of the Governor's designation shall not be eligible to receive academic emergency relief funds until the child is in first grade.

''(3) The term ''Governor'' means the chief executive officer of the State.

''(4) The term ''parent'' includes a legal guardian or other person standing in loco parentis.

''(5) The term ''poverty line'' means the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

''(6) The term ''qualified school'' means a public, private, or independent elementary school that meets the requirements of section 1806 and any other qualifications established by the State to accept academic emergency relief funds from the parents of participating eligible students.

''(7) The term ''Secretary'' means the Secretary of Education.

''(8) The term ''State'' means each of the 50 States and the District of Columbia.

''SEC. 1814. AUTHORIZATIONS OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this part $100,000,000 for fiscal year 2000 and such sums as may be necessary for each of the fiscal years 2001 through 2004, except that the amount authorized to be appropriated may not exceed $100,000,000 for any fiscal year.''.

(b) REPEALS.—The following programs are repealed:

(1) INTERNATIONAL EDUCATION EXCHANGE PROGRAM.—Section 601 of the Goals 2000: Educate America Act (20 U.S.C. 5951).

(2) FUND FOR THE IMPROVEMENT OF EDUCATION.—Part A of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.).

(3) 21ST CENTURY COMMUNITY LEARNING CENTERS.—Part I of title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8241 et seq.).

Mr. ARMEY. Mr. Chairman, let me begin by thanking the committee for bringing this legislation to the floor. If I might, I would like to reflect for just a moment on a personal basis.

Mr. Chairman, I think I can say that I am sure my own feelings on the subject of education are pretty much the same as everybody else in this body. I have dealt with education all of my life, as a student, as a parent, as a teacher, and now as a grandparent and a legislator.

One of the things that I have felt very seriously about in the last few days as I have thought about this bill is that all of a sudden, now as a grandparent, Mr. Chairman, I realize that these children for whom we talk about education today, my grandchildren, are more precious, or seem to be more precious to me at this time in my life, even than my own were at that time. Maybe that is just the business of being a grandparent and knowing that one's grandkids are more precious than your own children.

But we are really talking about some very serious business with some very important people in our lives. I cannot think of anything that any society that can be that can ever be more important than educating and keeping safe and happy the children.

Mr. Chairman, there are some unsettling circumstances out there that are faced by the children of this Nation, and I just want to review a few of them. There are 15,000 schools in America that are on a list of most-troubled Title I schools. One hundred of these have been on the list for 10 years or more. There are children who are being abandoned by the bureaucracy that does not seem to care, and we must find an alternative. Even perhaps more frightening, Mr. Chairman, there are children that feel trapped in violent schools. There are children that go to school and are assaulted in school, and they are scared. This amendment seeks to address that.

I want to ask just a very simple question. As we mark up this bill and we relate to all of the issues we have here, can we not stop for a moment and say that no child should be trapped and no parent should feel trapped by a circumstance where that child must have as their only alternative to stay in a school that is a failure, a school that the government might likely look at and say, that school is a disaster area. We have those in States across the country and in cities across the country. That school is a complete disaster area. If we had a flood, if we had a tornado and we saw disaster and we saw the children stuck in the muck and the mire of that disaster, we would declare it a disaster and we would do something about it. What I am asking us to do with this amendment is give the governor an opportunity to look at a school and say, that school is a disaster.

Mr. Chairman, most of us, thank goodness, as parents with families will make that decision on our own. We would say, my child is in a school that is a disaster, and I have the money, I have the ability, and I am going to pick up that child and move him some place else, and we do it. I pick up my whole family, my whole household and move it to another neighborhood. We do that. One does not have to go house hunting very many times and talk to many people who sell houses in America to realize that one of the first concerns that we have is what is the quality of the schools. But some people do not have those resources, some people do not have those options. Some people

feel like, my child is stuck there and I do not have the money to change it.

So I am asking in this bill to say to those parents, you should be able to get, if your governor determines that that school is a disaster and you feel like your child is stuck and you do not have any resources, you should be able to apply for and receive a scholarship of $3,500 so that you can take your child and pick your child up and move your child to a school that is not a disaster area. That does not strike me as too much to ask.

And then in another way, we are addressing another concern that I have. If my child or grandchild came home from school and had been a victim of assault on the school grounds and was injured, sometimes these children are stabbed, beaten, I would be able to pick up my child, my son would be able to pick up my grandchild and move him out of that school, get him someplace else, get him safe. A lot of families cannot do that.

I am asking us here as a Congress to take a look at that mother and father and say, do we not have a heart for you? Are we ready to let you look at your baby and say honey, you have to go back there?

The CHAIRMAN. The time of the gentleman from Texas (Mr. ARMEY) has expired.

(By unanimous consent, Mr. ARMEY was allowed to proceed for 2 additional minutes.)

Mr. ARMEY. Mr. Chairman, I want my colleagues to think about that. A mother standing there in front of her baby, sixth, seventh grade child, coming up, bloody, battered, bruised and scared, frightened. These children sometimes are terrified, and to have that mother have no recourse but to say honey, cannot help it. You have to go back there tomorrow, there is no place else for you to go, is not acceptable. Fortunately, most children do not face that. Are we not lucky that most children do not have that fear? But some children do.

I am saying, we should be able to find in this bill, in this amendment some resources that say, if you are that mother, there is a place for you to go. If you do not have the money so that you can take that child to another school, there is a place for you to go. You do not have to say, go back there and be scared. You can apply for and receive a $3,500 scholarship and take your child someplace else.

Now, Mr. Chairman, I am not asking for all of the money in the world forever. I am saying, I think these are two good ideas to address what might be the academic disaster we find in a school itself, or the academic and personal disaster we find in a child's battered and beaten body. I am saying, give us $100 million, let it be available to the governors, to the families for 5 years and see if it works for the children. Five years from now, we can test the children and see if, in fact, they are succeeding in their new school or perhaps with their new safety and security. If it does not work in their lives, we will not come back and ask for more, there is no need to reauthorize it. But for 5 years, Mr. Chairman, for 5 years, can we reach out a heart and a hand of compassion to children that are today stuck in schools that are disasters or who have had in their own personal life a horribly frightening, scary, tragic disaster.

I have seen that, Mr. Chairman. I have seen the child that has come home from school beaten up because they just did not fit in. That child does not have to go back and should not.

□ 1115

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

Mr. Chairman, I, too, am a grandfather. I have three grandchildren in public schools, and I am concerned about them as well as any other grandparent.

But I was lost by the logic or illogic of the last statement made about compassion for a seventh grader who is in an unsafe environment and that parent being able to take that child out of that unsafe environment and put that child in a safe environment.

I would think that to take one child out of an unsafe environment and leave the rest of the children in that unsafe environment does not make much sense. I would think one would take the disruptive children, the ones who are causing the unsafe environment, out of that situation and leave all of the children in a safe environment.

I, too, am a grandparent. I have many reasons why I oppose this amendment. The Committee on Education and the Workforce deliberated at length on the issue of private school vouchers. Then we voted overwhelmingly in committee to reject that concept.

Second, if this amendment were adopted, it would destroy the bipartisanship we developed on this bill during the last 12 or 14 months. It would also jeopardize all the progress that we are making in improving Title I.

Beyond that, Mr. Chairman, this is a reckless amendment that would divert funds from poor public schools to parochial schools. It provides no oversight of the quality of education provided with Federal funds, which is the opposite of what we are doing in the rest of this bill.

Also, Federal funding of private school vouchers raises serious constitutional issues that could jeopardize the independence of religious schools and disrupt the administration of Title I programs.

Finally, Mr. Chairman, this bill would have a very discriminatory effect. Those students who get private school vouchers can receive up to $3,500 in vouchers, which is substantially more than per pupil allocation for current Title I students who are in the public schools.

So I urge my colleagues to reject this amendment and I yield back the balance of my time.

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

Mr. Chairman, I rise today in support of the amendment offered by the gentleman from Texas, the Majority Leader.

Most of us in this Chamber are pretty fortunate. Our kids go to good schools. I know that my kid went to good public schools in my district; and, frankly, the schools in my district, by and large, are very good schools.

But we also know that we have got children trapped in very bad schools around our country. The U.S. Department of Education keeps track of a list of academic emergencies. Some of these schools have been on this list for 10 years. I wonder how long we can look the other way when children are trapped in schools that have no chance of success. We are imprisoning those children for the rest of their lives.

Yes, Title I, we have spent an awful lot of money over the years. Yes, we have been able to save some children. The point here is that this is a pilot program aimed at the worst schools in the country to give parents some ability to help their children. The Governor has to have declared that the school is an academic emergency. The program is completely voluntary so that no State is forced to do this.

But the point I think that the gentleman from Texas (Mr. ARMEY) is trying to bring here is that it is time for us to help those who are most in need. Yes, if one is trapped in a bad school and one is a middle-income parent, one is a wealthy parent, one has school choice. One has an ability to take one's child out of that school and move them to another school.

But if one is locked in an inner-city school where there is an academic emergency, those parents do not have that ability. How can we continue to look the other way when we know that there are kids trapped in these kinds of schools?

I think that this is an idea worth trying. It is a separate $200 million pilot project for 5 years. Let us see if it works. What do we have to fear from trying this program? It will not deny any school any money that they would already get under Title I and other Federal education programs. It would be in addition to that money.

So let us give these kids a real chance at success and a real shot at the American dream that they do not have today.

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

Mr. Chairman, this amendment is contradictory to the underlying mission of H.R. 2. Very simply, this amendment would turn Title I into a private school voucher program. Obviously, I belong to the grandfather caucus, too. Here in this caucus, all of us are seeking the best possible education for our children, especially those who are in unsafe schools or are the victim

of a violent act or in a low-performing school.

However, taking precious Federal funding out of public schools and allowing it to go to private and parochial schools will not solve the problems of our educational system. In fact, the Catholic conference and every major educational group is opposed to voucherizing Title I.

H.R. 2 will focus on the achievement of individual children and at risk subgroups through this aggregation of data on State assessments. In addition, H.R. 2 strengthens both teacher quality by requiring a high qualified teacher in every classroom by 2003 and upgrading the qualifications of paraprofessionals.

This amendment will detract from this focus; and worse, by taking resources away from public schools, make it more difficult to implement these much needed reforms.

This amendment will not achieve the goal of increased student achievement, this amendment will make it harder for schools and communities to produce students who can go on to successful careers and high paying jobs. We should not and cannot pass this amendment today.

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

Mr. Chairman, I am willing to admit something today that I think needs to be stated. It is something that is seldom heard in this body, seldom heard in any other legislative arena, certainly never heard in State legislatures, and certainly never heard on school boards. But it is something I believe to be true, I believe to be true for every one of us. That is, that we do not know, not my colleagues, not I, no one in this room, nor in the legislature, nor in the school board, no one knows what the best education is for every child in America.

We can hope, we can do what we can with whatever tools we have to provide a good quality education for America's children. But we do not know what the best educational environment is for every child. Only a parent is entrusted with that ability and responsibility. Even they can make some wrong decisions I know, but they will make better decisions about where their children should go to school than I can or my colleagues, frankly, or even members of school boards.

That is why I am willing to relinquish this power, this authority and give it to parents. But it is also why this issue is so controversial, because, frankly, my friends, the debate we have here today is not really about education. It is about power. It is about who controls the power over the educational system and the hundreds of millions of dollars, billions of dollars that go into it and the thousands and thousands of people employed in there. That is what the real issue is today, who will control it.

How can the education establishment keep control of the billions of dollars that come into it? Well, the only way they can do that is by maintaining a one-size-fits-all government monopoly school system. The thing that frightens them to death, the scariest word in the English language to the people in this bureaucracy, to the anti-education people who run organizations like the National Education Association, the scariest word to them is freedom, freedom to let one's kid go wherever one wants to go, wherever that child should be placed. Because they want the control over the dollars and over the environment in which those children will be taught.

How can it be that those of us who ask for freedom for those parents are considered to be doing something that jeopardizes the educational quality of the schools?

It may, in fact, be, as a Member of the opposite side here said earlier, that one child leaving a school, why should not we worry about all the others if it is an unsafe school? Well, in fact, of course what we are saying here is that school may be a very good school for the majority of children in it. Not every child is affected the same way by that learning environment.

But if there is one there that is having a horrible experience but is economically not able to make the same decision that my colleagues and I might be able to make for our own kids, why should we not let the child go? What difference does it make to say they should be set free? How come that so rankles us?

It is peculiar to say in the least that we get so concerned about this. It is not every child. We are not closing every school. My kid went to public schools. I taught in public schools. My wife just retired from a public school after 27 years. It is not that I have anything against public schools. I believe in them. I believe that, in any sort of competitive environment, they will win. They have got the best teachers. They have got the best infrastructure.

But what we must do is give people the ability to choose among them and between them. To take that away from human beings is taking away an absolute right. It is an admission of something that we must all do.

We must admit, Mr. Chairman, people on the Committee on Education and the Workforce, we must admit to our colleagues here and to the people of the United States that we do not know what the best education is for every single child out there. But we do trust parents to help make that decision. Maybe it will not always be right, but it will be right more often than what we make the decision for them by forcing them into a system that may not work. I say forcing them because they do not have the economic ability to make a choice.

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

Mr. Chairman, I rise in support of the Armey safe and sound schools amendment. I stand here today as a father and a businessman to explain why I believe this amendment is a reasonable and necessary one to secure the future for every American child by giving them an excellent education.

As a father, I want my children to go to a school in a safe, orderly learning environment. I want them to be in a school which offers academic excellence. Failure is not acceptable when it comes to the education of my children or any child in America. Unfortunately, some children in the United States are trapped in schools which are either plagued by violence or failing them academically. In too many cases, we are failing on both counts.

Failure to educate Americans children, whether it is the richest of the rich or the poorest of the poor, is unacceptable. Unfortunately, too many children are trapped in low-performing schools, and too many parents are unaware of the academic failure of their neighborhood school.

How do we provide these needy children with the education they deserve? How do we help them out of this trap? We begin by informing parents, teachers, local communities about the academic performance and the safety of their local school.

The Armey amendment would require schools to notify parents that their child is in an academically failing or an unsafe school and provide them with the opportunity to transfer their student to a nonfailing public school or, if necessary, a private or parochial school.

Some parents may make arrangements to have their child attend another school in the area. Some will want to keep their child in their neighborhood school. But they will demand change. They will want an excellent education for their child. No longer will low performance or academic failure be hidden from parents or tolerated by parents.

As a father, this makes sense. As a businessman, it makes sense. Competition leads to improvement and better choices. Some students will choose to go elsewhere to receive their education services.

But what about the students left behind? Do we intend to leave them in failing violent schools? Absolutely not. One of the elements in education improvement is parental involvement. Once parents know their neighborhood school has been labeled as a low-performing school, they will demand change. They will elect new school board members. They will hire a new principal. They will make sure teachers are trained. They will raise education expectations. Whatever it takes.

Does this aid the low-income students that this bill is designed to help? Absolutely. It provides both the short-term and long-term solution to secure the future for every American child with an excellent education in a safe learning environment.

I urge all of my colleagues to support the Armey safe and sound schools amendment.

□ 1130

Mr. FOSSELLA. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Armey amendment. I wish to compliment the majority leader for being such a vocal and forceful advocate for improving education for all children across the United States.

Let me just say a couple of things that I believe are important for the record. I believe everybody in this body believes that we need to improve education. Indeed, education should be a national issue. I know we have some wonderful teachers within the private and parochial schools, and especially in the public schools. I know that because I go to the school back home in Staten Island and Brooklyn any chance I get. And they are wonderful.

I also believe that every Member of this body is committed to enhancing academic achievement for our children, to ensure that our children get the best education possible. We recognize that when we invest in education what we essentially are investing in is our future and building upon what is the greatest country in the history of the world.

But what the gentleman from Texas (Mr. ARMEY) is seeking to do is to help what some in this body and some across the country believe are the helpless, the young children who are trapped, and this has been said so many times today, trapped in failing schools. And what is this all about? We want to help those who are deprived of the opportunity and who have limited freedom, those who are forced to send their children to these failing public schools.

I would ask my colleagues to go home to their districts and ask the parent who does not have two nickels to rub together, ask that mother or father if, given the chance, they would want to take their child out of a failing public school and send that child to a better one. Is there not a more important decision that we make as parents than where to send our kids to school? I can tell my colleagues in New York City, and I am sure it is true across the country, that those helpless parents really have no choice.

Recently, reports tell us that attacks from children and students against teachers are up dramatically. How does a child learn, how does an innocent child, whose parents want nothing but the best for him, learn in an environment where attacks against teachers are up dramatically? It is not as if that parent has a choice. They do not. Ask that parent and look at the look in their eyes when you tell them that we are going to give them the opportunity to send their child to a good school and see that their child gets a good education. I think many of my colleagues might be surprised at the response, but some of us are not.

Recently, the Washington, D.C. school system offered scholarships to the poorest individuals, the poorest families. Now, we are blessed. We can send our children to any school we want. But the poorest families, when given the chance, one in six chose to take their child out of a failing public school. I say ''bravo'' to that parent, because this issue is about civil rights. This is the movement we should be embarking upon.

I think we can work together to ensure that our public schools are improved and that we give the best to our teachers and reward them for their hard work, but, at the same time, understand and recognize that there are millions of parents across this country, that have no choice, that are trapped in these failing schools, that when they send their child off to school they do not know if they are going to come home with a black eye or get in a fight with some kids in schools. Nine-year-olds attacking teachers. That is the environment some of these kids are learning in. And it is in the Bronx, and it is on Staten Island, and it is in Indiana, and it is in Texas, and it is in California.

If we believe that this country is truly about freedom, and we have the freedom to go to any restaurant we want, to buy any car we want, but we do not have the opportunity to have the freedom to send our child to the school of our choice, then we are depriving the most essential basic right, and we are depriving those poor and helpless parents of a legitimate civil right.

I want to remind all my colleagues that this is a pilot program. If we fear this, we fear everything.

Mr. HAYES. Mr. Chairman, I move to strike the requisite number of words, and I rise in very strong support of the amendment of the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. Chairman, the gentleman from New York (Mr. FOSSELLA) and I have slightly different accents, but we have the same understanding of the effort here to secure the future for America's children, and that is what this amendment does. That is what this amendment is all about.

My friends on the left would erect an invisible shield and call it protective. This is not protective, it is destructive, to take the opportunity from parents to choose for their children. The Federal Government has the opportunity here to accelerate and enhance learning in public school, not continue to be a massive roadblock for learning.

There are those who would unfairly and incorrectly mischaracterize the Armey amendment. I even heard the term voucherize used. This is untrue. The amendment gives hope to parents and children, especially disadvantaged children; hope by knowing that they are not trapped in a school where they will not learn the skills that they need to succeed in life; hope because they can choose a better opportunity for their children, safe and sound. That is what this is all about.

Beside me on the left is a quote from our President in which he says, ''Parents should be given more choice.'' He stood in this room before this body not long ago and said this; and we agree, and we are working hard to help provide those choices for parents that will help those children succeed.

Just last week I was in Fayetteville, North Carolina, in the 8th District, and there was a school where choice was given. Over 1,800 applicants for 600 spaces. Discipline, respect, uniforms. In other words, a different way to give children and teachers the academic environment in which they could learn. This choice has created an opportunity, an enthusiasm, a momentum, an energy that was exciting to see. It shows what can be done in public schools if we dare to be different, if we dare to move ourselves out of the trap created many times by the Federal Government in the past.

So, yes, I support this amendment. I would encourage everyone here to support the opportunity for parents to do the best for their children. Support the Armey amendment.

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

Mr. Chairman, I want to first thank the majority leader for bringing this measure and this amendment to the floor, and I also want to thank our leadership in the Committee on Rules for making this amendment in order.

Mr. Chairman, all over America this morning parents sent their children off to school, and they did so with two basic expectations: first, that their children would be safe; and the second expectation is that while their children were at that school, they would be in an environment where they could learn basic skills, math and science and history and English, basic skills that would allow them to succeed in life.

The reality is, Mr. Chairman, that all over America today there are certain schools that cannot deliver on these basic set of expectations. They cannot provide a safe environment, and they cannot provide a quality learning environment.

Now, governors all over America have been working hard to reform education, and one of the things these governors tell us is that in many instances the Federal Government is an obstacle to reform rather than a partner in that reform. Many of the aspects of the bill that we are debating here today is to provide for flexibility and more creativity in bringing reform to education. This amendment is an extension of those reforms. It will be part of the effort in some States, not all, to bring real meaningful reform to their education system.

Now, Mr. Chairman, I am fortunate to represent a State that has really good schools. Montana students fare very well on national tests and meeting standards, but there are many

States where education emergencies truly exist. Schools absolutely cannot provide the basics, a safe and sound environment in school. So this amendment basically does this. It says that a governor who believes that an education disaster exists can declare that disaster and then provide grants to the parents of children to take their children out of a school that is failing to provide those basics and put them into a safe and a sound one.

Now, if a hurricane disaster exists, and that is not likely to happen in my State, but when it does happen, a governor can declare a disaster. He can act to protect the citizens. If a fire disaster, or a flood disaster, or a drought disaster exists, a governor can declare a disaster and he can act. Why in the world would we not give governors the same kind of authority to declare an academic disaster? Governors need every tool in the tool box that they can get to reform education. They need the tools that are appropriate to the condition and the problem that they are facing.

I believe it is time for Congress to make a simple declaration about education, and that declaration should be this: that it is about kids and kids first. Nothing else should really matter but the kids. This amendment says that kids are more important than the teachers' union; it says kids are more important than institutional structures.

I would urge my colleagues to support our kids and support this amendment. Put them first.

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

Mr. Chairman, I rise today in strong support of the amendment of my good friend, the majority leader, to H.R. 2; and I applaud his efforts to ensure that all children are given the opportunity to attend safe and sound schools. Our children should never be trapped in failing schools. Our children should not fear for their safety when they walk through the halls or into their classrooms. Parents must be given the ability to protect their children and to provide a good education for them.

Those who oppose the Armey amendment oppose giving kids and parents a way out of failing schools and a way to educational success. Opponents believe in the status quo and in forcing disadvantaged children to remain in schools that are failing them.

When well-to-do students are struggling in school, what do their parents do? Generally, they send them to another school. Why? Because they have the money to do so. Do my colleagues think that low-income parents would not like to have this same option? They certainly want what is best for their children.

The most recent example of this came this year when the Children's Scholarship Fund was offering 40,000 scholarships, K through 12, to low-income families. How many people do my colleagues think applied for their children to receive this opportunity? One and a quarter million. 1,250,000 families. Let me repeat. For just 40,000 scholarships, 1.25 million people, many were minorities, many families from 20,000 different communities in all 50 States sought this opportunity to get their children out of failing and unsafe schools.

Rich or poor, Americans want the best education possible for their children. The Army amendment puts parents back in the driver's seat for their children's education.

Now, I know monopolies do not like competition. Some of the powers that be are threatened by reform. They are afraid that they will lose control of their power. But this is reform that works. So for the sake of our children, for the sake of our Nation's kids, I urge my colleagues to support the Armey amendment.

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

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

Mr. GOODLING. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Chairman, I thank the gentleman for yielding to me, and I want to thank everybody who spoke on behalf of this amendment.

I had asked one of the staff to get me a number. I do not have that number, but maybe I will get it. Until then, let me just take a wild guess or ask the question: How many billions of dollars do we spend each year in this great land to educate our children grades, K through 12? Together with our local taxes, and our State funding agencies, as well as through the Federal Government, we put it all together and we realize this must be some incredibly large number. What would my colleagues suppose that number is, $100 billion a year that we spend to educate our little ones, K through 12?

□ 1145

Would we not agree that, for the most part, across this great land we are doing a pretty good job? The kids have pretty good schools. The kids are happy. The kids are learning well. The kids are pretty safe. And we are proud of that.

I have to tell my colleagues and I do not mind telling my colleagues that I believe that, for all the criticism, all the failure, all the heartbreak, this great Nation does put its children up front. This great Nation, I believe, is as good as any in the effort we make to educate our children, certainly in terms of the money we spend.

I believe the young lady has the number. Mr. Chairman, if the staffer has that number I was seeking, I would just like to look at that for a moment if she does not mind just bringing it to me. It is all right. This is a well-known fact in this town that staff researches and gives us everything we pretend to know. It is not new. But I have the answer. I thank her again, and I certainly do appreciate her helping me out.

This is incredible. We spend $324.3 billion in all public expenditures to educate our babies. I am so proud of that. In addition to that, we spend 27 billion additional dollars through private educational facilities to educate those children. That is $351.3 billion that we spend for those babies. I am so proud of that.

Now, what have I said here? For the most part, we are doing well and we should be proud. But sometimes we do not. Sometimes we do not.

We have 15,000 schools year in and year out that are designated as failures. What is the number? One hundred of which have been on that list for 10 straight years or more, 100 schools 10 years or more that have been designated by their governors, have been designated by the Department of Education abject disasters, crazy failures.

Think of those poor babies trapped in these schools. I have seen some of those schools. I have seen some of those children. I have to tell my colleagues, I am proud to tell my colleagues I have been helpful in getting some of those children the resources to move. I have seen the difference in their lives, and I have seen them happy and claiming math is their favorite subject in a private school where they felt safe and loved.

Most of these children are happy and safe when they go to school, no threat, no danger, no harm; and I am proud of that. Some children are beaten in school. Some children are stabbed in school. That is not acceptable.

Now, of that total $351 billion that this great Nation spends, $13.8 billion comes from this Congress, this budget, this Government, $13.8 billion. One hundred chronically failed schools 10 years or more. Who knows where or how many badly beaten babies.

I ask my colleagues, with this amendment, out of $13.8 billion, are they telling me we cannot find $100 million to spread across this land for that school that is a disaster for all its children or for that child that came home beaten, battered, bloodied, broken, and scared to death? If they have got the heart to vote against that, woe be to their grandchildren.

Mr. WELDON of Florida. Mr. Chairman, today I rise in strong support of Mr. ARMEY's amendment to H.R. 2, The Student Results Act. This ''Safe and Sound Schools Amendment'' to Title I of ESEA is designed to help children whose schools fail to teach and protect them while in their care. This amendment could not have come at a better time. Many of our nation's public schools are in a state of emergency. Thousands of children are trapped in failing schools, and we need to provide them with a way out to gain a better education. Unfortunately, many of the children that are trapped in these failing public schools are from lower income families. We need to provide our children with the opportunity to choose another public or private school that is excelling and will provide them with the best education possible. We can not sit back and keep our students in schools that are not working.

The district I represent, the 15th district in Florida, has unfortunately been in the pathway of the many hurricanes that have been sweeping up Florida lately. When natural disasters of this kind happen, the federal government does not hesitate to send relief funds to the victims. This is a necessary and right practice.

In turn, it is also necessary to provide relief to our future, our nation's children, when they are trapped in failing schools—when they are victims of an academic emergency. The Safe and Sound Schools amendment establishes a well needed 5-year pilot program designed to create a national school choice option for elementary school children, grades 1–5, that are trapped in these failing schools. It is morally wrong to force them to stay in failing schools in the hope that one day these schools might improve. Eligible students, in schools that are ''academic emergencies'' could apply for $3,500 in relief funds that will help defray the costs of attending any qualified public, private, or parochial school in their area.

The investment in our children is the best investment we can make. There is no need to keep our children in failing schools that are not providing them with a good education. This is a great pilot program that will benefit everyone, students, parents, and the future of our country.

Mr. BALLENGER. Mr. Chairman, I rise in strong support of the Armey amendment. As a colleague of mine from across the aisle stated last night, ''we must provide opportunity early and often to the youth of America.'' I agree with my colleague and that is why I support this amendment.

Many students who attend schools receiving Title I funding have been failed by our education system time and time again. Let us give them opportunities early and often to receive a better education and prepare for a better life. The Armey amendment simply establishes an optional nationwide pilot program that provides relief for students who attend a Title I school that is designated as ''failing'' or ''unsafe'' and allows them to receive up to $3,500 in scholarship to attend a public, private or parochial school in their state.

As school violence continues to escalate and hamper the education of the American youth, let us take the power out of the violent offender's hands and place it in the hands of the students and parents. Children have the right to feel safe and parents should have the right to choose the education of their children.

Mr. Chairman, Title I has failed these students. Let us not fail these children again. Give students who attend Title I schools that are deemed ''failing'' or ''unsafe'' by their state the opportunity to grow and learn in a safe, successful environment. I urge my colleagues to support the Armey amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Texas (Mr. ARMEY).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 257, not voting 10, as follows:

[Roll No. 521]

AYES—166

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goss
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Hunter
Hyde
Istook
Jenkins
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lazio
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wilson
Wolf
Young (AK)

NOES—257

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shimkus
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—10

Burton
Camp
Isakson
Jefferson
Johnson, Sam
Jones (NC)
Lucas (KY)
McCarthy (MO)
McCarthy (NY)
Scarborough

☐ 1211

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BURTON of Indiana. Mr. Chairman, during rollcall vote 521, I was unavoidably detained and unable to be on the House floor during that time. Had I been here I would have voted ''yea.''

Mr. SAM JOHNSON of Texas. Mr. Chairman, on rollcall No. 521, I was inadvertently detained. Had I been present, I would have voted ''yes.''

(By unanimous consent, Mr. ROGERS was allowed to speak out of order.)

RECOGNIZING REIGNING MISS AMERICA, HEATHER FRENCH OF KENTUCKY

Mr. ROGERS. Mr. Chairman, Kentucky has been extremely highly honored 2 weeks ago when the former Miss Kentucky was named Miss America. That is the first time in the history of the contest that a former Miss Kentucky has received that high distinction. We have with us on the premises today that lovely lady, Heather French, Miss America.

If I could refer to the gallery, I would refer the Members to the gallery to my right where Miss America is with us in this great body. Heather French has brought great distinction to our State

and to this great contest and we are excited that Miss America is Miss Kentucky.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATHAM). The gentleman is aware that he cannot refer to a person in the gallery.

AMENDMENT NO. 38 OFFERED BY MR. PAYNE

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 38 offered by Mr. PAYNE: Strike title VIII of the bill.

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

□ 1215

Mr. PAYNE. By way of background, Mr. Chairman, I want to state that just 2 weeks ago my amendment to retain Title I statewide programs at a 50 percent poverty threshold was approved with bipartisan support by the Committee on Education and the Workforce during our Title I markup. Unfortunately, through legislative maneuvering, this amendment was overridden by members of the committee while we were returning from a recessed meeting and I was out of the room, and a new title created by lowering again the threshold from 50 percent to 40 percent. This action was a major setback.

This move created a new title that lowered the threshold to 40 percent. This action was a major setback in the fight to provide each of our schoolchildren with a fair and comprehensive education, and my amendment will rectify that. It calls to strike the last provision in the bill that lowers the poverty threshold for schoolwide programs to 40 percent.

What that simply means is that, as my colleagues know, Title I funds are designated by the number of poverty students in the school district. The 40 percent threshold means that 60 percent of the students in that school do not have to qualify as poverty and, therefore, robbing schools with high number of poverty students from the scarce resources to go around.

Although this year's bipartisan effort to re-authorize Title I addressed many of the causal factors of the educational gap, and as a former teacher in a Title I school, I fear that certain portions of this bill will work to actually widen the gap even further.

Current law states that in order for a school to be eligible for schoolwide programs the school must have 50 percent of its student population come from poor families. Schoolwide programs are programs that may be provided to the entire student population of a school, not just the most financially or educationally disadvantaged.

Traditionally these schoolwide programs have been targeted to schools with higher concentrations of poverty because the performance of all students in such schools tend to suffer. Further, schools with high percentages of lower-income students receive significantly large Title I grants, grants that can make an impact on a schoolwide level.

Regardless of these facts, the bill before us calls for yet another reduction in the poverty threshold for schoolwide program eligibility, reversing sort of a reverse Robin Hood, taking from the poor to give to those who are more fortunate. My amendment stops this unnecessary unfair reduction and calls for the retention of the 50 percent poverty threshold.

Opponents of this amendment may claim that lowering the poverty threshold will give schools more flexibility in establishing schoolwide programs. However, given the comprehensive nature of schoolwide programs, it is our responsibility to ensure that we meet the needs of the poorest schools which, in turn, have the lowest levels of schoolwide achievement. Research shows that the 50 percent poverty threshold should be retained because that is the level where we begin to see negative effects on the entire school population. School poverty levels below 50 percent have much smaller impact on the achievement of the entire school population.

For example, nonpoor students in schools between 35 and 50 percent poverty have about the same reading achievement level as schools falling between 20 and 35 percent poverty. Therefore, setting the poverty threshold at any level below 50 percent would be insufficient and arbitrary.

This program began in 1965 with the War on Poverty, and at that time the threshold was 75 percent poverty level. In reauthorization 5 years ago, we then saw the poverty level drop from 75 percent to 50 percent. Now we have seen this amendment come in to reduce the poverty threshold from 50 percent to 40 percent, and many in our committee feel that there should be a 25 percent threshold, which of course will eventually eliminate the program of its natural intent.

Title I began as a critical portion of the 1965 War on Poverty to help our Nation's most disadvantaged students. Let us pass this amendment to ensure that our most disadvantaged students in schools do, in fact, benefit from this crucial piece of legislation.

Our Nation is one Nation indivisible under God, and we should try to provide opportunity for all of us to meet the new challenges of the new millennium.

Mr. GOODLING. Mr. Chairman, I rise in opposition to the amendment. First of all, I want to clarify a few things that were mentioned here.

We have an agreement. The agreement was the 40 to 50, moving from 50 to 40. That was the agreement that was set up during all the negotiations; both sides agreed to that.

We had on our side an amendment, and we could have easily passed it, to go down to 25 percent. I opposed the 25 percent and went back to the agreement we had before we ever began the markup.

Now I also want to mention that I did something that no other Chair would have ever done and did not have to do. We had two votes. We voted once, and then when one or two gentlemen returned, they were upset. I allowed a second vote, a rollcall vote. So I want to make sure everybody understands, and that would not happen, I do not believe, in any other committee.

What we have found, as I tried to mention over and over and over again, the program has failed and failed and failed and failed and failed, and it is totally unfair to these youngsters; and it is critical to the Nation that they do not continue to fail; and so what we have discovered is that the schoolwide programs are doing much better than many of the other programs in raising the academic achievement of all students. They testified from Maryland, they testified from Texas; they have statistics to show the accomplishments they have made for all children.

So we agreed, as I said, that we would move from 50 to 40. We defeated going down to 25 percent; we defeated going back up to 50 percent.

So it would be my hope that now that it is working and now that we are seeing some success for the most needy children in the country, we stop this business that I heard for 20 years, we got to be sure exactly where the penny goes. It does not matter whether it does not do any good; it does not matter if it tracks these kids forever.

Now we find some programs that work. Why are we not willing to try to give every child that opportunity to succeed?

So I would hope that we vote down this amendment, and I should indicate that we will be rolling all votes until the end of this legislation today.

So again, we realize that it is succeeding by using a schoolwide model, so let us not try to stop something that is succeeding to help the most needy children in this country.

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

Mr. Chairman, we need to understand the gentleman from New Jersey's intention with this amendment; we need to examine the history of the schoolwide percentage in Title I.

Prior to the 1994 reauthorization of ESEA, the schoolwide percentage was 75 percent. In other words, prior to 1994, 75 percent or more of the children in our schools were poor; we could operate a schoolwide program where we can combine Federal, State and local funds to do whole-school reform. The 1994 reauthorization lowered this to 50 percent. This bill lowers this percentage to 40 percent, and the amendment offered by the gentleman from New Jersey (Mr. PAYNE) would return that to 50 percent.

I believe it is important to also realize that the prevailing research in this

area states that when a half of a school's population is poor, the entire school educational achievement is impacted. Below that level research shows that the impact is lessened. If research says that we should maintain the 50 percent threshold, we should pass the Payne amendment today.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I want to associate my comments with the gentleman from Michigan (Mr. KILDEE) and show my strong support for a very important amendment on today's legislation, the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

The genesis of this act, the purpose of this act, the priority of this act in 1965 was to try to focus and target money to the poorest and neediest and most at-risk children in America because the States were not adequately fulfilling that role. The Federal Government did it. We need to continue to focus the money there and not dilute those funds to students in need with a bill that is doing some innovative new things in a bipartisan way.

So I encourage in a bipartisan way for us to improve the bill further and support the gentleman from New Jersey's amendment.

Mr. KILDEE. Mr. Chairman, I yield to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the Payne amendment.

I want to commend the gentleman from Pennsylvania (Mr. GOODLING) and thank him for leading the fight to keep this from being rolled all the way back to 25 percent, and I admire his leadership on that; but I think it is very important we keep this as 50 percent. I think it is very important that we say that a program that is designed to reach out and help economically disadvantaged children will stay that way, and I think if fewer than half the children in a school fit that economically disadvantaged category, but we permit the expenditure of Title I funds anyway in whole school reform, that we are marching toward Federal education revenue sharing, which is really not something I think we want to do.

The underlying purpose of this act is to use targeted resources for children who most need it, for children who have the least out of State and local resources. I think that the Payne amendment is crucial toward establishing that goal; I enthusiastically support it.

Mr. KILDEE. Mr. Chairman, I yield to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK of Hawaii. Mr. Chairman, I think this is a very, very important amendment. It goes to the principle that we are establishing by enacting this legislation to help children in low-income circumstances who are disadvantaged in many ways in their educational experience.

The fundamental issue is that the distribution of funds is based upon a head count of the number of low-income children in a particular area, and if we are going to put the moneys there on the basis of a head count of low-income children, then these children need to be served. We cannot take the money that is allocated by this head count and distribute it to other schools.

There is no question that every school needs help in America, but this legislation is geared to the low-income, disadvantaged communities; and that is where it should stay, and I think that the 50 percent cut off is a legitimate cut off. It allows for schoolwide reform where 50 percent of the children are in an economically disadvantaged category. Then all of the students in that particular enrolled school could benefit. But to lower it, I think, is to really destroy the essence of targeting this money to the children, and that is how the money gets to the local school districts, by a head count.

So let us not dilute the fundamental purpose of this legislation by taking the money away from these children and scattering it to other areas.

□ 1230

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

Mr. Chairman, I appreciate the opportunity to speak on this amendment. Let me just start by saying that I respect greatly all of those who have spoken on this particular amendment, and particularly the gentleman from New Jersey (Mr. PAYNE), the sponsor of this amendment. I have debated this issue with them as well as others in the Committee on Education and the Workforce, and I understand the sincerity of their beliefs in this.

Mr. Chairman, I believe that there is some reasoning here that we need to discuss in terms of how we are really helping kids. I am not one of those that is going to stand here and say that Title I has failed all together. God only knows where some of these students might be if it was not for Title I. On the other hand, I do not think that many people in this room can stand up and say that Title I has been a rip-roaring success either. That is not demonstrable one way or another. I believe we should continue Title I. I believe we should try to improve Title I. I think this is an excellent piece of legislation. We worked on it together, and I think that is fine.

But this particular point that we are debating right now I think is vitally important to the whole future of Title I and where we are going on this. I do not think we should reinstate the 50 percent school poverty threshold. I think it should go to 40 percent. One could argue it could go to 43 percent or whatever. If it went down to 25 percent, I would be up here opposing it or even 30 percent; but just as I support trying to keep it at the 40 percent level.

This is something, by the way, that was agreed to by many members of the committee who are ranking members, who sat down and worked this out, and among staff members, because we thought it was so important.

But why is it important? That is what I think we are missing. Does schoolwide work or not? What is schoolwide? Schoolwide is essentially when a school which may have 40 percent or 50 percent, whatever the number may be, who have kids who are economically disadvantaged and at the poverty threshold going to their particular school; and then they then put together programs that will lift the entire school so that everybody will benefit from it, but particularly aimed at trying to help that 40 percent or 50 percent or whatever it may be.

This is opposed to having special programs for those who may be educationally disadvantaged as determined by schools in which people are economically disadvantaged. It is my judgment, based on the small evidence that we have seen so far, the schoolwide programs are working. The chairman of the committee, the gentleman from Pennsylvania (Mr. GOODLING) has already cited two examples of that, both in Maryland and Texas, which really took Ed-Flex very seriously when we gave them that opportunity and came forward and they put together schoolwide programs. Others have done it too by going through the Secretary of Education, and they seem to have worked. Test scores have gone up. In a very data-based way, test scores have actually gone up in those schools which are doing it that way.

They are also becoming very popular with principals and teachers. According to the national assessment of Title I, the number of schools which are implementing schoolwide programs has more than tripled from 5,000 to 16,000 since 1995. Usually when programs grow, when there is a choice and programs grow, there is an indication that those who are dealing with the programs, the educators, are making a difference.

This does not dilute the amount of dollars that would go to a school, it is just a question of how the dollars are going to be utilized when they get to that school. I think that is important to understand as well in terms of dealing with the program of schoolwide versus the individual instruction, which has taken place before.

So for all of these reasons I am strongly supportive of keeping the poverty threshold at 40 percent which will, frankly, enable more schools, if they wish to operate schoolwide programs. It gives principals flexibility and it is, to me, proving to be beneficial. Those are the reasons that I stand forth and argue that we should do this. I would hope that we would all look at this, and I hope frankly this amendment will be defeated, but ultimately I think we all have the same aim and that is to

educate all of our children, particularly those in poverty as well as we possibly can.

I happen to think that leaving the level at 40 percent is the way to do that, and I hope that I am right, and I hope that we are able to defeat the amendment and eventually we will improve the course of our students.

I yield to the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Chairman, I just want to indicate that teachers always came to me and said in social studies class, be sure to homogeneously group these kids. Can my colleagues imagine homogeneously grouping children in social studies. So those who never hear anything but nothing at home, if there is a dinner table, hear nothing in school, because they are all grouped together.

Children learn from other children probably more than they learn, as a matter of fact, from the teacher in that classroom. I certainly think that we should give something that is successful an opportunity to continue to succeed and save some of these children that we are losing everyday.

Mr. CASTLE. Mr. Chairman, reclaiming my time, I would just like to say, I do not like opposing an amendment sponsored by people who I think are genuinely interested in education and children. But I think in this case, the intent of what is in the legislation is right and is the direction to go.

Mr. OWENS. Mr. Chairman, I move to strike the requisite number of words. I would like to speak in support of the Payne amendment.

Mr. Chairman, we have heard a number of pedagogical considerations here which are interesting, but they avoid the real problem. The problem is money and the resources necessary to make a schoolwide program succeed. My colleagues are taking away some of the money. We move from 75 percent down to 50 percent, and now we want to move from 50 percent to 40 percent. So 75 percent to 40 percent is a radical move. My colleagues oppose going all the way down to 25 percent; that would be even more radical. But we have already made a radical move going from 75 percent to 40 percent, and my colleagues are jeopardizing the success that they claim that these schoolwide programs have achieved.

The program and the law was designed to reach the poorest children in America. The formula is driven by individual poverty; children who qualify for free lunches, that determines the amount of money one gets in a district. If one has a situation where one can play with the formula and take a school that only has 40 percent poverty and make it eligible, then one would be diluting what goes to the school that has the 75 percent poverty where we have already reduced the funding down, based on a 50 percent level of sharing.

The public concern for education is at an all-time high right now. Almost 90 percent of the voters have declared that more government assistance for education is their highest priority. In response to this overwhelming concern for the improvement of education, Title I is presently our only really significant program. But instead of providing leadership to increase the funding of Title I and increase the scope of Title I so that we can get more children in, we are going to follow the leadership of the Republican majority; we are going to seize funds from the poorest youngsters and spread it out to the more fortunate ones in the other schools.

Why do we not have an increase of funding and let all of the new money be divided between these new schools that will be qualified under the 40 percent? Why do we not respond to the public concern that we need to do more for education, not less?

We are not going to do more by taking what we have already and spreading it out. Marie Antoinette said, if the people have no bread, let them eat cake. What we are saying is that the loaf of bread is too small, but instead of getting more bread, we want to divide the loaf up into crumbs and distribute the crumbs more widely. To distribute the crumbs more widely may get a lot of political pluses because one can go back and say to their constituents that they had no Title I funds before, but look now, we are doing something about education. We brought you some funds that you did not have before. But we took them from some other place. We took them from the poorest, and we spread it out. The original law was designed to help the poorest.

That, I do not think, is a way to proceed in response to the public cry for more help with education. That is Robin Hood in reverse. What we have been doing all along, and the pattern here in the Congress under the Republican leadership is to do just this, spread it out. Ed-Flex was a beginning, straight As is coming after this, either today or tomorrow. Straight As is all about wiping out any Federal control with the money after it goes down to the local level and that means you do not have to have 40 percent or 25 percent, but just spread it out.

I yield at this point to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I want to support the Payne amendment and say that it has nothing to do with us not wanting all children to have an education, nor does it have anything to do with finding a way to have another model to be more effective. If we take a limited amount of resources and indeed dilute that, we really take the chances of effectiveness away from the program. So if we are trying to effectively educate those who need it the most, we would not dilute that, we would try to make sure that it was more pointedly directed to that.

Take eastern North Carolina, take school districts that I know that indeed many of the school districts, not just schools, school districts, have 40 percent poverty. So when we then shift that to the more affluent school districts in my State, we have really denied that district as a whole, not just the school, to have an opportunity.

So I want to support this amendment and tell my colleagues that we need to find a way not necessarily to defeat the issue of raising all kids up, but we do not do it at the expense of the poorest of the poor, and that is, indeed, what the effect of this would be, whether we intend that or not. We would end up making sure those who are failing will be sure to fail. Not that Title I is perfect. We need to improve it, but this is not the way to do it.

Mr. SOUDER. Mr. Chairman, I move to strike the requisite number of words. I apologize for my voice. I will do the best I can. I have been involved in this issue, and I want to participate in the debate today.

I would like to clarify a few statements that are going around and add some additional comments. One is this is not a spending bill, it is an authorizing bill. This is a bill that sets policy.

Secondly, inside that policy, we are not moving dollars between school districts. This is a question of how the school district moves the dollars within a school and who is included in a given program. It is not moving from low-income districts to high-income districts; this is not driving money to the State. This affects formulas and what percentage of the students are covered within this program inside a school and inside that district.

Thirdly, I am very concerned about bipartisanship. We have talked about trying to develop this as a bipartisan bill. I am one who is a believer that if the Federal Government is going to be involved in Federal aid to education, there is a legitimate need to come in and to help low-income families where they may not have the property tax structure, they may not have the income, and that was a legitimate role, even though the Constitution was silent on the Federal role in education, because that means by definition that it was intended to local and State. But when there has been a failure such as for special needs kids or for low-income kids, the Federal Government has stepped in. My goal is not to spread targeted Federal dollars to all students in America so that everybody gets attached to the Federal dollars.

But this was to be a bipartisan bill. We worked out a compromise. Some of us are starting to feel that the only thing that is bipartisan in this is we have to do it the other side's way, or we do not do it. I am fast moving towards a no on this bill when I have been a strong advocate of this bill all the way along. I, for one, do not believe that Title I has failed. I differ from many of my conservative friends. This is like Lou Holtz coming to the University of South Carolina and South Carolina not winning this year in football

and people saying well, that failed. It takes more than a football coach to change the football program in South Carolina and turn it into Notre Dame, not that Notre Dame is the best example this year. But when we look at this, it takes split ends, it takes quarterbacks, it takes halfbacks.

Title I going to low-income schools, they often do not have a lot of other resources. This is only part of the program that goes into these schools. We cannot expect Title I to solve every problem in low-income schools. What I see in Indiana is they are doing it very effectively in targeting for reading recovery. But this is a question about flexibility. It is not a question about moving among students. In this bill, we require that the students' performance has to move up if we go down to 40. We are caring here about individual students. Why do we feel in Washington that we have to tell each principal and superintendent and teacher that they have to do it a certain way. What we want to see is that the students' scores are improving.

I am sorry I did not get down here to debate on the Armey amendment. I do not understand why people do not want to give local schools and school boards more flexibility if we say you have to improve the students' scores. The argument here is not in my case against having the money go to those who need it most. I want to see it used most effectively, whether it is public school choice, private school choice, Title I inside the schools, reading recovery programs. We want to see that the kids who are left behind in our system, who often are not able to get the job, to get the opportunities that many of us who have been more fortunate have, we want to see the most flexibility and the best ways possible to do that, and I fear that this amendment will lead to further unraveling both of that local flexibility and of this bipartisan bill.

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

Mr. Chairman, I yield to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I just want to comment very briefly on the comments of the gentleman that just preceded me.

The chairman indicated that the 50 percent Title I has been working, the gentleman from Pennsylvania (Mr. GOODLING) and that when they moved down from 75 to 50 percent that we have seen success. Why not then leave it at the 50 percent?

□ 1245

Secondly, the gentleman said that we are not shifting money around; we are simply authorizing, we are an authorizing committee. He is portraying a point that those schools now that are eligible, that would be 40 percent, they are simply going to apply for the money and therefore the pot remaining the same will simply reduce the amount of money to the higher poverty schools.

It is just like having a pot for FEMA. We do not stop and say we only have a certain amount of money and all of the tragedies and natural disasters we have are limited. We come up to the amount.

We do not do that with education. I would just like to say that we are moving money by moving the formula because those now who qualify will take the money.

Mr. ENGEL. Mr. Chairman, I rise in support of the Payne amendment. In my previous life, I was a teacher and guidance counselor in the New York City public schools and I only taught in Title I schools so I think I have some familiarity with it.

Most of the schools in my congressional district qualify as Title I schools. I agree with my colleague from New York (Mr. OWENS), who said the real problem here is that we just need more money for Title I schools. We do need more money.

The other side can scoff all they want, but the fact of the matter is every child who is eligible should be getting help. If we are going to make the commitment, and this bill goes a long way in increasing funds but we still have a long, long way to go, it seems to me that what we ought to be doing is concentrating on those schools that have the greatest levels of poverty because those are the kids that are most disadvantaged. Those are the kids that really need the help. School-wide programs have usually been limited to higher poverty schools because the performance of all people, all students in that school, tends to be low.

This amendment calls for the 50 percent poverty threshold because a level of 50 percent poverty is where we begin to see an impact on the entire school. At poverty levels below 50 percent, the school poverty level has a much smaller impact on the achievement of the entire school population. So the Payne amendment would certainly prevent the undermining of Title I's targeting provisions and ensure that these programs are focused on higher poverty schools that need improvements on a school-wide level and the poorest schools are better equipped. It will ensure that the poorest schools are better equipped to deal with school-wide problems.

I also would be remiss if I did not mention that within the City of New York there is a very distinct problem. I represent Bronx County, and the way the funds are being allocated right now hurts students in Bronx County and Queens County and New York County within the City of New York. If we had more money, we could take care of those problems without impacting negatively on the other counties.

So it seems to me that the fight here should not be a fight about a pie and who should take away from other people; but the fact is that where there are poor schools those are the schools that ought to be adequately funded. It pains me a great deal that in Bronx County we are being shortchanged with this Title I funding allocation, and again only in New York and Hawaii and parts of Virginia do we face this problem. It hurts Bronx County. It hurts Queens County. It hurts New York County; and if there were more money in this bill, we could take care of it. We could hold these districts harmless so that they could help the poorest kids and help the poorest schools.

So this goes a step in the right direction in terms of allocating more money, but in my estimation it does not do the job. If we are going to have a Federal commitment to education, and again the polls show that that is what people want across the country, a commitment to education, then we really need to put our money where our mouth is. If we are going to help children in the poorest areas, then we need to help those schools that are the poorest schools.

The bill goes in the wrong direction. The Payne amendment would right that wrong, and I wholly support it.

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

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

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

Mr GOODLING. Mr. Chairman, first of all, I want to make sure one more time, this program was designed with one thing in mind. That one thing in mind was students achieving below grade level. That is what it was designed for. That is in the legislation. It has always been there.

What I really get most upset about, and I should not get carried away, but when it is said all we need is more money, that is all I heard for 20 years: all we need is more money. It has been a block grant; that is what title I has been, a block grant to districts. As long as those who are achieving two levels below grade level are met, do with it what they want; and it has failed. We have failed those children over and over again because nobody went out to check and see whether there was any quality in the program, even though all the statistics showed that they were not increasing, they were not catching up to the children who are more advantaged.

The program was designed for children who are below grade level; and, again, let us try to make it a quality program. Let us not just say that somehow or another we can take a program that has not worked, if we give it more money it will work. If more children are covered with mediocrity, then more children are just being destroyed. We want to cover them with quality.

Mr. HOEKSTRA. Mr. Chairman, the amendment that is before us now mirrors much of what we are doing in the rest of H.R. 2. This really is the first time that a Republican Congress has a chance to make real changes to Federal education policy, to try to improve Title I so that disadvantaged

children do actually learn and succeed so that we can take those who are below grade level and move them up.

The focus does have to be on accountability and achievement. There are a number of improvements in this bill that move us in that direction, but there is also a movement that I am concerned about. We have so-called accountability, but the problem is that there is not flexibility. We tell States how to target their money, where to spend it. We tell States what information to report to parents and the public on their schools.

We tell States how to desegregate students based on race and gender, and we tell States what kind of qualifications teachers and para-professionals must have. The section of the bill that we are attempting to change here is one of those areas where we provide more flexibility for school-wide programs so that we can tailor those programs to most effectively meet the needs of the children in those schools.

The amendment that we have in front of us, again, takes us away from flexibility at a local level, takes us away from having the flexibility to design the programs for the needs of the children in those schools. Like other parts of the bill, it moves decision-making away from the State and the local level and moves it back into Washington.

This Congress has had a number of successes in moving decision-making to the local level. We passed Ed-flex. We passed the teacher empowerment. Tomorrow or later today we will have the opportunity to debate the program called Straight A's. All of those programs take us in a direction that says we know who we are focused on, and we are going to let the States and the local levels design and implement the programs most effective to meet the needs of those kids; very much based on the welfare reform model, where we recognize that States and local officials care more about the people that were on welfare than the bureaucrats in Washington; that they were most concerned about moving those people off of welfare and into dignity by providing them a good job.

We are going to see the same thing in education, that when we empower people at the local level to address the students with the greatest needs, we are going to see more success. We recognize that the 34 years and the $120 billion of investment have not gotten us the kinds of results that we want. Parts of this bill move us in the right direction. Parts move us in the wrong direction, but this amendment should not be passed and we should stay with current law.

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

Mr. Chairman, I recognize that there have been some enormously weighty arguments that have been made on this issue. They have probably been intertwined with equality and justice and fairness, and I believe the gentleman from New Jersey (Mr. PAYNE) epitomizes in his legislative agenda, throughout the time that I have known him, to affirm all of those principles.

All of us who have fought for educational opportunity, the equalizing of the doors destined to carry our young people into the rewards of strong work ethic, the ability to provide for their families, we have all supported equalizing education. In fact, this body in its wisdom, way before I came to these honored halls, had the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and translated the Brown versus Topeka decision argued by Thurgood Marshall into reality by opening the doors of education and providing opportunity for those who had been excluded.

I am somewhat taken aback that we now come to a place where every American is talking about education, but yet we have an underclass of sorts, individuals who have yet been able to get on the first wrung of the ladder. Title I has proven to be the door opener in those hard-core pockets, where people are living at 50 percent of poverty threshold, barely making ends meet but every day getting up and washing and ironing that same piece of clothing for their child and getting them out that door so that they can sit in a seat of opportunity.

I go home to my district and I am always hearing, money is being wasted. It is being given to the go-along and get-along. It is being given to the people who really do not need it. Big tax shelters are being given to corporations, and though I believe in business opportunity and the idea of capitalism in this Nation but we get criticized for wasting money.

This amendment reinforces the fact, Mr. Taxpayer and Mrs. Taxpayer, that they can be assured that the money that we are putting out to educate children who otherwise would not have an opportunity to give those school districts the resources for computers, to give them special training, to provide that child who comes to school with no lunch and no breakfast opportunity at home, will be able to learn.

Is it not better to hand someone not a welfare check but rather hand them a salary check? For all of those who gathered around us to determine that we wanted to have welfare reform, what better tool, what better vehicle out of it? To undermine that threshold number says to me that my colleagues want to scatter the dollars to those who may not need it, and they want to take away the focus of the hard-core poverty.

Again, let me tell Mr. and Mrs. Taxpayer, I do not want them to get angry and say there we go again talking about the poor person; I need to make it because I am a middle-class working person. Yes, they are, and we appreciate it. What we are trying to do is to get the burden off their back by educating more of these children to ensure that they have the ability.

A pupil's poverty status is based on their eligibility for free or reduced-price lunch. The income thresholds for free or reduced-price lunch are substantially higher than the poverty level. For example, a child is eligible for reduced or free lunch if his or her family income is below 130 percent. Thus, in most cases the current school-wide program of eligibility threshold is actually 50 percent of pupils eligible for free or reduced-price lunch.

We are not throwing money away. What we are saying is that we are focusing the money so that it can be utilized properly.

Let me say that the fact that this has been taken out or put in in a reduced amount is a travesty with taxpayers' money. It is a travesty on what we tried to do. It takes away the spirit of this Congress that tried to open the doors of education. Pell grants, GI loans, all of that had to do with us saying that these are deserving people. I bet we can look back now and find out the investment in the GI loans has paid three times; the investment in Pell grants, ten times; and I can assure them that their investment in Title I funds in districts around this country where people are yearning for an education but yet do not have the resources, the lunches, the computers and various other things, I can say, Mr. and Mrs. Taxpayer, that a better investment could not have been made.

I would hope my colleagues understand that we are not trying to throw away money and we are not trying to give away money.

□ 1300

I had to come here on the floor of the House as we were ending, because I am so passionately committed to the fact that the gentleman from New Jersey (Mr. PAYNE) is right. I want this amendment to be passed, and I want the defeaters of education and quality to be defeated.

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

Mr. Chairman, it is no secret that I am not a fan or advocate of the underlying bill, but I still care deeply about the component parts of this legislation and this part being one of them, because I believe that this particular amendment makes a bad bill worse.

I voted for this amendment at one point in committee. I did so primarily because of some of the persuasive elements in the arguments that my colleagues have just heard. But after that vote, the committee adopted several others that I would consider responsible amendments that did a better job of providing more freedom and more liberty and the ability for local administrators to spend, in fact, more money on children in schools.

In fact, the administrators of many of these programs estimated that that one amendment that dealt with the rewards program freed up funding for an additional 123,000 children, disadvantaged children around the country.

So within the context of that effort to move toward greater academic freedom, greater managerial liberty by local administrators and officials, my position on this amendment has changed dramatically. It is for that reason that I, once again, as the subsequent vote took place in committee, urge that we stay at the 40 percent level threshold as the bill has before us today.

I say that for a couple of reasons, and I really would ask all Members to consider this. We are not talking about changing one bit the allocation of appropriations to a school. By moving the threshold, however, we are allowing more schools to be involved in schoolwide programs to reach those children who have been identified to have the legitimate and honest need for additional assistance when it comes to bringing those kids up to grade level.

The amendment that is being proposed is one that actually does, that actually constricts the ability of local administrators to get those dollars to kids who need it the most.

I submit that that is the wrong direction for us to move in. I understand the temptations for those of us in Washington to try to exercise our compassion and concern, which we all share, through additional mandates, additional constraints, additional regulations. It is the problem with the amendment. It is also the problem that occurs throughout much of the rest of the bill. But in this case, we ought to take the step, even though it is a 10 percent step in the direction of schoolwide programs, of more freedom and flexibility at the local level.

None of my colleagues here know the names of the kids in the school where my children are at school today. But their principal does. Their superintendent does. Their teachers certainly do. I submit that they ought to be given, even that 10 percent additional flexibility, to design a program that approximates the needs of those children in that school; and that we are out of line, frankly, here in Washington and under a false set of pretenses to believe that somehow our judgment is superior to theirs back home. That is what the underlying bill in this provision tries to achieve, a small 10 percent adjustment in the threshold that allows more flexibility.

The amendment before us tries to take that little bit of flexibility away and return this provision of the bill back to the more prescriptive, more regulatory, more confining posture of the current law. This is not what our administrators have asked us to do. This is not what governors around the country have asked us to accomplish. This is not what any State superintendent has asked us to achieve.

This is an amendment that is one that appeals to a very narrow set of individuals in schools, those who get to control this particular line item of the cash.

I think it is time for this Congress to put children ahead of those folks for a change. What a novel idea. We do not do it entirely. We do not do it to my satisfaction.

I am still probably going to vote no on the entire bill. But with respect to this amendment, the bill does achieve a 10 percent victory for those children who have an opportunity to be engaged in schoolwide programs, it is not much of a victory, but it is one that should not be obliterated with the amendment that is in front of us.

Therefore, I ask the committee to vote no on the amendment of the gentleman from New Jersey (Mr. PAYNE).

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will try to be brief because I know there are a number of amendments that need to be offered and very important amendments. But this one is critically important to me for several reasons.

First of all, before I came to Congress, before I even really followed politics closely, during the Ronald Reagan presidency, I followed from a distance the debate that was going on at the national level about the role that the Federal Government should play in education. That debate has been going on consistently for a good while.

During those years, we actually came to a resolution of what the Federal Government's role should be in education, identifying what national standards should be and trying to get kids who are performing below a national standard up to what we should expect as a Nation to be the minimum standard.

At that point, Republicans, as I recall, were consistently arguing that we should have a specific definition of what the Federal Government's role in education would be. Over time, actually the country came to such a consensus that the Federal Government's role should be carefully defined and the Federal Government dollars should be restricted to fulfilling that role.

One of those roles is to make sure that kids who are performing below the Federal level standard get brought up to that standard.

I do not think we can separate the debate on this amendment from that larger question about what the Federal Government's role in education should be. Because if we abandon the definition that we have given for the Federal Government's role and start to block grant money to the local governments to make their own dispositions, then the next step beyond that is to ask, well, what is the Federal Government's role again? Why should we be involved at all in education? Why would we be collecting money, bringing it to the Federal level, and sending it back to the State level without a definition of what our role at the Federal level is and without helping to fulfill the Federal objective?

I think that is really what this amendment is all about. We have defined as a Federal role helping people who are underachieving. Poor people, poor kids are underachieving disproportionate to other children in the system. Therefore, we have elected under Title I and other similar programs to devote a disproportionate part of the Federal dollar to address that particular issue. To the extent that one steps away from that formula, then one is stepping away from the definition that we have given to the Federal role.

I think it is important to keep in mind what the Federal Government's role in education is that we have, through a process of debate and discussion over time, coalesced behind. This amendment furthers that purpose.

Now, I would not have supported cutting back from 75 to 50. I certainly would not support cutting back from 50 to 40. I guess the next step next week is going to be cutting from 40 to 0.

Then we are going to start another whole debate, I project; and that debate will be, well, okay, now we are using the Federal Government as a pass-through, so why should we have any role for the Federal Government at all?

I support the Federal Government's defined limited role in education and this amendment furthering that objective.

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

Mr. Chairman, I rise in opposition to this amendment. First of all, I want to again commend the leadership on this committee on both sides of the aisle for having worked so diligently and over so many months to bring H.R. 2 to the floor with bipartisan support.

I do regret the fact that, unlike some other of these negotiations that I have been involved in in other committees, that leadership, after having reached an agreement and worked out a bill that makes a number of improvements in the Title I program, is not willing on a bipartisan basis to defend the agreement on the floor of the House from amendments, whether they come from one party or the other.

Because the purpose of having negotiations and give-and-take and working out a good piece of legislation is then to stick by those agreements when we get to the floor and move the bill forward.

That having been said, I am proud that we are at this point here in the House of Representatives, with a good piece of legislation before us, authorizing more money for Title I.

We are on the verge of, in this Congress, appropriating some $350 million above what the administration has requested for Federal aid to the school children of our country, because I think we have got our priorities right here in this Congress.

We have managed to appropriate, not just talk about, and not just authorize, but appropriate more money than ever before in the history of this Republic for Pell Grants to help the neediest of

our children to go to college and vocational school and get on the ladder of success here in our country, more money for special ed, and more flexibility for school districts to deal with disadvantaged kids with handicaps here in our country.

This legislation deserves bipartisan support, not tinkering from the fringes. So I hope the amendment is defeated and the bill is passed.

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

Mr. Chairman, let me first defend the negotiations that were commented on by the gentleman from Wisconsin (Mr. PETRI). The Democratic leadership on this committee had negotiated a bill, and they stood on the floor, and they said that they are going to support this bill. There was never any agreement that there would not be amendments offered. But they have said they are going to support this bill whether these amendments are passed or defeated.

Now, we heard from another gentleman who said he is opposed to the bill, and he is opposed to this amendment.

I want to rise in support of this amendment because it focuses dollars that the Congress has appropriated for disadvantaged children at schools in which at least 50 percent of the children are disadvantaged.

Now, it does not take a rocket scientist to figure out that, if we were appropriating money for all children, then we would not be keying on free and reduced lunch levels, there would not be a program for children who were disadvantaged.

It is because, in 49 out of our 50 States, disadvantaged children, that is poor children, are in schools in which their State governments have found a way to have less being spent on their education than children who are not disadvantaged; that is, they start out impoverished in school districts in which the financing systems end up giving them less per pupil than in the wealthiest districts in those States.

So, now, why should the Federal Government come along with money to help disadvantaged students and dissipate the effectiveness of those dollars?

This amendment would raise the level to 50 percent. It would say one has to have 50 percent of the kids in one's school in poverty in order to have these dollars be spent on a schoolwide effort. That is a reasonable position for the Democratic leadership on the Committee on Education and the Workforce to take.

It is also understood that there was a negotiation. We are prepared to stand by that negotiation. But it does not bind the floor. Members of this Congress should come and listen to the National Education Association, the Council of the Great City Schools. Listen clearly to the administration in its statement of administration policy that they would like to see these dollars targeted if one wants to have the administration finally support this effort.

So we ask that the Congress consider the Payne amendment. We think it is a reasonable position. Those of us who support Title I and support this bill think that this would improve the bill.

We have those who do not support the bill, are not going to vote for the bill, who are saying that somehow they think that defeating the Payne amendment is the right way to go. Let us be on the side of those who support Title I and know that, even though it is a good bill, it can be improved by adding the amendment of the gentleman from New Jersey (Mr. PAYNE).

□ 1315

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from New Jersey (Mr. PAYNE).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from New Jersey (Mr. PAYNE) will be postponed.

AMENDMENT NO. 48 OFFERED BY MR. SCHAFFER

Mr. SCHAFFER. Mr. Chairman, I offer amendment No. 48.

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

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. SCHAFFER:

Before section 111 of the bill, insert the following (and redesignate any subsequent sections accordingly):

SEC. 111. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by inserting after section 1115A of such Act (20 U.S.C. 6316) the following:

"SEC. 1115B. PUPIL SAFETY AND FAMILY SCHOOL CHOICE.

''(a) IN GENERAL.—If a student is eligible to be served under section 1115(b), or attends a school eligible for a schoolwide program under section 1114, and—

''(1) becomes a victim of a violent criminal offense while in or on the grounds of a public elementary school or secondary school that the student attends and that receives assistance under this part, then the local educational agency shall allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent; or

''(2) the public school that the student attends and that receives assistance under this part has been designated as an unsafe public school, then the local educational agency may allow such student to attend another public school or public charter school in the same State as the school where the criminal offense occurred, that is selected by the student's parent.

''(b) STATE EDUCATIONAL AGENCY DETERMINATIONS.—

''(1) The State educational agency shall determine, based upon State law, what actions constitute a violent criminal offense for purposes of this section.

''(2) The State educational agency shall determine which schools in the State are unsafe public schools.

''(3) The term 'unsafe public schools' means a public school that has serious crime, violence, illegal drug, and discipline problems, as indicated by conditions that may include high rates of—

(A) expulsions and suspensions of students from school;

(B) referrals of students to alternative schools for disciplinary reasons, to special programs or schools for delinquent youth, or to juvenile court;

(C) victimization of students or teachers by criminal acts, including robbery, assault and homicide;

(D) enrolled students who are under court supervision for past criminal behavior;

(E) possession, use, sale or distribution of illegal drugs;

(F) enrolled students who are attending school while under the influence of illegal drugs or alcohol;

(G) possession or use of guns or other weapons;

(H) participation in youth gangs; or

(I) crimes against property, such as theft or vandalism.

''(c) TRANSPORTATION COSTS.—The local educational agency that serves the public school in which the violent criminal offense occurred or that serves the designated unsafe public school may use funds provided under this part to provide transportation services or to pay the reasonable costs of transportation for the student to attend the school selected by the student's parent.

''(d) SPECIAL RULE.—Any school receiving assistance provided under this section shall comply with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) and not discriminate on the basis of race, color, or national origin.

''(e) PART B OF THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.—Nothing in this section shall be construed to affect the requirements of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

''(f) MAXIMUM AMOUNT.—Notwithstanding any other provision of this section, the amount of assistance provided under this part for a student shall not exceed the per pupil expenditure for elementary or secondary education, as appropriate, by the local educational agency that serves the school—

(1) where the violent criminal offense occurred for the fiscal year preceding the fiscal year in which the offense occurred; or

(2) designated as an unsafe public school by the State educational agency for the fiscal year preceding the fiscal year for which the designation is made.

Mr. SCHAFFER. Mr. Chairman, I ask the House's favorable consideration of my amendment No. 48.

Mr. Chairman, the bill deals with allowing families school choice in those cases where children are eligible and defined under title I of the bill and find themselves in a school that has a prevalence of violence. The bill speaks to these children in two ways. Those individuals who are first themselves victims of violent activity and, second, those that are in schools that have been defined under the bill as being subject to or being in an environment that is unsafe.

Let me be specific about the terms of the bill. An unsafe public school means

a public school that has serious crime, violence, illegal drug and discipline problems, as indicated by conditions that may include high rates of expulsion and suspension of school students; referral of students to alternative schools for disciplinary reasons, to special programs for schools for delinquent youth into juvenile court; those where there is victimization of students or teachers by criminal acts, including robbery, assault, or homicide; enrolled students who are under court supervision for past criminal behavior, possession, use, sale or distribution of illegal drugs; enrolled students who are attending school while under the influence of illegal drugs or alcohol possession, or use of guns or other weapons; participation of youth in gangs; crimes against property, such as theft and vandalism.

It is virtually impossible, I would submit, at least according to most educators I have spoken with, to compete with these kind of unreasonable circumstances and environments in trying to deliver educational services to the children who need them most. It is the children who need them most who oftentimes find themselves in these exact kinds of settings and school conditions.

I realize there are many here who believe that school choice is a bad idea. I am not one of them. I think free and open market approaches to public schooling is, in fact, a good idea. But I think in this one example we ought to be able to find wide and common agreement that those children who are victims of violence and also find themselves in violent schools ought to be given the freedom to exercise school choice; to choose another setting that more approximately meets the needs of those children; that offers a better opportunity for children to learn in less threatening environments; that gives real hope for children that there are teachers and there are places where the only objective of their setting is to teach and it is to learn and it is to grow academically, not to constantly be looking over one's shoulder wondering whether they too might be the next victim.

This amendment is, I think, a very reasonable step in the right direction. It does address those schools that we all know to exist, where violence seems to be chronic and where children have a huge hurdle to clear with respect to education. This gives them a relief valve, an escape hatch, a way to find schools that teach, schools that work, and environments that are safe.

It is on that basis, Mr. Chairman, that I ask for the body's favorable consideration of amendment 48.

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

Mr. Chairman, I believe this amendment is unnecessary and is presently covered under the current Title I statute. Because it appears that it does not expand current law, we will accept it on this side.

Mr. HOEKSTRA. Mr. Chairman, I rise in support of my colleague's amendment.

The opportunity to move students from a school where they have experienced crime or serious problems, I think, is a proper direction. Again, what we are doing is we are providing flexibility. In this case, we are empowering students, we are empowering parents, and we are empowering local school districts to make the appropriate decision for their children as to where they need to be educated. Again, this builds on the other programs that we have introduced and passed this year that are moving decision-making back to the local level, back to teachers, and back to States. This is really the appropriate place for those decisions to be made.

In this amendment we are empowering parents and we are empowering people at the local level to do the right thing to help their students. I encourage my colleagues to support this amendment.

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

Mr. Chairman, I have a couple of questions for the author of the legislation. In the legislation at the present time, we allow parents to move children within a school district to another school, or a charter school in that district, if it is classified as a dysfunctional school or a nonachieving school.

As I understand the gentleman's amendment, he expands that to say that an individual can go across district lines to a public school or a charter school, and also if it is because of the problems that are in the school beyond academic problems. Do I understand that correctly?

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

Mr. GOODLING. I yield to the gentleman from Colorado.

Mr. SCHAFFER. The gentleman is correct. The choice mechanism in the bill, as drafted, triggers the choice option only in those cases where schools are determined to be nonachieving schools, or failing schools. This amendment acknowledges that it is quite possible, in fact likely in many cases, that an achieving school, one that is succeeding, may also be a violent school on occasion.

So in those instances we give an additional trigger, I guess, in this bill, would be the appropriate way to say it, that allows parents whose children suffer from violence or in violent schools that do not meet the definition currently in the bill the option of choosing another academic setting in a public school or a public charter school.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. SCHAFFER).

The amendment was agreed to.

AMENDMENT NO. 43 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer amendment No. 43.

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

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. ROEMER: In section 1002(a) of the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 103 of the bill strike ''$8,350,000,000'' and insert ''$9,850,000,000''.

Mr. ROEMER. Mr. Chairman, I offer this bipartisan amendment to increase the money for the poorest and most at-risk children in America under Title I funding programs by $1.5 billion. I offer this on behalf of myself, on behalf of the gentleman from New York (Mr. QUINN), a Republican; the gentlewoman from New York (Mrs. KELLY), a Republican; and the gentleman from North Carolina (Mr. ETHERIDGE), a Democrat.

Now my colleagues know, on both sides of the aisle, that I probably come down into the House well often to cut a program, to argue for a balanced budget, to encourage this body to have a provision in the legislative appropriations bill where we can return money out of our office accounts back to the treasury so that we reduce the debt; and I have been the coauthor of that bill for the last 8 years, but I do not come down into this well to throw money at problems. But today we have a bipartisan bill, a bill that is not the status quo, a bill that does not continue a program that has had some problems lifting many children that are 1 year or 2 years behind in reading and math and science back to the level they should be.

We have taken appropriate action in this Republican-Democratic bill to address those concerns. The very strength of that action, that bipartisan action, was to require tougher certification for the teachers, all teachers certified in those programs by 2003, and to require that para-professionals who are working in this program and being paid can no longer be simply working toward a high school degree or a GED. Now they need to be certified.

We provide an incentive program for those children and those schools that do better. We have an incentive program in here now to reward those good schools. We have tightened up the accountability in this bill. We have tightened up the standards in this bill. We have improved drastically, in a bipartisan way, the Title I program for the most at-risk, the poorest, and the most disadvantaged kids in America. Why can we not then put a little bit more money into this program to make sure those kids have the opportunity to learn? That is why I came to Congress, is to improve the education system in this country. That is what we are doing in this bill.

Now my colleagues might say, okay, how much money is it going to take? We currently have today, my colleagues, 4 million children in the Title I program that do not get a dime, they do not get a nickel, they do not get a penny. We do not help them. $1.5 billion. Would it make a difference to

some of them? Yes. To all of them? According to the Congressional Research Service, they say it would take $24 billion to fully fund Title I.

My amendment, my bipartisan amendment, would simply lift the funding from $8.3 billion to $9.8 billion, $15 billion short of what it would take to fully fund this program for the poorest, most at-risk kids, who, if they drop out of school, are more likely to get involved in delinquency, are more likely maybe to fall into juvenile centers or to get into the incarceration system, and then we really pay a price. So I would encourage my colleagues to vote for this bipartisan increase.

And I just want to end on the fact that 196 years ago, in 1803, the Senate ratified the Louisiana Purchase Treaty on a vote of 24 to 7. We bought the western half of the Mississippi River Basin from France for less than 3 cents per acre. We expanded the size of the country and paved the way for western development. This is a better investment, in our children, in our future, in giving people a chance to succeed spiritually, emotionally and educationally. Let us give our kids a chance to get a good, decent education in America today. Vote for this bipartisan amendment.

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

We have just heard the same chorus that we have heard for 20 or 30 years. If we just had more money, somehow or other the problems will go away. Even though the program is not a quality program, something good will happen. All we need to do is spend more money.

□ 1330

Well, it has not worked, and we have been spending more money and spending more money. Now we believe we have put together a piece of legislation that will work. And so, we are going to show to those appropriators, as a matter of fact, as this kicks in and becomes a reality, that it is beginning to work. And, therefore, I am sure they will be happy to pour in much more money.

But we have already, and we had an agreement, three leaders on their side agreed, we are appropriating $7.7 billion. We moved it up to $8.35 billion. That was a bipartisan agreement. I realize they are not worth much, I suppose. But, nevertheless, that was the bipartisan agreement. We had moved it up to $8.35 billion.

First all, the 1997 study was a disaster. The 1998 study indicated that, somehow or other, we improved a little bit on NAPE scores for these youngsters, we got them back up to where they were 10 years before.

However, all that is under investigation now. Because it also appears that the way to do that is, as I told them in committee the way they did when I was to fire on the rifle range and because I was so cross-eyed I did not know which was my target and it messed us up and our platoon did not do as well as the other platoons, so my sergeant said, well, we will just put somebody else's helmet on your head and that way our company will do well, and that sounds about like what we are trying to do here.

We have to prove now to the appropriators that we put together a piece of legislation that is, for the first time in the history of Title I, going to help improve the academic achievement of those most in need, those who are two grade levels below. Because that is what Title I is all about. And so, we have to prove that.

But already we have taken a gamble and said, we know it is going to succeed. Get it through the Senate. Get it down, and get it signed and we know it will succeed.

So we said, okay, not $7.7 billion, $8.35 billion, which, as I said, was negotiated, was agreed upon by several of the leaders on that side and our side.

So I would hope, again, that we first prove that we have finally made the changes in this legislation that will help the most disadvantaged youngsters in this country to receive a quality education so we can close the gap.

More money has never done it. Covering more children with mediocrity has never done it. Now, more money with excellence, that is a different story. But we are now in a position that we have to prove that. We have to prove what we put together collectively in a bipartisan fashion will, as a matter of fact, turn this whole situation around. So I would say we have already increased it.

Let us not hold out a lot of hope, and it is false hope of course, by simply raising an authorization level beyond what we have already done.

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

Mr. Chairman, I rise as a strong supporter of this very important amendment in this reauthorization process. I commend my friend, the gentleman from Indiana (Mr. ROEMER), and my good friend the gentleman from New York (Mr. QUINN) for offering this amendment.

Mr. Chairman, when I came to the United States Congress, I came from the fiscal tradition of Senator Bill Proxmire in Wisconsin. I am very proud of the fiscally responsible record that I have developed as a young Member of this body. I believe we can maintain fiscal discipline while making crucial investments for our future.

I do not often come to the House floor asking for an expansion of programs or more money for programs unless I feel in my heart that it is absolutely vital and necessary in order to accomplish the goals of those programs. This, Mr. Chairman, is one of those programs. An expansion of Title I funding, I believe, is just dealing with reality.

There are school districts all around the country, high-poverty school districts, that are in desperate need of basic supplies, more material, and more resources. We have one example of the commitment that teachers are putting into their own profession and in their own schools from a news report that was released just a couple of weeks ago in the city of Waterbury, Connecticut, when teachers with their first two paychecks voluntarily took money out of their own pockets totaling $303,000 dollars and donated it back to the school district in order to use it for more books and supplies and computers and other educational needs. And it was based on a matching fund agreement with the city and the school board.

This is just one example of many across the country of teachers who are willing to dip into their own pockets to buy supplies for the students that they are responsible for because policymakers are not doing the job, not giving them the tools to succeed with their students. That is a tragedy, especially when we are talking about a program such as Title I that is targeted to the highest at-risk students, who have the greatest need, and are the most disadvantaged students across the country.

This is comparable to the great epic struggle of the 20th century for Western Civilization, the Second World War, with Winston Churchill coming to the United States, which was an isolationist country at the time and a reluctant ally to get involved with the fight against Naziism and fascism. Churchill understood that and he went to F.D.R. and said, I understand the position you are in as a Nation, your reluctance to get involved in European entanglements. But if you give us the tools, we will finish the job. The United States did give England the tools through Lend-Lease and Churchill called that the most ''unsordid act'' of generosity.

That is a common refrain we are hearing from across the country from administrators and parents and teachers that if we policymakers can just give them the tools, they can finish the job. This is the next great challenge that we face as a Nation in the 21st century: to be able to provide quality educational opportunities for all our children regardless of where they live and the wealth of their communities.

Yes, we can demand greater accountability and even more flexibility at the local level. We did that earlier this year with the Ed-Flex legislation. But let us not delude ourselves into believing that this debate is not also about dollars and cents to the classroom. Adequate resources is a very important ingredient to doing the job that we would like to see local school districts be able to perform in enhancing student performance and giving all of our children the educational opportunities that they desperately need and deserve.

So I want to encourage the Members of this body, in the bipartisan spirit in which the amendment is offered, to support this amendment and improve on what is a good bill but what can be a better bill with the passage of the

$1.5 billion increase in the authorization level.

This is just an authorization level. We still have to convince the appropriators that this is a level that needs to be fully funded. But I think it also sends not only a message to the appropriators but to the American people that the United States Congress is getting serious about establishing the priorities that are important to our country. Education is one such priority that should be at the top of the list when it comes to balancing the budget and allocating our limited resources for one of the most effective investments that we can make in our children.

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

Mr. Chairman, I am not going to take all 5 minutes. I just want to rise in support of the work my good friend the gentleman from Indiana (Mr. ROEMER) has done and others have spoken to and want to say how pleased I am to offer this amendment.

I also want to mention the fact, as others have and will, that I am a firm believer that just throwing more money at many problems does not solve them.

I know the background of the gentleman from Pennsylvania (Chairman GOODLING) is in education. I happened to have been a middle school teacher for 10 years before I came to work here in the Congress and know that there are some problems we will never fix no matter how much money we throw at them or throw toward them or with them.

This is one, though, that works. This is one where I think we are appreciative of the work that the chairman and the ranking member of the full committee and the chairman and the ranking member also of the subcommittee. We appreciate that increase of 7.7 up to 8.3.

We are suggesting another modest increase that will not solve all the problems, will not be a panacea, and there will still be some problems. But I want to point out, Mr. Speaker, that there are some problems in this country in some schools where when and if we can get some additional funding it will make a difference.

I am convinced that this is one of those areas where that will work. I am convinced that when we approach this in a bipartisan way, we will have success. We are willing to work with the committee and the appropriators to make sure that that kind of money is made available.

I urge all of my colleagues to support the amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Chairman, I am very proud of this legislation that we have before us this afternoon on the floor of the House of Representatives, and I think that the committee has done a magnificent task in changing the direction of the Title I program. I think that is why it took us so long to mark it up in committee. That is why we are spending a considerable amount of time on it here on the floor yesterday and today.

But the fact of the matter is, as the gentleman from Indiana (Mr. ROEMER) pointed out, we are changing the direction of this program; and as the gentleman from Pennsylvania (Mr. GOODLING) has pointed out a number of times, we are changing the direction of this program. We are taking a program that for all too long did not have much accountability in it, did not affix responsibility to parties, it really did not have standards of excellence in it. We are changing that now; and, in fact, we are redirecting this program on a course of excellence and accountability and performance.

The time has come where we can no longer, with the knowledge that we have of the number of children who are not able to participate, not provide the adequate funding so that those children can participate to the full extent of the advantages of this law. They must be included in this program. The Roemer amendment provides for that to happen. That is why we ought to support it.

One of the things when we look at schools that are reconstituted by local school boards, the governing bodies of local Government, when we look at schools where venture capitalists have come in, various firms have been formed now to take over some of these schools and run them on a private market model where they have turned them into charter schools, it is very interesting that in many of these schools that are poor performing and have a disproportionate number of disadvantaged children in these schools, the first thing they do is add money. The very first thing the private marketers do is they add money to these schools.

It runs about a half a million dollars a school. When they say, pay us, we will run their school, we will get the results for them, we will show them how the market system will work, the first thing they do is invest capital in those schools on behalf of those disadvantaged children.

Money does make a difference. It, in fact, does make a difference. And that is what private firm after private firm after private firm has been doing with these schools.

As everybody here has just claimed, that does not mean that throwing money at a problem will solve that problem. But here there are many problems that will not be fixed if we do not have money. And children who are not included in this program are not going to get the advantages of it.

I think we should take the pride of our workmanship here, we should take the understanding of the redirection that we have given to this program on a bipartisan basis, and we ought to take the Roemer amendment and try to add to the funding for this program for excellence. We ought to add to this funding for the results that we expect and for the accountability that is in this program.

Because we are challenging the States, we are challenging the States on behalf of the Federal taxpayers to close the gap between rich and poor students, between majority and minority students. We are challenging the States to provide qualified teachers in every classroom within 4 years. With those kinds of changes in this program, we have the opportunity to deliver a program of excellence at the local level on behalf of these students.

As the gentleman from Indiana (Mr. ROEMER) has pointed out, we cannot continue to allow the tremendous number of students who are not included in this program, who do not get served in this program, to continue to happen in this country because we are losing those children and their opportunity to participate in our economy, to participate in our society to the fullest extent of their potential.

Because that is the tragedy, the downside of not properly funding this program. That is why this amendment is well placed, it is well directed, and I think we ought to recognize that that amendment is a complement to the work that this committee has done and the faith we have in these very, very difficult changes, very tough changes that we have made in this program at the urging of the chairman of the committee, the ranking member, and the two subcommittee chairmen and ranking members of this committee.

I urge passage of the Roemer amendment.

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

Mr. Chairman, I urge my colleagues to vote no on this amendment.

The interesting thing about this process has been it has been a bipartisan effort. My understanding is that the bipartisan bill that was negotiated in good faith included an increase in the authorization level from $7.7 billion a year to $8.35 billion.

I believe, as my chairman said earlier in the debate on this, we are finding that bipartisan agreements do not necessarily mean a whole lot anymore. What we are now finding is that, in this bill, we are moving from the current authorization from $7.7 billion in its proposal to move up to $9.85 billion.

This is a 36-percent increase in funding for a bill that my colleagues on the committee have said all of the reports would indicate that we are not doing very well with this program.

Today, 34 years later since the inception of Title I, we still see a huge gap in the achievement levels between students from poor families and students from non-poor families.

□ 1345

I do not want new money for Title I until we fix it. I am not sure there ever

was a time when Title I was unbroken, but it certainly is broken now.

So before we take a look at whether the changes that are in this bill which move more accountability and more control to Washington, before we take a look at whether what I believe is a misdirected step actually will improve the education of our most neediest children, this amendment says, ''Let's throw 36 percent more money at the problem before we realize whether the changes that we have proposed will actually make a difference or not.''

I do not think that is necessarily a good step to take. I do not think it is a wise step to take. I urge my colleagues to oppose this amendment.

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

Mr. Chairman, it sounds like we are being criticized because we would throw money at our schools, and our accusers might be right. We do want to throw money at our public schools, and we know that by putting more money into our public schools, we would solve many problems.

Think about it. We do not hesitate to throw money at the Department of Defense. We throw plenty of money to build roads and bridges. But when it comes to our schools and to our children, somehow it is rude to talk about spending money. Somehow all of our schools, regardless of where they are, are expected to give all of our students a first-class education on a second-rate budget. Mr. Chairman, it will not happen if we continue to do this.

If this country, led by this Congress, does not begin to invest in our children and do it now, it will not matter how many fancy new weapons our defense funds buy, because there will not be enough soldiers with the education to use those weapons. And there may not be any new weapons at all because who is going to be educated enough to build and design these weapons? Who will be mixing the materials and operating the machinery to build all those new roads and bridges? Have my colleagues seen how high tech the equipment is these days?

Mr. Chairman, I am going to be voting for the gentleman from Indiana's amendment to increase funding for Title I. $24 billion is barely what we need. That is what the Congressional Research Service says that we would need to fully fund Title I. Let us get with it, let us support our children, and let us increase the funding for Title I.

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

Mr. Chairman, I rise today to support the Roemer-Quinn-Kelly amendment to H.R. 2, the Student Results Act. I commend the Members of the Committee on Education and the Workforce under the leadership of the gentleman from Pennsylvania (Mr. GOODLING) and the gentleman from Missouri (Mr. CLAY) for bringing this bipartisan legislation before us today. Under the language of H.R. 2, Title I has been authorized at a level of $8.35 billion. Our amendment would increase this authorization by $1.5 billion, to bring it to a total of $9.85 billion for the fiscal years 2000 through 2005.

The Student Results Act will hold our educational system to a higher set of standards. It requires the States and the school districts to issue report cards on student achievement to the parents and the community. It also recognizes that there is an active achievement gap, and demands that the State and local education agencies establish a plan to close this gap.

H.R. 2 provides choice and flexibility and rewards while demanding accountability, quality and results. The bill before us today continues to provide flexibility for our State and local education agencies which we have already established earlier this year in the Ed-Flex bill and the Teacher Empowerment Act. The Title I program is the largest Federal commitment to elementary and secondary education in the reauthorization before Congress this year. Passage of our amendment will provide additional funds to help States, school districts and schools make the changes necessary to raise student achievement across the board.

As a former public school teacher and the mother of four, I support public schools. And I know that few things are more important to the future success of our children and our Nation than education. I urge my colleagues to support this amendment as well as the underlying bill. In doing so, we will demonstrate our real commitment to Title I programs and to improving the educational system in this Nation.

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

Mr. Chairman, I, like my other colleagues, rise to support the Roemer-Quinn-Kelly-Etheridge amendment to increase Title I funding to $9.85 billion. I will be very brief. I will not use all my time. The reason I will not is because this ought to happen and we ought not even to be debating it.

This will provide additional funding for more students. Over a third of the students are not now allowed to be involved in this program because there is not enough funding and the funding level is too low to provide for the curriculum enrichment that many of these children need, for the staff development that needs to be done, and the accountability in this bill in my opinion is what we ought to be about. And the report card is certainly needed. It is what we have done in North Carolina now for almost 10 years.

It has made a difference in our State and it will make a difference in this Nation. It ought not be a debatable issue. It ought to be something we are moving on and doing.

Finally, Mr. Chairman, let me say that approximately 99 percent of this money, of Title I money, goes to that local school. My colleagues on the left over here, as they refer to themselves on the right, are always talking about how much goes to the classroom. Ninety-nine percent of this money goes directly to the local school unit, for those children that so badly need it, that have the greatest need. If we are going to improve education in America, we are going to improve it for all children and every classroom in every corner of this country. Let us pass this amendment.

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

I rise in strong support of the Roemer-Kelly-Quinn amendment and want to make two points: The first is the reason I support this amendment, I think one of our highest priorities ought to be providing the tools to our teachers and principals in our most struggling schools to help their students survive. The second point I want to make pertains to a question that was asked which was, do we really know what works, are we really willing to make that investment?

Let me offer to my colleagues as an example the State of Florida. In the State of Florida, we are having a terribly hardy debate right now about vouchers. I personally do not support vouchers. But when you look past all the speeches that are being made, what Democrats and Republicans, what virtually all lawmakers agree upon, is that we know what works to help our most struggling students succeed. It is smaller class size, it is giving after-school and before-school programs, it is providing tutor support, exactly the ingredients to success contained in this amendment. We know it works. We do not need to wait. We need to do it. I urge strong support of the Roemer amendment.

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

I will be brief, Mr. Chairman. Most of these points have been made. Title I, I think, is very, very important. And I think covering as many children as we can within some degree of reason is very, very important. We are making significant changes in this legislation, most of which, if not all of which, I happen to believe are positive and I think things that we should do.

One of the key things that was worked out, and it has already been stressed by the gentleman from Pennsylvania, but was worked out with the key Members from the other side, the gentleman from Missouri (Mr. CLAY), the gentleman from California (Mr. GEORGE MILLER), the gentleman from Michigan (Mr. KILDEE), the ranking members over there, was the increase which is included here, and I stress that that is an increase which is included here, the good faith increases to $8.35 billion from $7.7 billion. I am doing this math in my head, so hopefully it is correct. But I think that is about a 9 percent increase in the authorization. That is a 1-year increase in authorization.

In this amendment, we are dealing with an increase which is about a 25 percent increase, and I am not sure that they could even put that into place, much less be able to sustain it. But from an economic point of view, there are many things we have to do in education. We have to deal with IDEA, we have to deal with all the other programs involved in the ESEA, and there are many other things we have to do in general. I just do not think this is a responsible step.

I think it is disappointing that we have not taken the stand of the bipartisan leadership of this community on that and endorsed the new and higher figure which they recommended. Hopefully we can defeat this amendment and go ahead and pass the bill and there will be an increase and we will be able to help those kids who are disadvantaged more than we do now.

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

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Chairman, I will be as brief as possible because I know I have colleagues who have amendments. I rise in support of the Roemer-Kelly-Quinn amendment and talk about that it is just $1.5 billion in authorization. The biggest battle always is in the Committee on Appropriations that is done every year here. But this lets us at least go to the Committee on Appropriations because we have to authorize before we can appropriate.

This year we have seen that what has happened with the Committee on Appropriations, literally the Labor-HHS appropriations bill is the last one that comes up on the floor of the House, it is a second thought to everything else we do and it really should be the first thought. Education is expensive. It is expensive for teachers, expensive for administrators, for parents, but mostly it is expensive for the community. That is why this authorization, even though it is a partial loaf, is so important.

If my colleagues think education is expensive, they ought to see how expensive ignorance is, because we see what is happening, whether it be the businesses in my district along the Houston ship channel trying to hire students or like my colleague from California said earlier, young people who graduate from high school to join our military, we need to make sure they are qualified and they are ready to go into business and industry or else to serve their country.

Again, this is just a partial success, but we have thousands of students all over the country who are not served by Title I and this authorization increase would be a great first step.

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

Mr. Chairman, I, too, wanted to rise on this amendment, the Roemer-Quinn-Kelly-Etheridge amendment, et al. Increasing Title I by $1.5 billion will go a long way. It will not go far enough as far as I am concerned where in New York City only one-third of the eligible students for Title I actually receive Title I funding. There is more we have to do to help education in this country. We have to build more classrooms, lower class size, get more funding from the Federal Government for school construction and modernization. But I think even more importantly, we have to make sure there is money there in this budget for all children who are entitled to Title I education program funding.

The CHAIRMAN pro tempore (Mr. LATHAM). The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

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

Mr. GOODLING. 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 336, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. ANDREWS

Mr. ANDREWS. 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. 9 offered by Mr. ANDREWS:

At the end of section 1114 of the the Elementary and Secondary Education Act of 1965, as proposed to be amended by section 108 of the bill, add the following:

''(e) PREKINDERGARTEN PROGRAM.—

''(1) IN GENERAL.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs in accordance with paragraph (2).

''(2) CONTENTS.—Before a school uses funds made available under this title to establish or enhance prekindergarten programs it shall consider the following:

''(A) The need to establish or expand a prekindergarten program.

''(B) Hiring individuals to work with children in the prekindergarten program who are teachers or child development specialists certified by the State.

''(C) The ratio of teacher or child development specialist to children not exceeding 10–1.

''(D) Developing a sliding fee schedule to ensure that the parents of a child who attends a prekindergarten program established under this section share in the cost of providing the prekindergarten program, with the amount of such contribution not to exceed $50 each week that a child attends such program.

''(E) That none of the funds received under this title may be used for the construction or renovation of existing or new facilities (except for minor remodeling needed to accomplish the purposes of this subsection).

''(F) Using a collaborative process with organizations and members of the community that have an interest and experience in early childhood development and education to establish prekindergarten programs.

''(G) Coordinating with and expanding, but not duplicating or supplanting, early childhood programs that exist in the community.

''(H) Providing scientifically based research on early childhood education services that focus on language, literacy, and reading development.

''(I) How the program will meet the diverse needs of children aged 0–5 in the community, including children who have special needs.

''(J) Employing methods that ensure a smooth transition for participating students from early childhood education to kindergarten and early elementary education.

''(K) The results the programs are intended to achieve, and what tools to use to measure the progress in attaining those results.

''(L) Providing, either directly or through private contributions, non-Federal matching funds equal to not less than 50 percent of the amount of the funds used under this title for the prekindergarten programs, with such contributions including in kind contributions and parental co-payments.

''(M) Developing a plan to operate the program without using funds made available under this title.

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

Mr. ANDREWS. Mr. Chairman, I first want to thank the gentleman from Wisconsin (Mr. PETRI) for his indulgence. I would be open to the gentleman from Pennsylvania's suggestion of a second-degree amendment. The purpose of this amendment is to make it clear that under whole school reform, pre-K programs may be offered on a whole school basis for children.

AMENDMENT OFFERED BY MR. GOODLING TO AMENDMENT NO. 9 OFFERED BY MR. ANDREWS

Mr. GOODLING. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING to amendment No. 9 offered by Mr. ANDREWS:

Strike line 1 on page 1 and all that follows through line 20 on page 3 of the amendment (subsection (e) that is proposed to be added by the amendment at the end of section 1114 of the Elementary and Secondary Education Act of 1965) and insert the following:

''(e) PREKINDERGARTEN PROGRAM.—A school that is eligible for a schoolwide program under this section may use funds made available under this title to establish or enhance prekindergarten programs for 3, 4, and 5-year old children, such as Even Start programs.''.

Mr. GOODLING (during the reading). Mr. Chairman, I ask unanimous consent that the amendment 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 Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Chairman, in its present form, the Andrews amendment lays the groundwork for expanding prekindergarten programs by developing a specific set of criteria that schools must consider when using Title I money for pre-K programs under schoolwide reform.

My second-degree amendment maintains the language that allows schools to use funds under the schoolwide program to establish or enhance prekindergarten programs but strikes the

specific set of criteria. In other words, my amendment explicitly says that schools can use Title I money to establish or enhance prekindergarten programs for 3-, 4- and 5-year-old children, including such programs as Even Start.

In doing so, it provides schools with the necessary flexibility that is needed to run a schoolwide program without dictating a series of additional requirements. I understand that the gentleman from New Jersey is supportive of this change and I appreciate his work on the issue.

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

Mr. GOODLING. I yield to the gentleman from New Jersey.

Mr. ANDREWS. I appreciate the gentleman from Pennsylvania's bipartisan cooperation. I believe this is a good step forward. I would yield back to the gentleman and thank him for his help.

The CHAIRMAN pro tempore (Mr. LATHAM). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GOODLING) to the amendment offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. ANDREWS), as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 42 OFFERED BY MR. PETRI

Mr. PETRI. 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. 42 offered by Mr. PETRI:

After section 1128 of the Elementary and Secondary Education Act of 1965, as proposed to be added by section 126 of the bill, insert the following:

SEC. 127. ESTABLISHMENT OF PILOT CHILD CENTERED PROGRAMS.

Part A of title I is amended by adding at the end the following:

"Subpart 3—Pilot Child Centered Program

"SEC. 1131. DEFINITIONS.

''In this subpart:

''(1) ELIGIBLE CHILD.—The term 'eligible child' means a child who—

''(A) is an eligible child under this part; and

''(B) the State or participating local educational agency elects to serve under this subpart.

''(2) PARTICIPATING LOCAL EDUCATIONAL AGENCY.—The term 'participating local educational agency' means a local educational agency that elects under section 1132 to carry out a child centered program under this subpart.

''(3) SCHOOL.—The term 'school' means an institutional day or residential school that provides elementary or secondary education, as determined under State law, except that such term does not include any school that provides education beyond grade 12.

''(4) EDUCATION SERVICES.—The term 'education services' means services intended—

''(A) to meet the individual educational needs of eligible children; and

''(B) to enable eligible children to meet challenging State curriculum, content, and student performance standards.

''(5) TUTORIAL ASSISTANCE PROVIDERS.—The term 'tutorial assistance provider' means a public or private entity that—

''(A) has a record of effectiveness in providing tutorial assistance to school children; or

''(B) uses instructional practices based on scientific research.

"SEC. 1132. CHILD CENTERED PROGRAM FUNDING.

''(a) FUNDING.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary shall grant to the first 10 States that meet the requirements of paragraph (2) the authority to use funds made available under subparts 1 and 2, to carry out a child centered program under this subpart on a Statewide basis or to allow local educational agencies in such State to elect to carry out such a program on a districtwide basis.

''(2) REQUIREMENTS.—To be eligible to participate in a program under this subpart, a State shall provide to the Secretary a request to carry out a child centered program and certification of approval for such participation from the State legislature and Governor.

''(b) PARTICIPATING LOCAL EDUCATIONAL AGENCY ELECTION.—If a State does not carry out a child centered program under this subpart, but allows local educational agencies in the State to carry out child centered programs under this subpart, the Secretary shall provide the funds that a participating local educational agency is eligible to receive under subparts 1 and 2 directly to the local educational agency to enable the local educational agency to carry out the child centered program.

"SEC. 1133. CHILD CENTERED PROGRAM REQUIREMENTS.

''(a) USES.—Under a child centered program—

''(1) the State or participating local educational agency shall establish a per pupil amount based on the number of eligible children in the State or the school district served by the participating local educational agency; and

''(2) the State or participating local educational agency may vary the per pupil amount to take into account factors that may include—

''(A) variations in the cost of providing education services in different parts of the State or the school district served by the participating local educational agency;

''(B) the cost of providing services to pupils with different educational needs; or

''(C) the desirability of placing priority on selected grades; and

''(3) the State or the participating local educational agency shall make available a certificate for the per pupil amount determined under paragraphs (1) and (2) to the parent or legal guardian of each eligible child, which certificate shall be used for education services for the eligible child that are—

''(A) subject to subparagraph (B), provided by the child's school, directly or through a contract for the provision of supplemental education services with any governmental or nongovernmental agency, school, postsecondary educational institution, or other entity, including a private organization or business; or

''(B) if requested by the parent or legal guardian of an eligible child, purchased from a tutorial assistance provider, or another public or private school, selected by the parent or guardian.

"SEC. 1134. LIMITATION ON CONDITIONS; PREEMPTION.

Nothing in this subpart shall be construed to preempt any provision of a State constitution or State statute that pertains to the expenditure of State funds in or by religious institutions.''.

Mr. PETRI. Mr. Chairman, this amendment establishes a pilot program that allows up to 10 States or school districts with the approval of their respective State legislatures and governors to convert Title I into a portable benefit, one that follows the child to the education service chosen by his or her parents. The amendment gives interested States wide latitude to vary the amount of the benefit according to factors such as differences in cost of services in different areas of the State, differences in educational needs of students, or a desire to place priority on selected grades.

The amendment also provides wide latitude in the types of educational services which may be covered. This amendment does not require States to provide benefits to all poor students regardless of educational need, as some have indicated. States are explicitly allowed to target the funds as they wish. Therefore, this provision will not necessarily dilute the assistance provided to current Title I recipients. In fact, Mr. Chairman, States can increase targeting to those students with the greatest educational need if they so wish.

Similarly, the amendment need not threaten school-wide programs. For example, States could provide that any child attending a school with a schoolwide program must use his or her Title I benefit to pay for that program. If the State also provides public school choice, it would then get some highly useful market-based feedback on the perceived value of those school-wide programs.

The child-centered benefit might be more difficult in the current program to administer, but I prefer to let the States and school districts decide whether the benefit of this approach exceeds any such costs.

The basic philosophy of this amendment is that if something is broken we should allow people to try to fix it. I am not sure if there ever really was a time when Title I was unbroken, but it is certainly broken now. There are some places where it works, including some in my own district, but on the whole studies show that the $120 billion we have spent on this program over the years has failed the children that it was supposed to help.

It is time to let the States try something different, and it is especially appealing to allow experimentation when we have so little clues when it is so unlikely that we will do worse than the current program.

And what is the heart of the experiment allowed by this amendment? It gives power to parents. If education bureaucracies have not helped their children, why not give some decision-making power to parents? To those who

argue poor parents cannot make good decisions, I reply that that represents the kind of bureaucratic paternalism that has failed practically everywhere it has been applied. To those who argue that the likely per-child benefit on the order of some $650 is not a lot, well I reply that it is something, and something is better than nothing.

It will offer some choices and give parents some power and the responsibility to play some direct role in the education of their children. The money could pay for supplementary services from a variety of sources including a child's own public school. It could even be used by a private school student to pay for an exemplary after-school or Saturday morning program at a public school. We should never assume that the public schools could not compete for these dollars. But if some parents decided that the best option for their children was to apply their $650 toward private school tuition rather than supplementary services of any kind and that $650 made the difference in enabling them to afford the tuition, I believe we owe it to their children to allow them to make that choice.

Some decades ago, Mr. Chairman, many folks used the slogan: Power to the People. Of course, they really meant power to themselves claiming to represent the people. This amendment provides real power to the people and one of the strongest kind, purchasing power. In every other case where individual consumers make decisions, we get better and cheaper goods and services. Why not try that in compensatory education?

Remember, this is a pilot program. We are trying a different approach. If it does not work, we can return to the drawing board and consider other options; but if it does work, Mr. Chairman, if it does make a difference to our educationally disadvantaged students, then it means that today with this bill in this 106th Congress we will have significantly affected the future of America and of her children. What have we got to lose?

I urge all my colleagues to support this amendment.

Mr. KILDEE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin.

Mr. Chairman, for similar reasons on the Armey amendment I rise to oppose my good friend from Wisconsin's (Mr. PETRI) amendment. We have already voted on the issue of private school vouchers both in committee and earlier today on the floor; and in both times, Mr. Chairman, the amendments were defeated overwhelmingly.

The Petri amendment would allow Title I funds to be diverted from the poor public schools to be used for private school vouchers in 10 States. We all know that vouchers do raise the usual constitutional issues, and others argue also that they could jeopardize the independence of our private schools and certainly undermine the administration of the Title I program; and also, when we look at the real amount authorized in this amendment for vouchers, it certainly would be too small for poor families who actually send their children to private schools where the tuition is usually quite high.

I think rather than diverting funds to private schools, we should be investing additional resources to public schools where over 90 percent of America's children learn every day. We defeated by a very sound margin earlier today the Armey amendment, and as my colleagues defeated that amendment, I would urge my colleagues to defeat the Petri amendment.

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

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

Mr. SOUDER. Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from Wisconsin (Mr. PETRI), and it has been a privilege to work with him in committee and here on the floor.

I support this amendment because I believe our Nation's students will immeasurably be benefited when Federal money begins to follow the child. This is a proposal that has been floated for a number of years by Checker Finn and others. It has been supported by the Heritage Foundation and is hardly a strange concept. We have a similar approach in college funding called Pell grants named after former Senator Claiborne Pell, a Democrat. Out of deference to my friend from Michigan, I guess we will not call these Kildee grants, but it is not a new concept that we would have the money follow the student and follow the child. We have done this in college education for years and have not disrupted public educational colleges, and it has strengthened in fact the choices that parents have.

This amendment simply allows 10 States to experiment with a new pilot program. One would think that we were trying to gut the schools rather than saying if the legislature and the governor decide in a few pilot States that they want to experiment that they should be allowed to do so.

I believe in choice. I believe in public school choice. I believe in private school choice, and one of the most astounding things that is happening in America is watching in the urban centers in particular the rapid growth of African American and other minority school choice programs run by locals who are concerned that their kids are not getting the education. It is not sufficient to say that the dollars that go to Title I to the student is not enough to cover the tuition.

The fact is in Cleveland, when the court just threw out their private school support program, the parents worked together to come up with that money because they are very concerned about the quality of education for their students. The Catholic church for years has subsidized members of their parish who cannot afford it. We see that in Golden Rule in Indiana with Pat Rooney. He has put together scholarship funds. We see Ted Forstman and others do this. The demand is far exceeding. There are supplemental ways to get the income in. Some sacrifice for the parents. They are voting with their feet, and not every school costs like St. Albans, where our vice president may send his children or like the private schools in Washington where Members of Congress may send their children or the private schools around the country where the affluent send their children. There are many lower cost private schools where people, apparently the only people who can have those choices are middle-class and upper-class parents, not the lower-income people who need the desperate education.

Furthermore, let me make clear that it is not a matter of just this sudden abandonment of the public schools. We are not going to wipe out our Federal education programs for the public schools because even if we maximized private school choice, for multiple reasons it would probably never hit in this country. If we had a pure voucher system, more than 20 percent.

I went to public schools; my kids are in public schools. Most people are not going to abandon their local school. It is close, they know the teachers, they are invested in it. But denying those who have the most at stake who most need the best education possible the possibility of even having a pilot program that would have to clear State legislature and a governor and give them an opportunity that if they can find a place where they can take this voucher or at least have the leverage to go to the school and say, I might take my child out if you do not respond to some of my concerns, to deprive the powerless of any power over their school systems, they often have very little control over the school boards already. They are ignored by the principals; they are ignored by the teachers. At least if they could take their money like a middle-class or an upper-class family and say, I might leave, perhaps they would be listened to.

Why would we take the most powerless in this society and say, everybody but you gets a choice, but not you.

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

[From the Public Interest, Fall, 1998]

THOMAS B. FORDHAM FOUNDATION

WASHINGTON VERSUS SCHOOL REFORM

(By Chester E. Finn, Jr., and Michael J. Petrilli)

[Note: This is the original manuscript and has been heavily edited by the Public Interest.]

''Promiscuous'' is an overused word in Washington these days, but it aptly describes the trend in federal education policy-both at 1600 Pennsylvania Avenue and on Capital Hill. The 1990's have seen the wanton transformation of innumerable notions, fads and impulses into new government programs and proposals for many more such. Since inauguration day, 1993, the Clinton administration alone has embraced dozens of novel education schemes, including subsidies for state

academic standards, tax credits for school construction, paying for teachers to be appraised by a national standards board, hiring 100,000 new teachers to shrink class size, ensuring ''equity'' in textbooks, collecting gender-sensitive data on the pay of high school coaches, boosting the self-esteem of rural students, establishing a Native Hawaiian education Council, connecting every classroom to the Internet, developing before-and after-school programs, forging mentoring relationships between college students and middle schoolers, increasing the number of school drug-prevention counselors, requiring school uniforms, and fostering character education. ''Superintendent Clinton'' has also supported the Family Involvement Partnership, the America Reads partnership. Lighthouse Partnerships (for teacher training), HOPE Scholarships, Presidential Honors Scholarships, Americorps, Voluntary National Tests, Education Opportunity Zones, and Comprehensive School Reform Grants. And that's just a selection from the brimming smorgasbord.

But Mr. Clinton is not alone. Nor is policy promiscuity indulged in only by lusty Democrats. Roving-eyed Republicans in Congress have proposed, inter alia, slashing class size, ending social promotion, legalizing school prayer, replacing textbooks with laptops, funding environmental education, paying for school metal detectors, and creating a new literacy program.

As education has ascended the list of policy issues that trouble voters, politicians of every stripe have predictably lunged for it. This has led Washington officials to shoulder problems and embrace initiatives that once were deemed the proper province of states and communities (or individual schools and families). The federal education policy arena has come to resemble a vast flea market, where practically any program idea can be put on display and offered for purchase without regard to its soundness or effectiveness. As at a flea market, there's plenty of old stuff hanging around, too. Once created, education programs seldom disappear, no matter how poorly they accomplish their stated purposes and no matter what harm they may do along the way.

It's not that their authorizers and appropriators are ignorant. The major programs have been evaluated time and again. Countless studies have shown that most of them, for all their laudable ambitions and fine-sounding titles, do little or no good. What then accounts for this risky—even reckless—behavior? Why can't federal officials keep their wallets zipped? Today's promiscuous approach has four main origins:

(1) The clamor for someone to do something. Education is clearly a problem. Solving that problem ranks high with voters and taxpayers. The simplest way to give at least the appearance of action is to propose another program or three. Of course, this impulse isn't confined to Washington. Many governors, legislators, mayors and aldermen have spent their way into citizens' hearts with pricey education programs. As the 1998 election draws closer, reports the Washington Post, local, state, and national candidates of both parties are stumbling over one another with promises to shrink third grade classes, build new classrooms, launch after-school programs, etc.

(2) Devotion to focus group fancies and pollsters' pointers. The public is vague about how it wants education to change, and rather naive about the sources of its problems. The easiest, surest way to appeal to voters is to offer to do something with instant, intuitive appeal, like shrinking classes or refurbishing buildings, even if that something won't actually solve any real problems. One thereby avoids being labeled ''anti-education'' because one wants to overhaul or—quel horreur—scrap some dysfunctional program or disrupt an established interest. Democrats have long tended to solve education problems by hurling new programs at them. When Republicans briefly and clumsily tried a surgical approach in 1995, they wounded themselves (for seeking to trim the school lunch program and scrap the federal education department, etc.) They, too, have mostly retreated from the operating room to the program delivery room. Even when they propose a radical innovation, such as Paul Coverdell's education savings account (which would lightly subsidize private school attendance), they no longer offer it instead of an obsolete program; it is nearly always an addition to the federal nursery.

(3) Gridlock over the tough ideas that might actually effect change. One serious reform strategy focuses on standards and accountability, the other on school choice and diversification. It's not hard to design a shrewd blend, combining national standards with radical decentralization and merging tough accountability measures with school choice. But politicians with an eye on their ''base''—or an upcoming primary—won't yield an inch on their pet schemes and aversions. Unable to reach agreement on genuine reforms, they reach instead for crowd-pleasers.

(4) The marginal nature of the federal role in education. Washington furnishes just seven percent of the K–12 education budget. Federal officials know very well that nothing they do will have great impact. Since they're not ultimately responsible for what happens in the schools, heedlessness comes easy to them. They rarely behave quite so immaturely in policy areas where Uncle Sam plays the lead role, such as national defense, Social Security and international trade.

HOW WE GOT HERE

Because the Constitution assigns Washington no responsibility whatsoever for education, the federal role is guided by no general principles. It just grew. This property never had a master plan, an architectural design or even a central structure, just a series of random sheds, annexes and outbuildings. Though some early construction can be found as far back as the Northwest Ordinance of 1787 and the creation of land-grant colleges in 1862, the federal role in education is essentially a late Twentieth century design. Indeed, save for vocational education, the G.I. bill, the post-Sputnik ''national defense education act,'' and, of course, the judiciary's deep involvement in school desegration, the federal role as we know it is a creation of the mid-sixties, of Lyndon Johnson's Great Society.

The major legislation of the day included Head Start (1964), the Elementary and Secondary Education Act (1965), the Higher Education Act (1965), the Bilingual Education Act (1968), and, soon after, the Education for All Handicapped Children Act (1975). All these programs sought to expand access to education for needy or impoverished segments of the population—and to disguise general aid to schools as help for the disadvantaged. The dozens of programs created by these five statutes (and their subsequent reauthorizations) script the federal role in education today.

That role will soon be up for review. The 106th Congress will reauthorize the centerpiece Elementary and Secondary Education Act (E.S.E.A.) and its $11 billion worth of programs, accounting for fully a third of the Education Department's budget. Out of 69 K–12 programs currently administered by that agency, 47 are authorized by E.S.E.A. Title I, the largest of them at nearly $8 billion, is included, as are bilingual education, safe and drug free schools, the Eisenhower professional development program, and scores more.

These programs mostly began under Lyndon Johnson (and up now no Republican Congress has had a crack at them), but their support has been bipartisan. Richard Nixon presided over a significant expansion of aid to college students. Gerald Ford signed the burdensome ''special education'' bill into law.

The Reagan and Bush administrations proposed to return control to states and localities. They found early success—federal K–12 education spending declined 21 percent in real terms between 1980 and 1985. But funding for these programs then skyrocketed 28 percent from 1985 to 1992, and another 14 percent during Clinton's first term. Their complexity grew, too. The 1994 version of the Elementary and Secondary Education Act—passed just a few weeks before the GOP won control of Congress—sprawled over 1000 pages. Today, the federal government currently spends $100 billion per year on over 700 education programs spanning 39 agencies. The Department of Education manages roughly one-third of this money and employs close to 5000 people.

CHANGING PROBLEMS, UNCHANGING PROGRAMS

The underlying assumptions of the federal role in education have not changed since LBJ occupied the Oval Office. Increasing access to more and more services—rather than boosting achievement and productivity—is the primary mission. States and localities are assumed to be unjust, stingy, and stubborn. Top-down regulations and financial incentives are assumed to be the surest ways to induce change. And Uncle Sam's primary clients are assumed to be school systems, not states and municipalities, and certainly not children and families.

It's remarkable how stable these assumptions have been despite thirty-plus years of failure. America's schools remain perilously weak. Whether one looks at worldwide math and science results, comparisons of ''value added'' over time, or other indices of achievement, they simply don't measure up-except in spending, where U.S. outlays per-pupil are among the planet's loftiest. Domestically, our National assessment results are mediocre-to-dismal, and the achievement (and school completion) levels for minority youngsters and inner-city residents are catastrophic. In Ohio, for example, the school districts of Cleveland, Youngstown, and Dayton are all posting drop-out rates of greater than 40 percent. Nationally, a staggering 77 percent of fourth-graders from high-poverty urban schools cannot read at a basic level. The achievement gap between the rich and poor and between whites and minorities has not closed; it may even be growing. After three decades, billions of dollars, and thousands of pages of statutes and regulations, we have astonishingly little to show for the effort.

One might think policy makers would take notice. One might suppose they would demand a fundamental overhaul, a thorough hosing-out of this Augcan stable of feckless programs and greedy interest groups. But one would be wrong. In a spectacular example of throwing good money after bad and refusing to learn from either experience or research, the scores of program proposals made within the past few years simply extend—indeed deepen—the familiar trend.

The recent proposals and new programs don't sound exactly like the old ones. Although the basic approach is the same, the language has been updated. Today's programs are generally mooted in phrases that focus groups favor, such as ''comprehensive services,'' ''mentoring'' and ''literacy.''

Most of them fall under three headings: ''partnerships'' that mask government activism under complex organizational links; the extension of services into new domains; and the adoption by Uncle Sam of duties and responsibilities that were once the province of states and communities.

''PARTNERSHIPS''

''Partnership,'' the pollsters assure us, is a ''warm'' term that focus groups adore. Upon examination, though, most ''partnerships'' turn out resemble what used to be called ''bureaucracies.'' Consider the ''Lighthouse Partnerships'' for teacher training, proposed by the Clinton administration and supported by several Republicans (and soon to be enacted). Washington's dollars would allow ''model'' colleges of education to ''partner'' with weaker ones. They would also ''partner'' with state education agencies, local school districts, and non-profit organizations. All these new partners would supposedly work together to improve teacher training.

Nobody can quite explain why federal funding is necessary for them to cooperate. They are all supposed to be improving teacher training in the first place. Nor is it clear that anything real will result from their newly-subsidized bonding. Will teachers be tested on more difficult material? Will schools of education be held accountable for producing teachers who know their stuff? Will students learn more? No one can be sure, since the stated mission of the program is simply to encourage institutions to hook up with one another. What is certain is that teacher training colleges and other pillars of the education establishment will reap added financial benefits. The traditional monopoly will be strengthened and the teacher quality problem, far from being solved, will likely be exacerbated.

COLONIZING NEW TERRITORY

The President recently trotted out a proposal to support ''community learning centers'' that tutor students and provide them with a safe place to go after school. It's hard to fault the impulse (though like most ''compensatory'' efforts it may let the original malefactors off the hook—why is it that most public schools close by 3 p.m.?). But is there a compelling reason for the federal government to fund them? And won't Uncle Sam's embrace prove to be a chokehold?

If there is any sure lesson from these years of experience, it is that regulatory entanglements follow federal funding. New programs bring unaccustomed mandates, fresh conditions and additional rules. We'll wake up one day to learn that the new after-school centers must be accredited, or staffed by certified teachers (or unionized teachers); they can be sponsored only by secular organizations; their buildings must be built or rehabbed by workers paid the ''prevailing'' union wage; they will have to teach diversity and conflict resolution, saving the environment, or esteem-building via ''cooperative learning.''

Are there compelling benefits that outweigh these costs? Perhaps some esoteric expertise that the federal government is privy to when it comes to after-school tutoring? We have not spotted it. The only real asset Washington has to offer to education is money. But at present the states have more of that than they really need. Their combined surplus was estimated by the National Conference of State Legislatures at $28.3 billion for FY 1997. With so many dollars floating around, why burden worthy programs with Washington-style red tape? States, philanthropies, and local communities could easily create after-school havens for kids and recruit tutors for those who need help. Why must the Department of Education grow a ''bureau of community learning centers'' to manage this process?

MINDING OTHER PEOPLE'S BUSINESS

Far from being stodgy, recalcitrant and ignorant, the states today are bubbling labs of education reform and innovation. Information about promising programs gets around the country in a flash. A few years ago no states produced school-by-school ''report cards''; now at least a dozen do. Five years ago, only eight states had charter school laws. Today, 33 have enacted them. This copycat behavior can be seen even at the municipal level. Chicago's successful accountability plan—ending social promotion and requiring summer school for those who failed—is being mimicked by dozens of communities, just as Chicago's dramatic new school governance scheme (with the mayor in charge) is being adapted for use in other communities. Yet the tendency in Washington is still to nationalize problems and programs that states and communities are capable of tackling.

When, for example, did class size become a federal issue? It's states and communities that hire and pay teachers. It's states and communities that make the trade-offs, deciding, for example, whether they would prefer a large number of inexperienced, low-cost teachers or a smaller number of pricey veterans. Long before Mr. Clinton (and, for the Republicans, Congressman Bill Paxon) decided that smaller classes are better, several states were headed this way on their own. And while the idea is undeniably popular with parents, state class-size reduction initiatives have shown that its efficacy is unsure and its unintended consequences numerous. Pete Wilson's class size reduction plan for California, for example, prompted a mass exodus of experienced teachers from inner-city schools to posh suburbs, leaving disadvantaged kids with even less qualified teachers than before. Teacher shortages are now rampant and thousands of people have received ''emergency waivers.'' Instead of remedying the real teacher crisis—the lack of deeply knowledgeable instructors—it has made the situation worse.

Research on class size is also inconclusive. Most studies show no systematic link between smaller classes and higher achieving pupils. The versions that seem to yield the greatest gains are those that slash class size below fifteen kids. Such an expensive proposition must be weighed against the opportunity costs of other programs, strategies, or initiatives that could be funded. Some communities might decide the price is worth it, while others would rather use their incremental dollars in different ways.

But Mr. Clinton's across-the-nation plan does not allow for such delicate and decentralized decision-making. While the President often uses words like ''autonomy'' and ''accountability,'' his proposal would micromanage school staffing and budget priorities from Washington.

Once upon a time, Uncle Sam provided some real leadership in educational innovation. Now that the states are taking charge, the feds appear disoriented, playing ''me too.'' And not just with respect to class size. From ending social promotion, to adopting school uniforms, to implementing accountability systems, Washington now reverberates with echoes of state and local initiatives.

A CHANCE TO REPENT

A rare opportunity is at hand for a top-to-bottom overhaul. The public seems readier for fundamental reforms in education than ever before—and indeed is getting a taste of them at the grassroots level. There we can glimpse higher standards, tougher accountability systems, brand-new institutional forms and profound power shifts. Surveys make it plain that voters, taxpayers and parents are hungry for charter schools, for ending social promotion, for tougher discipline, for more attention to basic skills, and for school choice. Privately-funded voucher programs are booming, with hundreds of millions of philanthropic dollars now being lavished on them and thousands of children in queues for lotteries to participate. Two cities have publicly-funded voucher programs, and more soon will. Charter schools are spreading like kudzu. And opinion leaders from newspaper columnists to business leaders to college presidents—are signaling their own readiness to try something very different.

Into this shifting landscape will soon drop the periodic reauthorization of the Elementary and Secondary Education Act. The federal role in education could be almost entirely reshaped via this one piece of legislation. But will it be?

Plenty of political obstacles block the path to a true overhaul. Three decades of doing things one way creates huge inertia, and every program, indeed every line in this endless statute, now serves an entrenched interest or embedded assumption. Still, that was also true of welfare a few years back, and Washington was able to muster the will and imagination to change it anyway—once policymakers understood that the old arrangement had failed and allowed themselves to visualize a different design.

What would a different approach to the federal role in K–12 education look like? We see three basic strategies.

BLOCK GRANTS

Instead of myriad categorical programs, each with its own regulations and incentives to prod or tempt sluggish states and cities into doing right by children, what about trusting the states (or localities) with the money? do federal officials really know better than governors and mayors what the top education reform priorities of Utica or Houston or Baltimore should be? The block grant strategy rests on the belief that, while states and communities may crave financial help from Washington to solve their education problems, they don't need to be told what to do.

Block grants can be fashioned without cutting aid dollars at all. (Indeed, by reducing the overhead and transaction costs of dozens of separate, fussy programs, they should enable more of the available resources to go to direct services to children.) Rather, they amalgamate the funding of several programs and hand it to states (or communities) in lump sums that can be spent on a wide range of locally-determined needs. In so doing, they dissolve meddlesome categorical programs in pools of money.

Block grants also rid the nation of harmful programs, which get dissolved in the same pools. Do federal taxpayers really need to be funding the development of TV shows for kids? How about the sustenance of ''model'' gender-equity programs? Are ''regional education laboratories'' still needed to disseminate reform ideas in the age of the Internet?

Block grants come in every imaginable size and shape. If all the programs in E.S.E.A. were combined into a single one, at 1999 appropriation levels the average state would receive $220 million per annum to use as it saw fit. Earlier this year, the Senate passed a somewhat smaller block grant designed by Washington's Slade Gorton, which assembled some 21 categorical programs into a block grant totaling $10.3 billion. (Facing a Clinton veto threat, it was later deleted by Senate-House conferees.)

Block grants respect the Tenth Amendment and—in our view properly—leave states

in the driver's seat. They allow Uncle Sam to add fuel to the gas tank but they hand the keys to the governors. In the process, federal bureaucracy is slashed—along with the state and local bureaucracies that currently service the torrent of federal regulations (and are paid for with overhead siphoned from federal grants before any services are provided to children).

VOUCHERS

While block grants hand money and power back to the states, vouchers empower families directly. Instead of writing fifty checks, Washington would send millions of them straight to needy children and their parents, thus helping them meet their education needs as they see fit. Vouchers shift power from producers to consumers.

This is already standard practice in federal higher education policy, where an historic choice was made in 1972; students rather than colleges became the main recipients of federal air. A low-income college student establishes his own eligibility for a Pell Grant (or Stafford Loan, etc.), and then carries it with him to the college of his choice. That might mean Stanford or Michigan State, Assumption College or the Acme Truck Driving School. The institution only gets its hands on the cash if it succeeds in attracting and retaining that student.

The same thing could be done with federal programs meant to aid needy elementary and secondary students. The big Title I program, for example, spends almost $8 billion annually to provide ''compensatory'' education to some 6.5 million low-income youngsters. That's about $1250 apiece. What if the money went straight to those families to purchase their compensatory education wherever they like: from their public or private school, to be sure, but also from a commercial tutoring service, a software company, a summer program, an after-school or weekend program, or the local public library? Title I would turn into millions of mini-scholarship, like little Pell grants. A similar approach could be taken to any program where individual students' eligibility is based on specific conditions: limited English proficiency, disability, etc.

The argument for vouchers is that a program designed to help people in need should channel the resources directly to them, not to institutions, intermediaries or experts. Giving families cash empowers them while also building incentives for providers to develop appealing, effective programs. Furthermore, they make disadvantaged children financially attractive to schools and other service providers.

The question most often asked about vouchers is whether families can be trusted to do right by their own children. We think the answer is yes about 99 times out of a hundred and experience with publicly- and privately-funded voucher plans all over the country seems to confirm that intuition.

How about the administrative headache of linking the federal government directly to millions of families? Such huge direct-grant programs as social security and veterans' benefits show that this can be done. But it's still an invitation to bureaucracy and confusion.

There are alternatives to direct relationships between Uncle Sam and millions of children and families, however. A hybrid strategy of vouchers and block grants, for example, would turn the money over to states for them to hand out in the form of vouchers. Or the whole process could be outsourced to private financial services managers (much like the new welfare services providers).

BUST THE TRUSTS

While the first two strategies loosen Uncle Sam's grip and shift power and decisions away from Washington, the third demands vigorous federal action. It calls for Big Government to tackle Big Education. Think of it as trust-busting.

Even if all federal programs were block granted, or voucherized, after all, the present power structure would still be in charge. School administrators, teachers' unions, colleges of education and similar groups have erected a fortress that devolution may slightly weaken but will not vanquish. Lisa Graham Keegan, Arizona's crusading Superintendent of Public Instruction, understands this well. By pressing for charter schools, for school choice, for capital dollars ''strapped to the back'' of individual children, and for tough statewide standards, she has started to break the iron establishment grip that has long been obscured by the beguiling phrase ''local control.'' As David Brooks recently wrote, Keegan recognizes that ''If you really want to dismantle the welfare state, you need a period of activist government; you need to centralize authority in order to bust entrenched interests.''

Though the agencies sometimes overstep their bounds, few question the role of the Justice Department and Federal Trade Commission in combating monopoly and collusion in the private sector. Education is currently the largest protected monopoly in our country; a tough federal agency that presses for true competition might work wonders.

What education ''trusts'' need busting? Our three leading candidates are:

(1) The information monopoly. Education consumers inmost of the U.S. lack ready access to reliable, intelligible information about student, teacher, and school performance. By manipulating the information, the establishment hides the seriousness of the problem. While most Americans know the education system is troubled, they also believe that their local school serves its students well. This is the misinformation machine at work. There's need for the education equivalent of an independent audit—and it's a legitimate role for the federal government, albeit one that many Republicans in Congress have so far been loath to permit.

(2) The teacher training monopoly. Due to state licensure rules, virtually all public school teachers must march through colleges of education en route to the classroom. As indicated by Massachusetts' recent teacher-testing debacle (over 60% of those taking the Commonwealth's new certification test flunked), those campuses aren't even teaching the rudiments. Institutions other than traditional ed schools should be allowed to prepare future teachers. Knowledgeable individuals should be allowed to bypass formal teacher training altogether. And nobody who has not mastered his/her subject matter should enter the classroom at all. Federal programs—including grants and loans to college students—could wield considerable leverage in this area.

(3) Exclusive franchises. Local public school monopolies need competitors. Entities besides local school boards and state bureaucracies should be allowed to create and run schools. Private and nonprofit managers should be encouraged to do so. Any school that is open to the public, paid for by the public and accountable to public authorities for its performance should be deemed a ''public school''—and eligible for all forms of federal aid. Vigorous trust-busting undeniably smacks of Big Government. It's as much a Washington-knows-best strategy as was the Great Society. But it directs that strategy against the genuine problems of 1998 rather than the vestigial problems of 1965.

WHAT TO DO?

These approaches to the reconstitution of federal education policy are not mutually exclusive. All three would shift power away from vested interests. All three would profoundly alter the patterns established over the past third of a century. In reconstructing the federal role, especially its centerpiece Elementary and Secondary Education Act, through these means—and deciding which current programs warrant what treatment—we would be guided by a trio of principles:

(1) First, do no harm. This is part of the Hippocratic oath, familiar to budding doctors but a solemn pledge that policymakers should make, too. Federal programs should not impede promising state and local initiatives or contravene family priorities.

(2) Consumer sovereignty. Federal aid should actually serve the needs of its putative beneficiaries—primarily children and families—rather than the interests of the education system qua system.

(3) Quality, not quantity. America has largely licked the challenge of supplying enough education. Today's great problem is that what's being supplied isn't good enough. The mid-sixties preoccupation with ''more'' needs to be replaced by a fixation on ''better.''

Applying those principles to E.S.E.A. via the three strategies outlined above, here are some specifics:

Block grant. Most of today's categorical programs—and all of the pork barrel programs—should be amalgamated into flexible block grants that are entrusted to states—not to the ''state education agency'' but to the governor and legislature. Most of E.S.E.A.'s 47 programs would benefit from this fate. Into the mix go myriad teacher-training programs, including the $800 million Eisenhower Professional Development Program. Also the Safe and Drug Free Schools Program, which has yet to yield safe or drug free schools. Impact aid, school reform grants, technology money, facilities funds, arts education programs, and many another vestige of some lawmaker's urge to play school board president should be thrown in. So should the regional labs, the gender-equity programs, federally-funded TV shows, and the like. Interest groups will object because they crave (and have grown dependent on) the categorical aid. Also protesting will be the (literally) thousands of state education department employees whose salaries are paid by Washington. But block grants will largely remove Uncle Sam's hands from the education cookie jar. States can use the funds for their own reform plans. The strings should be very few—possibly a requirement that the money be spent on direct services, perhaps a priority for low-income kids, maybe a commitment from the states to publish their scores on the National Assessment of Educational Progress—and states should have the right to convert their block grants into vouchers if they wish. The total value of the most obvious candidates for block-granting is (at 1998 spending levels) about $3 billion, or $60 million per state. Throwing in a few other categorical programs that would benefit from this treatment (such as the ''Goals 2000'' program, the school-to-work program, and vocational education) would boost the total to roughly $5 billion, or $100 million per state.

Voucherize. Take the three big programs aimed at helping needy individuals—Title I for the poor, special education for the disabled, and bilingual education for those who don't yet speak English well—and hand that money directly to the putative beneficiaries. Take the annual appropriations for each program and divide by the number of students eligible for aid. Using 1998 numbers, this would mean youngsters eligible for Title I would each receive a $1250 annual stipend. Those who cannot yet speak English would receive a $130 voucher. Special education

students would receive aid in relation to the severity of their disability, with amounts ranging from $200 to $1200 in federal money. A family whose child is poor, disabled and does not yet speak English would receive a check in the $1600 to $2600 range, all within current budget levels. Such a system would certainly empower consumers, slash federal red tape, and create a world of new educational services and providers vying for the attention of disadvantaged students.

Bust the trusts. To crush the information monopoly, Congress should renew the National Assessment of Educational Progress (which also expires the next year) on a more independent basis—and authorize its governing board to make those standards-based tests available to communities, schools, even individual parents. This would replace the politically-stalemated ''voluntary national test'' that Mr. Clinton proposed with a more flexible instrument that enjoys greater insulation from politicians, bureaucrats and special interests.

To tackle the teacher training monopoly, Washington should fund alternatives to ed schools. Think of them as ''charter schools'' for future teachers. Uncle Sam can also make shoddy schools of education accountable by holding their federal aid hostage to graduates' meeting minimal standards of knowledge and skill.

To end the exclusive franchise of local school districts and state bureaucracies, the federal government should vigorously support the development of thousands of charter schools and other supply-side innovations (like contract schools, alternative schools, etc.). These schools should only be supported, though, if they are held to high standards and operate independently from school districts and state regulations.

Finally, to tilt federal incentives in the direction of quality, Washington should insist that all students seeking federal college grants and loans first pass a rigorous high school exit exam. Students will not get serious about academics until there are palpable consequences linked to academic standards—an obvious point that has been hammered home by (among others) the perceptive columnist Robert Samuelson and the late teacher union chief, Albert Shanker. (This will also serve to hold voucher schools to high academic standards—as their business will dissipate if their graduates cannot matriculate to college.)

Could trust-busting activities get out of hand? Yes, indeed. Perhaps these functions should be overseen by an outfit one step removed from direct political influence, much like the National Assessment Governing Board. Maybe governors should be empowered to excuse their states from these initiatives, if they attest that the cause of education reform would be advanced by immunity from all Federal meddling. But we suspect that most governors would quietly welcome as much help as they can get in combating the education establishment.

THE NEXT WELFARE REFORM?

The Elementary and Secondary Education Act will likely be signed into law just before the presidential election in 2000. The legislative process is cranking up with field hearings and advisory panels already being convened by the Clinton administration. If 33 years of history is any guide, the likeliest outcome will be minor tweaking of extant programs. They may not work—they may even do harm—but they have great momentum and plenty of vested interests, and the few members of Congress who really understand them tend to favor the status quo. Certainly the administration will do nothing to rile its friends in the school establishment. So there will be plenty of proposals to tinker and fine tune. A few decrepit programs may even vanish, to be replaced by new fads and pet schemes. The bad habits of a third of a century will go unconquered and the Johnson-era conception of the federal role in education will endure for another five or six years.

But there could be an altogether different ending to the tale, a transformation of the federal education bazaar from flea-market to a consumer-focused department store. While promiscuity may well continue elsewhere inside the Beltway, it plainly isn't good for schools or children. When it comes to education, Federal officials should pledge themselves to temperance, prudence and clean living.

[From the Wall Street Journal, January 20, 1999]

THOMAS B. FORDHAM FOUNDATION

CLINTON'S SCHOOL PLAN IS A GOOD START. LET'S GO FURTHER

(By Diane Ravitch)

Every opinion poll shows that education is now the public's top domestic priority. Every poll also shows that the public wants schools to have higher academic standards and to be safe and orderly places. So it was not surprising that President Clinton would stress education in his State of the Union address last night.

The president wants to set federal guidelines for teacher training, student discipline, school performance and promotion policy. School districts that violate the new federal guidelines would risk losing their federal funding. Federal aid to the schools—about $20 billion—is considerably less than 10% of what Americans spend for public education, but no district is going to risk losing even that fraction of its budget.

The White House has raided the right issues, and it is about time. In the 34 years since Congress passed the Elementary and Secondary Education Act, federal money has been spread to as many districts as possible with scant regard for whether its beneficiaries—especially poor kids—were actually learning anything. For too many years, federal aid to the schools has been both burdensome and ineffective. Now the president wants to establish quality standards to accompany the federal aid.

This proposal makes some important points: Schools should never have started promoting kids who have not mastered the work of their grade; they should have effective disciplinary codes; they should never hire teachers who don't know their subject; and they should issue informative school report cards to parents and the public.

And yet experience suggests that when the education lobbyists begin to influence any future legislation, we can expect more regulation and more bureaucrats, and precious few real standards. This is why Mr. Clinton must link his proposals to deregulation, thus liberating schools from redundant administrators, onerous regulations and excessive costs, most of which are imposed by current federal education programs.

The best way to do this would be to turn the key federal program for poor kids—Title I—into a portable entitlement, so that the money follows the child, like a college scholarship. Presently, federal money goes to the school district, where bureaucrats watch it, dispense it and find manifold ways to multiply their tasks and add to their staffs. As a portable entitlement, Title I's $8 billion would allow poor children to attend the school of their choice instead of being stuck in low-performing schools. It would be a powerful stimulus for school choice. At the very least, states should be given waivers to direct federal money to the child, not the district.

There are additional steps that Mr. Clinton should take now to enhance incentives for student performance in current federal programs:

Renew a campaign to authorize national tests in fourth-grade reading and eighth-grade mathematics. President Clinton proposed this last year, but it has languished because of opposition from conservative Republicans and liberal Democrats. If he can't resuscitate that proposal, then he should ask Congress to allow individual districts and schools to administer the excellent subject-matter tests devised by the National Assessment of Educational Progress (which only statewide samples of students can take now). As the excitement over a new fourth-grade reading test demonstrated last week in New York state, nothing concentrates the mind of students, parents and teachers like a test.

Adopt, by executive order, a terrific idea floated by columnist Robert Samuelson: Require any student who wants a federal scholarship for college to pass a 12th-grade test of reading, writing and mathematics. Half of all college students get some form of federal aid. This should not be an entitlement. If students must pass a moderately rigorous examination to get their college aid, there would be a dramatic and instantaneous boost in incentives to study hard in high school and junior high school.

Adopt, by executive order, real educational standards for Head Start and set better qualifications for Head Start teachers. This preschool program was supposed to give poor children a chance to catch up with their better-off peers, but it has turned into a big day-care program with no real educational focus for the kids who need literacy and numerary the most.

Require that those who teach in federally funded programs have a degree in an academic subject and pass a test of subject-matter knowledge and teaching competence. This should apply to all teachers, not just the newly hired.

Mr. Clinton has described some important changes for American education. Whether or not Congress endorses his plan, he has pointed the national discussion about education in the right direction, toward standards and accountability. If we can add to that a strong dose of deregulation, choice and competition, we will be on the road to educational renewal.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words, and I do this only because I am afraid time will run out and I will not be able to thank the people who worked day and night for 6 or 8 months.

I discovered one thing in 4 days of markup and 2 days on the floor. I am still very, very naive after 25 years in this institution. But I still have 13 months to go, and maybe I will lose some of that naivete and realize that agreements are agreements only when we say they are and they are gone 2 minutes later.

But I want to make sure that I thank people who worked around the clock day and night on this legislation, and I want to thank Sally Lovejoy, Kent Talbert, Christie Wolfe, Darcy Philps, Lynn Selmser, Becky Campoverde, Kevin Talley, Jo Marie St. Martin, Kim Proctor, Vic Klatt, and Kara Haas from the staff of the gentleman from Delaware (Mr. CASTLE). And from the minority I want to thank Alex Nock, Cheryl Johnson, Mark Zuckerman,

June Harris, Charles Barone, and Gail Weiss, among others. They worked day and night, and sometimes I do not think we realize what hours staffers put in to try to bring about an agreement. In this we were trying to bring about a bipartisan agreement.

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

Mr. Chairman, I ask the body to consider favorably the amendment that is presently before us. In my opinion the amendment offered by the gentleman from Wisconsin (Mr. PETRI) is without a doubt the greatest opportunity we have and we have had today to convert this bill from not just a creation of a new set of mandates imposed on local schools, but to do something much better and turn it into a good bill, and that is to allow freedom and flexibility for families and children who are trapped in schools that do not earn their confidence.

As my colleagues know, to hear the argument against the Petri amendment one would think that all schools around the country are bad. I do not think that is the case at all. I think most schools are genuinely good and that they try very hard to create a learning environment that is in the best interests of the children that they serve. The Petri amendment acknowledges that and suggests that for those children who are trapped in terminally bad schools that they do have the opportunity to find a different academic setting, a better academic setting.

It begins to regard families and parents as the individuals who play the most paramount role, the most pivotal role in designing an academic strategy that is in the best interests of their children. The notion that government knows best is what is insinuated in this bill and in the Title I program; and we have before us right now an opportunity to appeal to the free market instincts of parents, of teachers, of students, treating teachers like real professionals, parents like customers and honor the freedom to teach and the liberty to learn that we all believe to be important.

□ 1415

I would ask this body to consider most seriously the opportunity that is before us with the Petri amendment. I thank the gentleman for offering it, and I commend him for his vision in trying to provide school choice and portability with these Title I dollars, because this is the only amendment we have had a chance to consider that measures fairness in education by the relationship between students, not the relationship between school buildings or school districts or other political entities.

I ask for the adoption of the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The question is on the amendment offered by the gentleman from Wisconsin (Mr. PETRI).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. PETRI) will be postponed.

AMENDMENT NO. 40 OFFERED BY MR. EHLERS

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 40 offered by Mr. EHLERS:

In section 1111(b)(1)(C) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''mathematics and reading or language arts,'' and insert ''mathematics, reading or language arts, and science,''.

In section 1111(b)(4) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''mathematics and reading or language arts,'' and insert ''mathematics, reading or language arts, and science,''.

In section 1111(h)(2)(A)(i) of the Elementary and Secondary Education Act of 1965, as amended by section 105 of the bill, strike ''reading or language arts and mathematics,'' and insert ''mathematics, reading or language arts, and science,''.

At the end of section 105 of the bill—

(1) strike the quotation marks and the final period; and

(2) insert the following:

''(i) SPECIAL RULE ON SCIENCE STANDARDS AND ASSESSMENTS.—Notwithstanding subsections (b) and (h), no State shall be required to meet the requirements under this title relating to science standards or assessments until the beginning of the 2005–2006 school year.''.

Mr. EHLERS. Mr. Chairman, I want to point out some basic facts about science in the United States. First of all, more than one-half of all economic growth in this Nation is tied to recent developments from science and technology. That is, over one-half of our economic growth is dependent on science and technology.

Our Nation's economic future and our economic strength are directly linked to the science aptitude of our work force. Unfortunately, our science aptitude is not good. You are aware that, on an international scale developed through international assessments, the United States came out near the bottom; and, in fact, in physics it was at the bottom of the 15 developed countries participating in the evaluation. With that type of record, it is very hard for us to keep our economy going. Science education must start early to prepare students for the demands of tomorrow's jobs. But currently, schools are not teaching science in many cases, and they are not teaching it well in other cases. There are, of course, exceptions. Some schools do exceptionally well. But, across the country, our science and math education is deficient and as a result, our students are falling behind other countries. Perhaps one indication of that is that in today's graduate schools in science and engineering, over one-half of all of the graduate students are from other countries.

It is clear that has to change, and the best place to have it change is in early education.

My amendment is a simple amendment. It will not place much demand on the educational system, but it simply will require that by the 2005–2006 school year that science will be placed alongside of reading and math as essential subjects to be assessed in each school. In other words, this will give parents an opportunity to determine how well their schools are teaching science and how well their students are learning science, the science they must have if they are to be employable and to contribute to the economic growth of our Nation.

I believe this is a good amendment which will help solve a major national problem. There is very little expense, if any, attached to it. It simply will make clear the need for increased teaching of science in elementary and secondary schools, and will give us an opportunity to assess how well the schools are doing in meeting that need. I urge adoption of this amendment.

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

The goal is noble. The cost we do not know. According to governors it would be exorbitant. We have the cost at the present time for the math and the reading and we do not know the cost in relationship to science. Therefore, I have to oppose the amendment.

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

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

Mr. HOLT. Mr. Chairman, I rise in support of the amendment to include science in the bill.

I rise in support of H.R. 2 which provides educational support for low-income students.

Let me first say that I commend the bipartisan effort that has gone into making this a strong bill. As a teacher and a scientist, it is refreshing for me to see Members put their partisan differences aside to work on a bill that will help all our children.

Every child in this nation has the right to receive an excellent education. Furthermore, it is necessary for the well being of society at large for all children to receive an excellent education.

The accountability provisions for the funds provided in this bill are critical to the success of ensuring a quality education for all.

This bill requires that judgments about school progress be based on disaggregated data. That is, all at-risk subgroups of students must be making adequate yearly progress toward proficiency in reading and math.

I rise in support of Mr. PETRI's amendment to include science among the subjects in which student progress and proficiency are measured.

Science education has been established as a national priority.

This Congress has supported that priority by maintaining and strengthening teacher training

in math and science in the teacher bill we passed in July.

National efforts to improve science and math education are resulting in exciting new teaching methods. These hands-on methods allow students to conduct experiments and learn to question and discover for themselves.

Science classes are gateways for our children to the opportunities of tomorrow.

But we need to do more. The Third International Math and Science Study (TIMSS) results showed that U.S. 12th graders are lagging below the international average in science and math.

Previous Congresses have encouraged states to establish standards for what our children should be learning in science. Forty states have standards for our children in science. But only 26 are actually testing to find out if the students are learning according to these standards.

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

Mr. Chairman, would the author of the amendment answer a question?

Mr. EHLERS. Mr. Chairman, I will be happy to.

Mr. PETRI. Mr. Chairman, what is the gentleman's response to the argument that some have made that this is one more mandate, and we are attempting to give more flexibility to the States, mandate that there be science education in addition to I guess we do mandate reading and math.

Mr. EHLERS. Mr. Chairman, I appreciate the question; and I also appreciate the support from the gentleman from New Jersey (Mr. HOLT) and other Members of the body who have indicated their support. Because of the shortness of time, not everyone will be able to speak.

There is a question as to whether or not this is another mandate. I do not believe it is so, because this is a matter of assessment. The schools are ready, the teachers are ready. This is simply saying this is an important national priority and one of the subjects that we should teach and which our school systems should assess is the knowledge that students have acquired in the scientific arena so that we know whether or not we will have an adequate work force for the future, and so that we will have an adequate number of scientists and engineers as well.

So it addresses both the issue of workers in the workplace, and training for scientists. We simply need more technological workers. And then secondly, that we will have the researchers necessary to do the research work that will be necessary. In my own State, they are still evaluating this amendment. The Governor is not opposing it, but I know he is concerned about it. A few other States have indicated a concern, and that is why we added the language that this does not take effect until 2005–2006.

PARLIAMENTARY INQUIRY

Mr. OWENS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. OWENS. Mr. Chairman, what amendment are we on?

The CHAIRMAN pro tempore. Amendment No. 40 by Mr. EHLERS is pending.

Mr. OWENS. Did we vote on that already?

The CHAIRMAN pro tempore. The Committee has not voted on that yet. Members are still speaking in support or in opposition to that amendment.

Mr. OWENS. I am sorry. I thought we had voted on it.

Mr. EHLERS. Mr. Chairman, just to wrap up, we do not have this take effect until 2005–2006, which is actually after this bill expires. It is basically setting the groundwork for the next bill. It will be in effect the final year only if we do as we normally do, and reauthorize the bill for an additional year. But it sets the pattern for the future and gives the schools more than adequate time to prepare.

Mr. PETRI. Mr. Chairman, reclaiming my time, I thank the gentleman for his response. This would, in fact, not be a mandate in the sense that its effective date is after the expiration date of this particular reauthorization bill, but this is a signal to State and local school districts that we feel science education is important and to prepare young people for the changing world of work and to be productive Members of our society and to be a competitive society, we must emphasize science education.

Mr. EHLERS. Mr. Chairman, if the gentleman will yield further, I thank the gentleman for stating that very well. There is no additional cost involved for the States.

Mr. PETRI. I thank the gentleman.

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

The CHAIRMAN pro tempore. The gentleman from Delaware (Mr. CASTLE) is recognized until 2:25 p.m.

Mr. CASTLE. Mr. Chairman, I rise on this amendment because I am somewhat uncertain as to whether we should go forward with it or not. Perhaps the chairman can help me with some of this.

Let me just say a couple of things up front. I am a total believer that in the United States of America today that we do have a problem in terms of lack of basic knowledge in the area of science, I am talking about people like me and others who were mediocre science students and not just the people of the stature of the gentleman from Michigan (Mr. EHLERS) who are among the eminent scientists in America today. I think we should all have a greater and broader knowledge than we do.

In my heart, my feeling is that something like this is a good idea, developing science and math which are somewhat related in many instances which is something we need to do, particularly when compared to other countries.

So for all of those reasons, I have a lot of sympathy for what we are dealing with here, and that is why we have supported initiatives under the Teacher Empowerment Act which the gentleman from California (Mr. MCKEON) sponsored which highlights the need for the natural focus in the area of science and particularly having teachers who are prepared to teach, which is a major problem in both science and math. We have too many people teaching those subjects who really are unprepared.

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of my colleague, Mr. EHLERS', amendment to add science as one of the subjects that will require State standards and assessments.

I am fortunate to serve with Congressman EHLERS on both the education and the science committees, so I know, first-hand, how committed he is to improving science education in this country.

And it needs improvement! There's a good reason why the test scores of American students ranked No. 16 out of students in 21 countries on a recent international science examination.

There is also a good reason why, just last week, Senator ROBB introduced a bill in the other body to create a new category of visas for foreign nationals with graduate degrees in high technology fields.

International graduate students would be eligible for the new ''T-visas'' if they had skills in science and technology and a job offer with an annual compensation of at least $60,000.

What's wrong with this picture? It doesn't take a rocket scientist to figure it out!

We must—we must, must, must—do more to ensure that more U.S. students pursue the kinds of studies they need to have a high-tech, high-paying career.

According to the American Electronics Association, the American high-tech industry has created one million new jobs since 1993. At the same time, the number of degrees awarded in computer science, engineering, mathematics and physics have declined since 1990.

And, of the degrees awarded in these fields, a large percentage are going to foreign nationals; 32 percent of all master's degrees and 45 percent of all doctoral degrees currently go to foreign students.

Without doubt, one of the reasons for this decline is that too many American students are not studying science in the early grades. This is particularly true of girls and minorities, who are more than half of our student population.

It is predicted that by the year 2010, 65 percent of all jobs will require at least some technology skills. We need to make science education a national priority. That's what the Ehlers amendment will do, and I urge my colleagues to vote for it.

Mrs. MORELLA. Mr. Chairman, I rise in support of the amendment to include science as one of the subjects for which states would be required to develop standards and assessments. I congratulate my colleague, Mr. EHLERS, for bring this important issue to the attention of the whole House.

In the largest international study ever undertaken of student performance in math and science, the math and science skills of children from the United States lagged far behind students in other countries. The results of this study . . . called third International Mathematics and Science Study (TIMSS) . . . are

clear: As we prepare to enter the new millennium engaged in a competitive global economic marketplace, we have a severe crisis facing our children's ability to be fully prepared for the future.

American students don't deserve to be at the bottom when compared to their counter parts in other countries. We have the opportunity to encourage American students to rise to the top, where they belong. I believe that we must ensure that the teaching of mathematics at all educational levels in the United States is strengthened and that our children are adequately prepared to compete for jobs with their global peers.

Education has been my personal priority. I am the parent of 9 children and 16 grandchildren. I want to make sure that my grandchildren can understand science and math. I want them to be taught by teachers who are enthusiastic about teaching and have been given professional training, who are dedicated and recognized for their commitment and innovation.

If we are to stay on top as a nation, we must continue to promote activities that will ensure economic vitality and enhanced opportunities for all Americans.

I urge a ''yes'' vote on the Ehlers amendment.

The CHAIRMAN pro tempore. Pursuant to the rule, consideration of further amendments must now cease.

The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

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

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

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, further proceedings on the amendment offered by the gentleman from Michigan (Mr. EHLERS) will be postponed.

PARLIAMENTARY INQUIRY

Mr. HINOJOSA. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HINOJOSA. Mr. Chairman, would it be in order to ask for unanimous consent to speak for 1 minute?

The CHAIRMAN pro tempore. At this point unanimous consent requests for additional debate time cannot be granted in the Committee of the Whole. Those requests can only be offered in the whole House.

Mr. HINOJOSA. Mr. Chairman, just to enter a very short statement in the RECORD; it will take me 15 seconds.

The CHAIRMAN pro tempore. Under the special order adopted by the House at this point the gentleman must do that in the House, not in the Committee of the Whole, since all time for consideration has expired.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 336, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 38 offered by the gentleman from New Jersey (Mr. PAYNE); Amendment No. 43 offered by the gentleman from Indiana (Mr. ROEMER); Amendment No. 42 offered by the gentleman from Wisconsin (Mr. PETRI); and Amendment No. 40 offered by the gentleman from Michigan (Mr. EHLERS).

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

AMENDMENT NO. 38 OFFERED BY MR. PAYNE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 38 offered by the gentleman from New Jersey (Mr. PAYNE) 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 vote was taken by electronic device, and there were—ayes 208, noes 215, not voting 10, as follows:

[Roll No. 522]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—215

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

NOT VOTING—10

Camp
Jackson-Lee (TX)
Jefferson
Larson
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)
Vitter

□ 1451

Messrs. FRANKS of New Jersey, LOBIONDO, BATEMAN, GANSKE, ENGLISH, EWING, and RAMSTED

changed their vote from ''aye'' to ''no''.

Messrs. SPRATT, LAMPSON, and HOEFFEL changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. LARSON. Mr. Chairman, on rollcall No. 522, had I been present, I would have voted ''yes.''

Stated against:

Mrs. MYRICK. Mr. Chairman, on rollcall No. 522, I inadvertently, pressed the ''aye'' button. I meant to vote ''nay.''

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 336, 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. 43 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment 43 offered by the gentleman from Indiana (Mr. ROEMER) 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 CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 181, not voting 9, as follows:

[Roll No. 523]

AYES—243

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Sherwood
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wise
Woolsey
Wu
Wynn

NOES—181

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Biggert
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fletcher
Fowler
Frelinghuysen
Ganske
Gekas
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Camp
Jackson-Lee (TX)
Jefferson
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)
Vitter

Mr. NEY and Mr. GALLEGLY changed their vote from ''no'' to ''aye''.

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 42 OFFERED BY MR. PETRI

The CHAIRMAN pro tempore (Mr. SHIMKUS). The pending business is the demand for a recorded vote on amendment No. 42 offered by the gentleman from Wisconsin (Mr. PETRI) 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 153, noes 271, not voting 9, as follows:

[Roll No. 524]

AYES—153

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Fletcher
Fossella
Fowler
Franks (NJ)
Gibbons
Goss
Graham
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hunter
Hyde
Isakson
Istook
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
Largent
Lewis (KY)
Linder
Lipinski
Lucas (OK)
Manzullo
McCollum
McCrery
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Myrick
Northup
Norwood
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pryce (OH)
Radanovich
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Skeen
Smith (MI)

Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Talent
Tancredo
Tauzin
Taylor (NC)
Thomas
Tiahrt
Toomey
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—271

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sherman
Shows
Simpson
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wilson
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—9

Camp
Jackson-Lee (TX)
Jefferson
Jenkins
McCarthy (MO)
McCarthy (NY)
McInnis
Scarborough
Udall (CO)

□ 1509

Ms. PRYCE of Ohio changed her vote from ''no'' to ''aye.''

Mr. RUSH and Mr. LATHAM changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 40 OFFERED BY MR. EHLERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 40 offered by the gentleman from Michigan (Mr. EHLERS) 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 CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 360, noes 62, not voting 11, as follows:

[Roll No. 525]

AYES—360

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Callahan
Calvert
Cannon
Capps
Capuano
Cardin
Carson
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Inslee
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
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
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tierney
Towns
Traficant
Turner
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—62

Armey
Barr
Blunt
Burr
Campbell
Canady
Castle
Chenoweth-Hage
Coble
Coburn
Collins
Cox
Coyne
Crane
DeLay
DeMint
Doolittle
Dreier
Ehrlich
Ewing
Fossella
Frank (MA)
Gekas
Goodling
Green (WI)
Greenwood
Hastings (WA)
Hayes
Herger
Hoekstra
Hutchinson
Hyde
Isakson
Johnson, Sam
Jones (NC)
Kasich
King (NY)
LaHood
Largent
Manzullo
Meeks (NY)
Miller (FL)
Myrick
Paul
Pombo
Rohrabacher
Royce
Sabo
Sanford
Schaffer
Shadegg
Simpson
Souder
Stump
Sununu
Talent
Thune
Tiahrt
Toomey
Walden
Whitfield
Young (AK)

NOT VOTING—11

Bateman
Camp
Hoyer
Jackson-Lee (TX)

Jefferson McInnis Udall (CO)
McCarthy (MO) Ryan (WI)
McCarthy (NY) Scarborough

□ 1517

Mr. RAHALL changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BATEMAN. Mr. Chairman, on rollcall No. 525, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Stated against:

Mr. RYAN of Wisconsin. Mr. Chairman, on rollcall No. 525, I was unavoidably detained. Had I been presdent, I would have voted ''no.''

The CHAIRMAN pro tempore (Mr. SHIMKUS). 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.

Ms. ROYBAL-ALLARD. Mr. Chairman, as chair of the Congressional Hispanic Caucus, I rise in opposition to H.R. 2. I oppose this bill due to strong reservations concerning the Bilingual Education Act and parental notification component of the bill.

I know my Democratic colleagues on the committee, Ranking Member CLAY and Representatives KILDEE, HINOJOSA, and MARTINEZ and staff have fought hard for acceptable and fair language in the reauthorization of the Bilingual Education Act. However, in the end, what the Republicans offered in the final negotiations fails to fully protect bilingual education programs.

For example, instead of making bilingual education programs stronger, Republicans are simply interested in block granting the program. Those of us who support bilingual education want to bring more accountability to the program and help students meet high state standards. Diluting the funds through block grants will do little to help LEP students achieve high standards.

Bilingual education is important to our students and our nation. We must promote bilingual education so that our students can learn English, while retaining their native language, in order to excel academically. We must help our limited English proficient children develop the talents and the skills they need to compete in today's highly technical and competitive global economy.

Multilingualism is something we should be proud of. Our LEP children bring invaluable language resources and knowledge to our society. Bilingual education promotes our students' native language skills.

Another significant problem with H.R. 2 was the parental notification and consent requirement for LEP students. In order for LEP students to receive services under Title I, schools would have to seek permission from the parents of these students. No other group of students is asked to get permission from their parents to receive services under Title I, only LEP students. This is wrong, discriminatory and has no place in an education bill.

Many of my colleagues will support this bill, in the hopes that it will be improved as it moves through the process, knowing that when the bill comes back from conference they will have the option to vote against it. However, as chair of the Hispanic Caucus, I feel it is important for me to vote against this bill as a signal that the Caucus, regardless of their vote on the overall bill, feels strongly that much more work needs to be done.

It is unfortunate that this signal must be sent because the reauthorization of Title I is critical to the Hispanic community.

Title I funds serve a rapidly expanding number of low-income and limited English proficient students, for example, nearly 32 percent of Title I students are Hispanic.

In addition, H.R. 2 holds our schools accountable by mandating that Title I schools ensure all students meet high standards.

H.R. 2 also requires that States and schools provide report cards so that parents have the basic facts about the progress their children are making in their education so they can take action to improve their schools' curriculum, if needed.

Also, H.R. 2 raises the standards for paraprofessionals in the classroom. Paraprofessionals are supervised teacher's aides who provide critical assistance for our kids in the classroom. However, in many of our schools it is the teacher's aide and not the teacher who is doing the instruction. This bill would encourage paraprofessionals to enroll in a career track program to better assist teachers with instructional support in the classroom.

These are just a few examples of the good that is in this bill and why so many of my colleagues will support the movement of this bill to the Senate. But with their vote also comes the commitment of the CHC members to work diligently to make the final version of the bill closely mirror the CHC language on bilingual education. The future of many of our children depends on it. Therefore, it is my hope that the Republican leadership will work with us to achieve this goal.

Mr. COSTELLO. Mr. Chairman, I rise today in strong support of H.R. 2, the Student Results Act. I am encouraged by the bipartisan nature of this education bill which was crafted on an unbiased basis following the appropriate committee process.

Mr. Chairman, I am pleased to see that Title I funds will receive a $1 billion increase over last year's appropriation level bringing the authorization level to $8.35 billion in fiscal year 2000. By providing this commitment to our educationally disadvantaged students, the success we will see in our Nation's school children will be immeasurable.

This bill will require schools to meet challenging Title I standards and hold schools accountable for the results of their Title I programs by requiring an annual report to parents and the public on the academic performance of schools receiving Title I funds. In addition, this legislation strengthens the requirement for teachers' aides by requiring 2 years of higher education, an associate's degree or meet rigorous standards assessing their math, reading and writing skills.

Mr. Chairman, I am pleased the bill allows states to set aside 30 percent of any increase in Title I funds to reward schools and teachers that substantially close the gap between the lowest and highest performing students that have made outstanding yearly progress for 2 consecutive years. In my own Congressional District in Southwestern Illinois there is a school that will benefit tremendously from this award system. Belleville School District 118 has been lauded as one of the best Title I programs in the State. In fact, the Illinois State Board of Education called upon Belleville 118's Title I director, Tom Mentzer, to give presentations to other school districts on how to reach the level of success that District 118 has had with their Title I program. Yet, this year Bellenille School District 118 was forced to reduce their Title I teaching staff. Due to no increase in Title I funds for this school year, and not being eligible for additional Title I related grants such as Comprehensive School Reform Initiative (CSRI) based on high test scores, there are schools in 118 that received Title I funding last year that will not be serviced by Title I funding this year. What a difference Title I funds may have made in an educationally disadvantaged student's life had they had additional funds to provide Title I remedial reading initiatives. By putting this provision in the bill we will no longer economically punish schools that have excelled in achieving the goals set out for them by Title I.

I urge my colleagues to support this legislation that helps at-risk students stay in school. Vote for this bipartisan education bill that will benefit thousands of students in each of our congressional districts.

Mr. UNDERWOOD. Mr. Chairman, I'm speaking today in support of H.R. 2: The Students Results Act of 1999, which authorizes Title I Federal Elementary and Secondary Education Programs for five years, although I have some serious concerns regarding this proposal.

While I applaud the efforts of our Democratic committee members who fought tooth and nail to ensure that funding remains targeted at the most disadvantaged and poorest students, I fear that the poor and disadvantaged will be left in the cold again. This is due to Republican demands disguised to provide greater flexibility in using federal money and require more information on results. This so-called flexibility comes at a high price.

This proposed legislation would, in fact: dilute services to schools that are the most needy by allowing diversion of up to 30 percent of all new title I money to reward schools that improve student achievement; and lower the poverty threshold for school-wide programs.

While I support rewarding schools for achieving success, I believe that it should not come out of the existing Title I pot of funding. As it stands already, we are stretched to provide service to all Title I eligible children. The Congressional Research Service estimates that serving all Title I eligible children would require $24 billion, that's nearly 3 times the current funding level. Therefore, instead of taking money out of the same pot, we should find other avenues to reward successful school programs.

Another proposal in the Title I provision to lower the poverty threshold from the current 50 percent poverty limit to 40 percent for schoolwide programs would only further water down funding.

We should strive not only for greater fiscal accountability within our programs, we should ensure that we provide sound program accountability to our poor and disadvantaged children.

Some serious concerns have also been raised by members with the provision to require parental consent for students with limited English proficiency in Title I. I am deeply concerned that the parental consent requirement may impede a child's ability to gain meaningful

instruction while waiting to be placed in a Limited English Proficiency (LEP) program. First and foremost, our primary concern for this measure is to ensure that the best needs of students are being served. So, that important instructional support to LEP children are not delayed.

Finally, I urge members to strongly consider the reauthorization of the Bilingual Education Act (BEA). The BEA serves as one of the most meaningful tools a teacher can use to provide meaningful academic instruction to students. However, I believe that the BEA must allow schools the flexibility to choose instructional methods that are best suited for their students.

Mr. PAUL. Mr. Chairman, Congress is once again preparing to exceed its constitutional limits as well as ignore the true lesson of the last thirty years of education failure by reauthorizing Title I of the Elementary and Secondary Education Act (SEA). Like most federal programs, Title I was launched with the best of intentions, however, good intentions are no excuse for Congress to exceed its constitutional limitations by depriving parents, local communities and states of their rightful authority over education. The tenth amendment does not contain an exception for ''good intentions!''

The Congress that created Title I promised the American public that, in exchange for giving up control over their schools and submitting to increased levels of taxation, federally-empowered ''experts'' would create an educational utopia. However, rather than ushering in a new golden age of education, increased federal involvement in education has, not coincidently, coincided with a decline in American public education. In 1963, when federal spending on education was less than nine hundred thousand dollars, the average Scholastic Achievement Test (SAT) score was approximately 980. Thirty years later, when federal education spending ballooned to 19 billion dollars, the average SAT score had fallen to 902. Furthermore, according to the National Assessment of Educational Progress (NAEP) 1992 Survey, only 37% of America's 12th graders were actually able to read at a 12th grade level!

Supporters of a constitutional education policy should be heartened that Congress has finally recognized that simply throwing federal taxpayer money at local schools will not improve education. However, too many in Congress continue to cling to the belief that the ''right federal program'' conceived by enlightened members and staffers will lead to educational nirvana. In fact, a cursory review of this legislation reveals at least five new mandates imposed on the states by this bill; this bill also increases federal expenditures by $27.7 billion over the next five years—yet the drafters of this legislation somehow manage to claim with a straight face that this bill promotes local control!

One mandate requires states to give priority to K–6 education programs in allocating their Title I dollars. At first glance this may seem reasonable, however, many school districts may need to devote an equal, or greater, amount of resources to high school education. In fact, the principal of a rural school in my district has expressed concern that they may have to stop offering programs that use Title I funds if this provision becomes law! What makes DC-based politicians and bureaucrats better judges of the needs of this small East Texas school district than that school's principal?

Another mandate requires teacher aides to be ''fully qualified'' if the aides are to be involved in instructing students. Again, while this may appear to be simply a matter of following sound practice, the cost of hiring qualified teaching assistants will add a great burden to many small and rural school districts. Many of these districts may have to go without teachers aides, placing another burden on our already overworked public school teachers.

Some may claim that this bill does not contain ''mandates'' as no state must accept federal funds. However, since obeying federal educrats is the only way states and localities can retrieve any of the education funds unjustly taken from their citizens by oppressive taxation, it is the rare state that will not submit to federal specifications.

One of the mantras of those who promote marginal reforms of federal education programs is the need to ''hold schools accountable for their use of federal funds.'' This is the justification for requiring Title I schools to produce ''report cards'' listing various indicators of school performance. Of course, no one would argue against holding schools should be accountable, but accountable to whom? The Federal Government? Simply requiring schools to provide information about the schools, without giving parents the opportunity to directly control their child's education does not hold schools accountable to parents. As long as education dollars remain in the hands of bureaucrats not parents, schools will remain accountable to bureaucrats instead of parents.

Furthermore, maximum decentralization is the key to increasing education quality. This is because decentralized systems are controlled by those who know the unique needs of an individual child, whereas centralized systems are controlled by bureaucrats who impose a ''one-size fits all'' model. The model favored by bureaucrats can never meet the special needs of individual children in the local community because the bureaucrats have no way of knowing those particular needs. Small wonder that students in states with decentralized education score 10 percentage points higher on the NAEP tests in math and reading than students in states with centralized education.

Fortunately there is an alternative educational policy to the one before us today that respects the Constitution and improves education by restoring true accountability to America's education system. Returning real control to the American people by returning direct control of the education dollars to America's parents and concerned citizens is the only proper solution. This is precisely why I have introduced the Family Education Freedom Act (HR 935). The Family Education Freedom Act provides parents with a $3,000 per child tax credit for the K–12 education expenses. I have also introduced the Education Tax Credit Act (HR 936), which provides a $3,000 tax credit for cash contributions to scholarships as well as any cash and in-kind contribution to public, private, or religious schools.

By placing control of education funding directly into the hands of parents and concerned citizens, my bills restore true accountability to education. When parents control education funding, schools must respond to the parents' desire for a quality education, otherwise the parent will seek other educational options for their child.

Instead of fighting over what type of federal intervention is best for education, Congress should honor their constitutional oath and give complete control over America's educational system to the states and people. Therefore, Congress should reject this legislation and instead work to restore true accountability to America's parents by defunding the education bureaucracy and returning control of the education dollar to America's parents.

Mr. WU. Mr. Chairman, I rise today in support of the Crowley/Etheridge/Wu amendment.

Our sense-of-the-Congress amendment recognizes the fact that certain communities across the country are facing growing student populations. It shows our schools that Congress is aware of the problems of overcrowding and the need for financial support from Federal, State, and local agencies to assist these school districts.

All across this country, more and more students are entering schools. According to the Baby Boom Echo Report issued by the Department of Education, 52.7 million students are enrolled in both public and private schools. A new national enrollment record.

Schools are literally bursting at their seams with overcrowded classrooms. As I travel throughout my District, I see this first-hand. At Findley Elementary School in Beaverton, Oregon, students have outgrown a 5-year-old school and are now being taught in trailers.

In Washington County, one of the fastest growing counties in the nation, students are being taught in overcrowded classrooms. A report that I had commissioned showed that only 4 percent of K–3 students in Washington County were taught in classes of 18 or fewer students. In addition, approximately two out of every five Washington county K–3 students were taught in classes that significantly exceeded federal class size objectives.

Studies show that when you reduce class size in the early grades, and give students the attention they deserve, the learning gains last a lifetime.

Last year, Congress made a down payment on the administration's plan to hire 100,000 new teachers over a period of 7 years in order to reduce average class size to eighteen students in grades one through three. But that was only a down payment. We are now in the process of determining if we will keep our promise, and continue to fund the program.

Until we finalize the Labor, HHS, and Education Appropriations bill, we need to send a message to our schools that we are aware of the problems of overcrowding and will work to fix it.

Support the Crowley/Etheridge/Wu amendment. Show your schools that you care.

Mr. PACKARD. Mr. Chairman, I would like to encourage my colleagues to support H.R. 2, the Student Results Act of 1999. Educating America's youth is essential to the future of our nation. This legislation focuses on improving accountability and quality in our education system. The Student Results Act gives parents more control over key decisions for their children's education, including school choice, and academic accountability.

Education decisions belong at the local level, where parents and educators can be involved. H.R. 2 achieves this by authorizing greater local control and more choice for parents. It also provides aid to state and local educational agencies to help educationally disadvantaged children achieve the same high performance standards as every other student.

Mr. Chairman, everyone should support improvements to our education system that will raise the standard of excellence in learning and give every child in America the opportunity to learn at his or her maximum potential. I urge my colleagues to support the Students Results Act today.

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. SHIMKUS, 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. 2) to send more dollars to the classroom and for certain other purposes, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. 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.

MOTION TO RECOMMIT OFFERED BY MR. HINOJOSA

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HINOJOSA. I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. HINOJOSA moves to recommit the bill H.R. 2 to the Committee on Education and the Workforce with instructions to conduct hearings and promptly report to the House on title VII regarding the effectiveness of bilingual education and migrant education.

The SPEAKER pro tempore. The gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes on his motion to recommit.

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

Mr. HINOJOSA. Mr. Speaker, I planned today to offer three amendments, Nos. 25, 26, and 27, bilingual education and migrant education issues that are very important to me and my district, in fact to many people throughout the country. I did not do so.

However, the Congressional Hispanic Caucus has grave concerns about bilingual education and migrant education in the manager's House bill.

In closing, Mr. Speaker, I wish we could have made more progress on these issues in the Committee on Education and the Workforce. In fact, I wish we could have marked up Title VII in the Committee on Education and the Workforce.

However, I am hopeful that eventually the House and the Senate conferees will work to resolve differences between their respective versions of ESEA and implement these provisions.

I am going to vote for final passage for H.R. 2. But, as I said, I want to reiterate so that everyone here understands that the Congressional Hispanic Caucus is speaking for over 3½ million children and we are concerned that many of the provisions that were in our bill were not included in H.R. 2.

The concerns of the Hispanic Caucus are very important and need to be addressed in the next steps of the process.

Mr. Speaker, what are we doing here today? Are we fighting for the rights of our disadvantaged children to have a solid education—or—are we relegating them to a second-rate education?

Under this manager's amendment, the plate is full for some students, but empty for too many others. I don't believe anyone in this body can, in good conscience, support this manager's amendment to Title VII.

I have some very specific concerns with this ill-conceived manager's amendment that I'd like to share with you. But before I proceed, I first want to say ''Thank you!'' To my ranking members—Congressmen BILL CLAY and DALE KILDEE. Both men and their staffs valiantly attempted to negotiate a compromise that we could all support.

Unfortunately, despite their best efforts, that was not to be.

Again, thank you for your assistance.

Now, Mr. Chairman I'd like to discuss, point by point, my concerns with the manager's amendment as I also highlight the Hispanic caucus' substitute amendment to Title VII.

Concern No. one: Turning Title VII into a state formula grant. In Turning Title VII into a State formula grant, we are assured that fewer fiscal resources (which will depend on a funding trigger), will be available to educate limited English proficient children.

Currently, less than 10 percent of all children eligible for bilingual classes are being served by this title. This is shameful.

Of the 3½ million limited English proficient children in our country—and this figure is growing—only 10 percent are currently receiving Title VII services.

Title VII is the only Federal program designed for children whose native language is not English, but who will soon become English proficient given the proper professional guidance and instruction.

Mr. Speaker, with such a large projected growth in the future, we should be increasing funds and resources for this population, not trying to shirk our federal responsibility of ensuring that they receive the best education possible.

The current competitive grant structure of Title VII assures us that local schools have made a commitment to provide high quality programs for our children. These local grant applications are peer-reviewed and monitored by the U.S. Department of Education.

We think it is doubtful that local schools would maintain their commitment to educating L–E–P children if they were automatically assured of formula funding.

What very well may result is that programs with so little funding will also provide precious little to disadvantaged students.

Concern No. 2 accountability for learning. Mr. Speaker, we want ot make sure that limited English proficient children are assessed in the most scientifically based manner, and the managers amendment does not provide that flexibility.

The Hispanic caucus bill requires annual assessments in academic content areas, whereas the manager's bill merely stresses ''English language acquisition'' at the expense of content.

Concern No. 3: Parental involvement. The Hispanic caucus deeply regrets that the manager's amendment does not thoroughly involve the parents of limited English proficient children.

This is counter to all modern research. The Hispanic caucus bill calls for assuring that parents participate and accept responsibility for the education of their children.

The manager's idea of parental involvement is parental consent not to participate in bilingual programs.

Don't get me wrong—the caucus does not oppose parental consent as long as it improves the program. However, the manager's amendment actually prevents children from participating and receiving an equal educational opportunity.

The manager's amendment would also increase the paperwork burdens of our local schools.

And there's no assurance that limited English proficient students will receive appropriate educational services.

It is immoral to warehouse children without providing timely educational opportunities—it's wrong and it's discriminatory, and the Hispanic caucus is soundly against this proposition.

Concern No. 4: Professional development. Let me once again point out the deficiencies in the manager's amendment.

For the first time, the manager has merged four separate categories (career ladder, teachers and personnel, training for all teachers and graduate fellowships)—into one grant program. They would also reduce funds for some of these programs.

Let me highlight the four programs in professional development:

1. Career ladder—All of us are aware of the tremendous problems of teacher shortages for limited English proficient children. Career ladder programs are extremely important in shortening the time that capable teachers and assistants may participate in the classrooms. It is also an incentive for young adults to seek careers teaching limited English proficient children.

2. Teachers and personnel—Most of this section is commendable, but the participation of pupil services personnel is not assured. The manager's amendment focuses funds on teachers, while ignoring their professional peers who provide counseling and important support services which is vital to the academic success of our kids in the classroom.

3. Teacher training—The manager's amendment limits the opportunity for preservice and inservice training for instructional personnel. It is crucial that each teacher be aware of the latest research and instructional technology available to help them with limited English proficient children. Not only are local resources

curtailed, but the national professional institutes may not be able to provide the necessary training to improve the quality of professional development programs. Again, this will cripple the teacher pipeline.

4. Graduate fellowships—The managers's amendment caps funding for fellowships for masters, doctoral and postdoctoral study related to the instruction of limited English proficient children. We need professional teacher training program administration, research and evaluation and curriculum development and the support of dissertation research related to such studies. No other profession abolishes newly trained professionals, yet this request is being made by the manager's amendment.

Concern No. 5: The fate of the national bilingual education clearinghouse. The national bilingual education clearinghouse provides the latest research and instructional methodology for the use of public schools, colleges and universities throughout the United States.

The manager's amendment would eliminate thirty-plus years of research as well as a national system-wide network by suggesting that these functions be taken over by the office of education research and improvement, without any specific assurances.

This is counter to all calls for accountability where we want education and teacher training programs to use the latest education research and technology to improve classroom instruction.

Mr. Speaker, my last concern is that the manager's amendment has eliminated the Emergency Immigrant Education Act. This act is extremely important to state governors, national school boards, local school boards, principals and teachers. The emergency immigrant act has been approved the last three times we have reauthorized ESEA.

While the funds are not meeting the tremendous need for educating newly-arriving immigrants, these funds remain crucial for the initial success of these students while they learn the American system of education.

I urge all my colleagues to consider the support that you will provide to local school systems that are impacted by these children.

The Congressional Hispanic caucus amendment continues to provide equal educational opportunities for limited English proficient children, youth and adults.

This federal effort started in 1968 and thousands of children have benefitted, although millions more could have used these services.

Our children are our future, and knowledge is the ticket. I urge all my colleagues to support the Congressional Hispanic caucus substitute on title VII, listed as the Hinojosa amendment No. 25, that reauthorizes bilingual education.

Mr. Speaker, the purpose of my amendment No. 26 was to establish a national parent advisory council for migrant parents at the federal level.

I just want to toss out an interesting fact, and that is my congressional district in South Texas, along the Texas/Mexico border, has the highest concentration of migrant workers and their children than anywhere else in the country.

What exactly does this mean? My questions may sound rhetorical, but the point is, most of us have no idea what the life of a migrant worker is like, and even more of us have less of an idea of the impact this lifestyle has on the children of these workers.

At the beginning of each school year, most of us place our kids in school knowing that for the next nine months they will have a stable classroom environment—one conducive to learning. We take this for granted, but this is not the norm for migrant children who on average attend several schools a year in as many States.

Weeks of school are missed, interrupting the continuity of a student's education. Think about your own child having to make these constant adjustments.

This amendment would establish, for the first time, a national migrant parent advisory council, where migrant families would be better able to communicate their needs—language skills, reading problems, health issues, deficient housing, and other factors associated with low income—to the Secretary of Education.

This parent advisory committee would provide a national focus that transcends the geographical barriers that form the educational systems for most children. As migrant needs are national, and only national programs can meet those needs, it is crucial that this advisory committee maintain a national perspective.

Mr. Speaker, the purpose of my Amendment No. 27 was to establish a national data exchange system to be used for maintaining migrant students' academic and vital information records.

This amendment is the result of meeting with parents of migrant students; with the education personnel who serve them; and the disadvantaged who travel from one State to another from April to October.

We are all familiar with the saying, ''If at first you don't succeed try, try again!''

We know that the first attempt at putting together a migrant student record transfer system was unsuccessful. But that does not mean the idea isn't important. It is. And we have to work together to provide effective services for this mobile population. The current system just doesn't work as well as it could. I've personally heard horror stories from migrant students about these children receiving 6 immunizations of the same medicine, and of being enrolled in below-grade level classes.

I am not trying to fix what ain't broke, but there is room for improvement and that is all I'm trying to do here.

We cannot just pretend migrant students don't exist—that's perpetuating the status quo.

When it comes to education, we should be long past the days of the haves versus the have-nots. We are not talking about an investment that's frivolous—my amendment would authorize $1 million for the first two fiscal years following the effective date of this act.

These children deserve to have as high a quality education as any other child, regardless of income. All this is about is making certain these children receive the same treatment as their counterparts. You would expect this for your children, I know I would expect it for mine. Why should these migrant children be treated any differently?

As it stands now, they are treated differently—they are pretty much an afterthought. We can change that, and I hope you will support this amendment.

Mr. GOODLING. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Texas (Mr. HINOJOSA).

Mr. Speaker, I want to make sure that everybody understands that for 6 months we wanted to put together whatever legislation they had of interest. The negotiations then did not really take place until day one of the markup.

Day one of the markup I said, ''Do you have something to offer?'' ''No, I am not ready.'' Day 2 of the markup, ''Do you have something to offer?'' ''No, I am not ready.'' Day 3 of the markup, ''Do you have something to offer?'' ''No, I am not ready.'' Day 4 of the markup, ''Do you have something to offer?'' ''No, I am not ready.''

I then said, ''Please have whatever it is you are interested in ready between now and the time we go to the floor.''

On Tuesday, at 3 o'clock in the afternoon of this week, I was told we have an agreement. At 9 o'clock on Tuesday evening, I was told we do not have an agreement. At 10 o'clock on Tuesday evening, I was told we do have an agreement.

So I said put what they said, and the chairman of the Caucus agreed to it, into the manager's amendment so that we have something there. So we have done everything under the sun we possibly could to accommodate.

We also had a hearing in the district of the gentleman from Texas (Mr. HINOJOSA). We also had a hearing in D.C. And we also had more time on other legislation in order to deal with the issue if there is total dissatisfaction. But we have done everything we possibly could and the ranking member has done everything he possibly could to bring about some kind of agreement.

We thought we had one. The chairman of the Caucus said we had one; and so, it was put in the manager's agreement.

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

There was no objection.

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

The motion to recommit was rejected.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 358, noes 67, not voting 8, as follows:

[Roll No 526]

AYES—358

Abercrombie	Barcia	Bilbray
Ackerman	Barrett (NE)	Bilirakis
Aderholt	Barrett (WI)	Bishop
Allen	Bass	Blagojevich
Andrews	Bateman	Bliley
Armey	Bentsen	Blumenauer
Bachus	Bereuter	Boehlert
Baird	Berkley	Boehner
Baldacci	Berman	Bonilla
Baldwin	Berry	Bonior
Ballenger	Biggert	Bono

Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Inslee
Isakson
Jackson (IL)
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—67

Archer
Baker
Barr
Bartlett
Barton
Becerra
Blunt
Burton
Campbell
Cannon
Chenoweth-Hage
Coble
Coburn
Cox
Crane
Cubin
DeMint
Doolittle
Duncan
Ewing
Gonzalez
Gutknecht
Hayworth
Hefley
Herger
Hoekstra
Hunter
Hyde
Istook
Jones (NC)
LaHood
Largent
Lee
Manzullo
McInnis
Metcalf
Miller (FL)
Moran (KS)
Myrick
Paul
Payne
Pitts
Pombo
Radanovich
Rodriguez
Rohrabacher
Roybal-Allard
Royce
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Smith (MI)
Souder
Stearns
Stump
Sununu
Tancredo
Taylor (NC)
Tiahrt
Toomey
Wamp
Waters
Wicker

NOT VOTING—8

Camp
Davis (VA)
Jackson-Lee (TX)
Jefferson
Jenkins
McCarthy (MO)
McCarthy (NY)
Scarborough

□ 1542

Ms. ROYBAL-ALLARD and Mr. MCINNIS changed their vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DAVIS of Virginia. Mr. Speaker, I was standing in the well of the House before the vote was announced and the machine did not work. I would have voted ''aye'' on the last vote.

Mr. JENKINS. Mr. Speaker, on rollcall No. 526, I was away from the House Chamber attending an education press conference with other members of the House of Representatives and an eighth grade class and faculty from Rogersville, TN. city schools. Had I been present, I would have voted "yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2, STUDENT RESULTS ACT OF 1999

Mr. DEAL of Georgia. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2, that the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 1987, FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT ACT

Mr. HASTINGS of Washington. Mr. Speaker, this afternoon a ''Dear Colleague'' will be sent to all Members informing them that the Committee on Rules is planning to meet the week of October 25 to grant a rule for consideration of H.R. 1987, the Fair Access to Indemnity and Reimbursement Act.

The Committee on Rules may grant a rule which will require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to consideration of the bill on the floor.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 337 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 337

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies 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.

□ 1545

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, H. Res. 337 would grant a rule waiving all points of order against the conference report to accompany H.R. 2466, the Department of Interior and Related Agencies Appropriation Act for Fiscal Year 2000 and against its consideration. The rule further provides that the conference report shall be considered as read.

Mr. Speaker, the conference report to accompany H.R. 2466 appropriates $14.5 billion in new fiscal year 2000 budget authority, which is 599 million more than the House-passed bill and 236 million more than the fiscal year 1999 level; but it is 732 million less than the President's request.

Approximately half of the bill's funding, 7.3 billion, finances Interior Department programs to manage, study, and protect the Nation's animal, plant and mineral resources. The balance of the bill's funds support other non-Interior agencies that perform related functions. These include the Forest Service, conservation and fossil energy development programs run by the Department of Energy, the Indian Health Service, as well as Smithsonian Institute and similar cultural organizations.

Mr. Speaker, I applaud the gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) for their ongoing efforts to resolve a large number of complex and controversial issues contained in this legislation. As it is every year, theirs has been a difficult task, but one that they have taken with the customary fairness and balance. Accordingly, I urge my colleagues to support both the rule and the conference report itself.

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

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

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding this time to me.

I rise in opposition to the consideration of House Resolution 337, the rule governing consideration of H.R. 2466, the Interior appropriations conference report for Fiscal Year 2000. Mr. Speaker, approving the rule would allow this House to consider a conference report which richly deserves defeat. Voting down the rule would send a message to our friends on the conference committee that they need to go back to the drawing board.

This conference has a little bit of something for almost everyone to dislike. Many of its provisions are nothing short of a slap in the face to the majority of this House which voted on specific instructions which the conferees ignored.

The conference report is saddled with some truly offensive environmental riders which allow mining companies to continue doing damage to the public lands on which they operate, permits oil companies to operate under sweetheart deals on public lands, relaxes forest management practices and permits more timber to be taken from the Tongass National Forest in Alaska, just to name a few. The conference report is also woefully short of the mark on the administration's lands legacy effort which is designed to save environmentally sensitive and important land across this Nation and for which this Nation wants attention.

Mr. Speaker, Members looking for a reason to vote against this bill based on a concern for the environment have an embarrassment of riches from which to choose. As Chair of the Congressional Arts Caucus, let me address for a moment another egregious shortcoming in this bill.

Last month the other body took the responsible position of increasing funding by $5 million each for the National Endowment for the Arts and the National Endowment for the Humanities. In keeping with that position this House voted to instruct the conferees to accept the higher funding levels. The conference committee, presumably acting under direction of the House leadership, choose to ignore our instructions. Sadly NEA funding has once again been hijacked by a small number of individuals who long ago put on their blinders and now refuse to take them off.

In fiscal year 1996 the NEA had its budget cut by 40 percent, a cut from which very few agencies could even recover. Since that time NEA opponents have made it their obsession to oppose a complete recovery. They have chosen to obfuscate the facts by falsely characterizing the agency's work and by demeaning the value of art and culture to our society.

Had the conferees gone along with the modest funding increase provided by the other body and endorsed in a vote on the floor of this House, it would have been the first increase in arts funding since 1992. It would have allowed the NEA to broaden its reach to all Americans by partially funding its proposed Challenge America initiative which is expressly designed to provide grants in communities which have been underserved by the agency because of its lack of money. Some of our colleagues rail against the NEA, saying it has ignored their districts but now withhold the very funding which would correct the problem.

This funding increase would have given the Endowment the resources to undertake the job that we in Congress have asked it to do to make more grants to small and medium-sized communities. In addition, the agency has spent the past few years implementing reforms to make itself more accountable to the American people, and I strongly believe they have earned the opportunity to pursue this plan.

The arts are supported by the United States Conference of Mayors, the National Association of Counties and by such corporations as CBS, Coca-Cola, Mobil, Westinghouse, and Boeing, to name just a few. These organizations support the arts because they provide economic benefit to our communities. With one hundredth of 1 percent of the Federal budget, we help to create a system that supports 1.3 million full-time jobs in States, cities, towns, and villages across the country providing $3.4 billion in income taxes to the Treasury. I do not think we make any investment here with a greater return.

Mr. Speaker, while I am pleased that the committee allowed a $5 million increase to the NEH, I cannot support legislation shortchanging the NEA for yet another year. This is not about budget caps. The benefits that we receive for our economy, for our children, and for our communities far outweigh the small financial investment we are making.

This is not about public support. As opinion polls show, without a doubt the American people are overwhelmingly in favor of a Federal role in the arts. And this is not about support in this body that was demonstrated on the floor of this House just 17 days ago. This is about a small number of individuals who want to run against the NEA at election time.

Mr. Speaker, let us put those campaigns to rest and put to rest the campaign of misinformation which is keeping the NEA from continuing and expanding its valuable work. I urge my colleagues to send this legislation back to the conference committee so that we can give our leaders another opportunity to finish the job that we have asked them to do on numerous occasions.

Mr. Speaker, I urge a no vote on the resolution.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I appreciate my friend yielding this time to me. I thank the gentleman from Washington for his fine leadership on our committee.

I rise in very strong support not only of the rule but of the stellar work that has been done by our friend from Ohio, the chairman of the Subcommittee on Interior (Mr. REGULA). Every year there are millions of Americans and foreign tourists who come from all over the world to take advantage of what is clearly the best park system on the face of the Earth, whether it is the Everglades in Florida, part of which is represented by members of the Committee on Rules, the gentleman from Florida (Mr. DIAZ-BALART), or the gentleman from Florida (Mr. GOSS), or the Angeles National Forest, which I am privileged to represent along with my colleague, the gentleman from California (Mr. ROGAN). Incidentally, the Angeles National Forest happens to be the most utilized of our national forest system.

These are very, very important, very, very precious items that need to be addressed; and I will tell my colleagues that the work that has been done by the gentleman from Ohio (Mr. REGULA) is very key to the continued success of that important system.

I want to specifically express my thanks for dealing with the problem that we in southern California regularly face, and that is fires. We know that as we approach the fire season, we

have now seen $24 million for the National Forest Service state fire assistance program, which is a $3.2 million increase over last year; and I want to again express my thanks for the attention that has been focused on that important problem that we have.

Now I finally would like to raise one issue of concern that the gentleman from Ohio and I have discussed on more than a few occasions, and I would like to say at this point I offer what is at best sort of wavering support for the adventure pass; and it is in large part due to some of the issues which I suspect the gentleman from Ohio (Mr. REGULA) will raise during debate on this issue, and that is the question of whether or not people who are in the area paying into the adventure pass are actually seeing any kind of tangible benefit from the fact that they have put dollars into that adventure pass.

In the Angeles National Forest, as I said, the most utilized of all in our Nation's system, many of my constituents have been obviously in, just going through, been forced to pay for the adventure pass; and yet they do not see any kind of real tangible benefit, and that is why I am pleased that there is an additional $1.1 million that has been added for the Angeles National Forest to improve the basic infrastructure there, which is a concern. So I will say that we look forward to further reports on the pilot program of the adventure pass, and I am going on record, as I have before, raising the concerns that many of my constituents have pointed to; and I hope that we are able to work closely with the Forest Service so that we can see real tangible benefits from that.

So, having said all of those things, I strongly support the rule, urge my colleagues to vote for it, and I also urge strong support for what I think is the best possible conference report that we could get at this juncture.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentlewoman for the time.

Mr. Speaker, first of all could I ask the gentleman from Florida (Mr. YOUNG) a question about this bill. I would like to ask the distinguished gentleman:

The latest report on the revised allocations of budget authority and outlays filed by the Committee on Appropriations is dated October 12 and is printed in the House as Report 106–373. That is the 302 allocation. The document indicates that the discretionary budget authority allocation for the Subcommittee on Interior is $13.888 billion and that the discretionary outlay allocation for the subcommittee is $14.354 billion.

Is it the understanding of the gentleman that the number I just mentioned, that the numbers do in fact represent the latest target allocations for the subcommittee?

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Speaker, I think the gentleman's figures are correct; however, the gentleman also knows that before we complete the appropriations process totally, there may be needed some additional.

Mr. OBEY. Right. So at this point that is the latest published allocation to the subcommittee; is that not correct?

Mr. YOUNG of Florida. That is my understanding.

Mr. OBEY. I have a table prepared, Mr. Speaker, by the Committee on Appropriations dated October 15, which indicates that the discretionary budget authority included in the interior conference agreement totals 14,506,491,000 and that the discretionary outlays total 14.523 billion. If these are the correct numbers for this conference report, it appears that the conference agreement exceeds the latest budget authority allocation by $618.491 million and exceeds the latest outlay allocation by $169 million, and that being the case, that is why a number of us are dubious about the wisdom of proceeding with this bill at this moment.

□ 1600

The problems within this bill, in addition to some of the others that I will mention in just a moment, another major problem is that we simply do not at this point know where this bill fits into the overall budget scheme. We do know that bills that have passed the House to date have exceeded the President's budget request by almost $20 billion.

Given that fact, we know that there is a squeeze on the remaining bills, and at this point, given the meeting that we saw at the White House where we thought there was going to be an arrangement on how to proceed between the White House and Congressional leaders (they being the four-star generals in this place, we being the light colonels), it seems to me it is very difficult even to justify proceeding on this bill when we do not know whether this is going to further add to the excess of spending that is being alleged in the budget process or whether it is not. That is why I raised the question that I just asked of the gentleman from Florida (Mr. YOUNG), because all we know at this point is that this bill exceeds the spending authority which was allotted to it the last time the Committee on Appropriations met under the requirement of the Budget Act.

In addition to that concern, Mr. Speaker, I would simply point out the following problems with this bill. It excludes funds for many unique and ecologically important land parcels which can be lost forever to development if they are not purchased now. This bill falls way short of where it ought to be in the Lands Legacy proposal. It rewrites the 1872 mining laws to allow mine operators who are paying next to nothing to extract minerals from public lands to inflict even more environmental damage on those lands. It requires that western ranchers who enjoy the privilege of grazing permits be granted automatic 10-year renewals without completion of the review of the impact of current grazing practices. It includes $5 million not requested by the President to facilitate additional timber sales from the Tongass National Forest. It blocks an Interior Department regulation requiring major oil companies to finally pay something approaching market value for the taxpayers' land that they are pumping oil out of. It has a number of other problems. It rejects any added funding for the National Endowment for the Arts.

I would simply say this in closing: None of what I am saying is in any way critical of the gentleman from Florida (Mr. YOUNG) or the distinguished gentleman from Ohio (Mr. REGULA) who chairs this subcommittee. In fact, in that subcommittee, and I am sure anybody who was there will verify this, he tried mightily to prevent some of these riders from being attached. We think that he did make a strong effort. The problem is that we still do not believe that this will meet the standards that would be required to defend the public interest. So for a variety of reasons that I have just listed, we feel constrained to oppose this bill and would hope that by the time it finally becomes law, that it will be in far better shape.

I know that if this bill reaches the White House it will be vetoed. The White House has made that quite clear to us and the press. Under the circumstances those circumstances, I think it is ill-advised for this bill to even be here in light of the meeting that took place at the White House. But we have no choice, if the majority is going to bring the bill to the floor, we have no choice at this point to oppose it.

Mr. Speaker, I thank the gentleman from Florida for honestly answering my question.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to respond to the gentleman from Wisconsin. As usual, his numbers are correct.

However, I want to highlight a difference in how we are proceeding this year. The Office of Management and Budget would like us to package up all of these appropriations bills and put them into one package so that we could have another disaster like the omnibus appropriations bill that we had last year. We are determined not to do that.

It is our intention and our plan, and we are on course, to send the individual

bills to the President's desk for his consideration. The reason we want to do that is that we would like to know if he has specific objections to those bills. We would like to know what they are, not in generalities, but specifically, so that we can actually focus on what the differences really are. Our experience has been that the only way we find exactly what the President's opposition is, is in a veto message where he must be specific and he must put it on paper so that we can read it and understand it.

But I want to assure the gentleman from Wisconsin that whether we have an omnibus bill such as the Office of Management and Budget wants, or whether we are going to have individual bills the way that we want, we will not go above the budget agreement. We will not use any money out of the Social Security Trust Fund. The Sequestration would not be triggered unless all bills were signed into law and exceeded the budget agreement. That is not going to happen. But we are going to deal with these bills one at a time so that they retain their identity and so that we can deal with specific objections from the White House rather than generalities.

Now, Mr. Speaker, I rise in strong support of this rule and the conference report on the Department of the Interior and Related Agencies Appropriations Act for fiscal year 2000. This is the twelfth fiscal year 2000 appropriations conference report to come before the House. Number 13 should be ready soon.

This is a good conference agreement. It provides important funding for the highest priority needs of operating and maintaining our existing national parks and wildlife refuges. It includes funding to manage our Federal lands. Important to my State is funding for the Everglades restoration.

At this point, I want to make note of the fact that this is the anniversary of the enactment of last year's omnibus appropriations bill. Because the terms and conditions of many of the appropriations bills that were included in that legislation still have effect today because of the terms of the continuing resolution we were operating under, I take this time to highlight one such provision that is important to the Office of Management and Budget and to the administration. That is that the continuing resolution will preserve the President's authority under section 540(d) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1999, to waive section 1003 of Public Law 100–204.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, I thank the gentleman from Florida for clearing up the question with respect to the Public Law. I think that is a very useful clarification.

But I do want to take issue with his interpretation of why we should not have an overall approach to resolve our remaining budget differences. The gentleman said that the majority party does not want to go into an omnibus meeting because last year when they did, we wound up with all kinds of gimmicks. Let me point out that last year, we wound up with $21 billion worth of so-called emergency spending. Now, if spending is called emergencies, under these crazy budget rules, it does not count in total spending. So it is, in fact, hidden.

The problem is, this year, without going into those meetings with the President, bills passed by this House already contain $25 billion in emergency spending. So we have already gone far beyond where the gentleman was concerned we would go if we ever sat down with the President.

This second chart demonstrates that there are $45 billion in gimmicks already contained in the budgets that have been passed by the majority through this House. My colleagues can see the categories for themselves: $25 billion in phoney designation of the emergency spending, $17 billion that we hide by telling the Congressional Budget Office to pretend that programs are going to cost less than, in fact, the Congressional Budget Office has told us they are going to cost. Then they move billions of dollars into the next year in order to hide the fact that we are actually appropriating it this year. And what we have really done is we have a menu, we have a multiple choice menu. We have column A, which is the OMB, the White House numbers; column B, which is the Congressional Budget Office which we are supposed to adhere to in determining how much money is spent. And instead of deciding one or another, we have picked one from column B, one from column A. They always pick the numbers that are the lowest, and that is the way they hide the fact that they are spending billions of dollars more than we are actually spending. That is why we think we need to get together.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

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

Mr. HANSEN. Mr. Speaker, let me just express the great respect that I have for the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, and the absolutely difficult job that he has done. I do not know of a harder thing to work out than he has done on this legislation. I fully intend to vote for the rule and for the conference report.

However, I do have one concern. As the chairman of the Subcommittee on Public Lands and National Parks, we had a hearing and this hearing was about the Everglades Recovery Plan. In that area, there are 8.5 square miles, and there are farms in that area, Mr. Speaker, and there are people who came from Cuba, and they came from Cuba, most of these people, because Fidel Castro was taking away their property, just abstractly taking it. So they came to America so that they would not have to have that.

Now, a lot of people said, oh, the only way we can ever recover this Everglades thing is to take that 8.5 square miles. That was in 1989. In 1999 in my hearing, the Corps of Engineers, the State of Florida, the Federal South Florida Ecosystem Restoration Task Force all said they do not need 8.5 square miles.

So here we are putting these people in the same condition they were in and saying all right, we are taking away your ground now, and just imagine how they feel at this point.

I am sure we can probably work this out, and I hope we can. But, Mr. Speaker, let me point out that it seems kind of the most ironic thing I have seen in a long time to think here they are in Cuba having their land taken away from them, and then we are in this bill taking it away. So I am sure the people of the stature of the gentleman from Ohio (Mr. REGULA) and the gentleman from Florida (Mr. YOUNG) and others can do their very best not to do this, and I would hope the other Members of the other body would not do this. Because it seems to me that on this piece of legislation that we are truly legislating on an appropriations bill, but because I think it will be worked out, I fully intend to support this bill and support the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA).

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. UDALL) whose late father, Morris Udall, chaired the Committee on Interior and Insular Affairs with great distinction.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I thank my colleague, the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, funding for the Interior Department and the Forest Service and the other agencies and programs covered by this appropriations bill is very important for our Nation and especially for the West, which is my area of the country. So I regret that I cannot support this conference report. There are many problems with the report, but they can be summed up pretty easily. It does not do enough of the right things, and it does too many bad things.

It does not do enough to respond to the urgent need for protecting open space threatened by growth, sprawl and development. It does not do enough to properly manage our Federal lands and the fish, wildlife, and ecosystems that they support. It does not do enough to meet our national responsibilities to

our Native Americans. It does not do enough to support arts and arts education. And it does not do enough to help us make progress in making more efficient use of our valuable energy supplies.

But in other areas, it does too much. It does too much to revise certain parts of the mining law of 1872 through the appropriations process. Instead of letting the Mill site issue be considered in the context of other aspects of that 125-year-old law, including the question of whether the taxpayers get a fair return for mineral development on our and their public lands. It does too much to block efforts to reform the accounting methods to determine how taxpayers and our public schools will share in the proceeds from oil and gas taken from Federal lands, and it does too much to legislatively interfere with sound and orderly management of Federal natural resources and the protection of the environment.

□ 1615

It would undermine the established processes for a rising national forest plan, for managing the public lands managed by the BLM and for protecting the peace and quiet of the national parks.

It would unduly restrict our efforts to work with other countries, to work on the problems of global warming and climate change and would weaken our commitment to those communities that want to work hard to make sure that the natural, environmental, and cultural resources found along America's heritage rivers are preserved.

Mr. Speaker, I have great respect for the gentleman from Ohio (Mr. REGULA), the gentleman from Washington (Mr. DICKS), and the other House conferees. I recognize there are important and good things in this bill but, on balance, it falls short and so I cannot support it.

INTERIOR BILL—OBJECTIONABLE RIDERS

1. OIL VALUATION MORATORIUM

Conference Agreement: Continues the moratorium for an additional 6 months while GAO studies the regulations proposed by the Department. This would be the fourth moratorium on these regulations. As requested by the Congressional supporters of the moratorium, the Minerals Management Service has conducted extensive outreach to the industry during the prior moratoria.

2. MINING WASTE

Conference Agreement: Prevents the Department from implementing for many mining operations a provision of the Mining Law of 1872 that limits the mine operator to one 5 acre millsite per mining claim. Millsites are typically used to dump mine waste.

3. HARDROCK MINING SURFACE MANAGEMENT

Conference Agreement: Imposes a one year moratorium on issuance of regulations to improve environmental compliance in the operation of hardrock mines. Requires that the 2001 budget include legislative, regulatory and funding proposals to implement recent recommendations of the National Academy of Sciences concerning surface management of hardrock mines.

4. EVERGLADES

Conference Agreement: Makes the FY 2000 grant to Florida for land acquisition in support of Everglades restoration contingent on a binding agreement between the Federal Government, the State and the South Florida Water Management District providing an assured supply of water to the natural system of the Everglades and water supply systems for urban and agricultural users.

5. WILDLIFE SURVEYS

Conference Agreement: Gives the Forest Service and BLM discretionary authority to conduct wildlife surveys before offering timber sales.

6. MARK TWAIN

Conference Agreement: Suspends for one year the authority of the Secretary of the Interior to segregate or withdraw land in the Mark Twain National forest from hardrock mining. Also prohibits issuance of permits for hardrock mineral exploration in the Forest for one year. Funds a study to assess the impact of lead and zinc mining in the Forest.

7. GRIZZLY BEAR REINTRODUCTION

Conference Agreement: Prohibits reintroduction of grizzly bears into the Selway-Bitteroot Mountains in Idaho and Montana during FY 2000. The Fish and Wildlife Service has been working for several years on an innovative, collaborative process with local stakeholders.

8. GRAZING

Conference Agreement: For FY 2000, automatically renews expiring grazing permits for which NEPA has not been completed for new 10 year terms.

9. INTERIOR COLUMBIA RIVER BASIN

Conference Agreement: Requires publication of a report describing goods and services in the 144 million acre Interior Columbia River Basin prior to the release of the final environmental impact statement on the Administration's effort to develop a coordinated strategy for management of Federal lands in eastern Washington and Oregon, Idaho, and western Montana.

10. AMERICAN HERITAGE RIVERS

Conference Agreement: Prevents agencies and offices funded in the bill from using funds to support the American Heritage Rivers program administered through the Executive Office of the President and the Council on Environmental Quality.

11. BIA/IHS CONTRACTING MORATORIUM

Conference Agreement: Continues the 1999 moratorium on tribes assuming additional duties through new or expanded P.L. 93–638 contracts, grants and self-governance compacts. The continued moratorium applies only to contracting and compacting by BIA and HIS and exempts two programs: education construction and IHS programs to Alaska Tribes.

12. NPS/GRAND CANYON NOISE

Conference Agreement: Prohibits the Department from spending funds to implement sound thresholds or standards in the Grand Canyon until 90 days after the NPS provides a report to Congress.

DEPARTMENT OF THE INTERIOR—TITLE I APPROPRIATIONS: KEY BUDGET NUMBERS—CONFERENCE ESTIMATE**

[Current BA in millions of dollars]

	1999 enacted*	2000 President's budget request	2000 conf. estimate	2000 estimate difference from 1999 enacted		2000 estimate difference from 2000 pres. budg. request	
				Millions of dollars	Percent	Millions of dollars	Percent
Total, Interior & Related Agencies	6,940	7,769	7,277	+366	+4.8	−492	−6.3
BIA;/Indian Trusts Total	1,786	2,002	1,912	+126	+7.0	−90	−4.5
Land Management Operations composed of	2,665	2,856	2,825	+159	+6.0	−32	−1.1
BLM Operations	716	743	743	+27	+3.8	+1	+0.1
FWS Operations	661	724	716	+55	+8.3	−8	−1.1
NPS Operations	1,288	1,390	1,365	+77	+6.0	−25	−1.8
Wildland Fire Management	287	306	292	+5	+1.9	−14	−4.4
Interior Science	798	838	824	+26	+3.3	−15	−1.7
Interior Land Acquisition composed of	211	295	187	−24	−11.3	−108	−36.7
BLM Land Acquisition	15	49	16	+1	+6.2	−33	−68.3
FWS Land Acquisition	48	74	51	+2	+5.2	−23	−31.4
NPS Land Acquisition	148	172	121	−27	−18.4	−52	−30.0
Interior Construction composed of	415	420	437	+23	+5.5	+17	+4.1
BLM Construction	11	8	11	+0	+3.9	+3	+36.8
FWS Construction	50	44	55	+4	+8.2	+11	+25.3
NPS Construction	230	194	224	−5	−2.3	−30	−15.7
BIA Construction	123	174	147	+23	+19.0	−27	−15.7
Departmental Offices (w/o OST)	214	229	222	+9	+4.1	−6	−2.8
All Other Funds	689	997	725	+36	+5.2	−272	−27.3

*Does not include supplemental funds, special apporpriation for King Cover, Glacier Bay, subsistence. Does not include Y2K mitigation transfers.
**Does not incluode any billwide reduction.

FY 2000 ANNUAL APPROPRIATED (CURRENT BA) BY BUREAU: ESTIMATED CONFERENCE OUTCOME

[In millions of dollars]

Bureau	1999 Estimate	2000 Request	Con. Estimate Amount	Outcome change from 1999*	Percent change	Outcome change from req.*	Percent change
Bureau of Land Management	1,190	1,269	1,234	+44	+3.7	−35	−2.8
Minerals Management Service	124	116	117	−7	−5.6	1	0.9
Office of Surface Mining Recl'n & Enforcemer	279	306	287	+8	+2.9	−19	−6.2
U.S. Geological Survey	798	838	824	+26	+3.3	−14	−1.7
Fish and Wildlife Service	802	950	871	+69	+8.6	−79	−8.3
National Park Service	1,748	2,059	1,809	+61	+3.5	−250	−12.1
Bureau of Indian Affairs	1,746	1,902	1,817	+71	+4.1	−85	−4.5
Departmental Office:							
Departmental Management (99 comp.)	60	63	63	+3	+5.0	0	0
Insular Affairs	87	89	88	+1	+1.1	−1	−1.1

FY 2000 ANNUAL APPROPRIATED (CURRENT BA) BY BUREAU: ESTIMATED CONFERENCE OUTCOME—Continued

[In millions of dollars]

Bureau	1999 Estimate	2000 Request	Con. Estimate Amount	Outcome change from 1999*	Percent change	Outcome change from req.*	Percent change
Office of the Solicitor	37	42	40	+3	+8.1	−2	−4.8
Office of the Inspector General	25	28	26	+1	+4.0	−2	−7.1
Office of Special Trustee	39	100	95	+56	+143.6	−5	−5.0
NRDAR	4	8	5	+1	+25.0	−3	−37.5
Departmental Office	252	330	317	+66	+26.2	−13	−3.9
Subtotal, Interior Bill (current BA)	6,939	7,769	7,277	+337	+4.9	−492	−6.3
Bureau of Reclamation	781	857	769	−12	−1.5	−88	−10.3
Central Utah Project Completion Act	42	39	39	−3	−7.1	0	0
Adjustments for Mandatory Current Accr	−57	−57	−57	0	0	0	0
Adjustment for Discretionary Offsets	−100	−47	−47	+53	0	0	0
Total Net Discretionary BA	7,605	8,560	6,981	+376	+4.0	−580	−6.8
Total Current BA	7,763	8,665	8,085	+323	+4.2	−580	−6.7

Note: Does not include 1999 supplemental, appropriations or transfers, Glacier Bay funds, subsistence funds.

ANTI-ENVIRONMENTAL RIDERS ON THE FY 2000 INTERIOR APPROPRIATIONS BILL AS OF 10/19/99

This list was compiled by Defenders of Wildlife using write-ups received from numerous groups in the conservation community.

(*) indicates a provision that has been deleted or amended and no longer objectionable.

__ indicates new provisions added in conference.

INTERIOR APPROPRIATIONS BILL (H.R. 2466)

(1) Sec. 122: Special Deal For Washington Grazing Interests—would renew and extend livestock grazing within the popular Lake Roosevelt National Recreation Area in Washington. This provision undercuts a National Park Service decision that livestock grazing was not an authorized activity within the Recreation Area, and benefits 10 ranchers at a cost to the thousands of visitors using the National Recreation Area. Unlike the Senate provision the House language places no limits on how long the renewals could last. Lake Roosevelt National Recreation Area is a popular destination spot for water-sports enthusiasts and recreationists along the Columbia River in Washington. The National Park Service found that livestock grazing should not be authorized within the Recreation Area in 1990, and gave the existing ranchers using the National Park Service lands several years to transition out of the use of this area. In 1997, all livestock grazing ceased within the National Recreation Area. The rider re-instates the grazing practices to the benefit of a small handful of ranchers on 1000 acres of National Park System lands within the National Recreation Area.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(2) Sec. 123: Allow Grazing Without Environmental Review—requires the Bureau of Land Management (BLM) to renew expiring grazing permits (or transfer existing permits) under the same terms and conditions contained in the old permit. Expanded by Senator Domenici (R–NM) in full Committee, this automatic renewal will remain in effect until such time as the BLM complies with ''all applicable laws.'' There is no schedule imposed on the Agency, therefore necessary environmental improvements to the grazing program could be postponed indefinitely. This rider affects millions of acres of public rangelands that support endangered species, wildlife, recreation, and cultural resources. The rider's impact goes far beyond the language contained in the FY 1999 appropriations bill, in which Congress allowed a short-term extension of grazing permits which expired during the current fiscal year. As written, this section undercuts the application of any environmental law, derails both litigation and administrative appeals, and hampers application of the conservation-oriented grazing ''standards and guidelines'' that were developed under the ''rangeland reform'' effort. Because BLM will be required to reissue (transfer) grazing permits under the old terms and conditions, the agency will have no reason to consider public comments or to allow administrative appeals of permit-related decisions. As written, the language covers permits that expire ''in this or any fiscal year'' and may therefore undercut existing litigation and administrative appeals brought by the conservation community to protect wildlife and improve rangeland protection. To make matters worse, because it has been restated to apply to the Department of Interior and not just the BLM, it will actually undercut efforts by the NPS to apply NEPA and change grazing permits to protect the environment in places like the Mojave Desert National Preserve. This section provides a perverse incentive for the BLM to delay its NEPA and related environmental analysis, as it will be politically easier to simply extend permits.

Status: Amended but remains objectionable. The provision was amended to make minor changes in conference but essentially retains the same objectionable provisions in the original Senate rider. The reference to ''this or any fiscal year'' was deleted but the bill language is still unclear as to the duration of the rider. Weakly-worded report language was also added calling for a non-mandatory permit schedule to be developed absent a specific time frame. Sen. Durbin (D–IL) offered an amendment on the Senate floor on 9/9/99 to limit the scope of this rider and establish a schedule for the completion of processing expiring grazing permits by the BLM. The amendment was tabled (rejected) by a vote of 58–37 and remains in the bill.

(3) Sec. 133: Give Away 2,500 Acres of Public Land in Nevada for Development—would direct the Secretary of Interior to convey over 2,500 acres of public lands in Eastern Nevada to the City of Mesquite free of charge. There are no restrictions on the uses of this land, and the city is apparently contemplating creating or expanding an airport corridor. The rider exempts the land conveyance from applicable administrative procedures and would likely preclude a full environmental review of the environmental impacts of this action. Development of this land could affect endangered fish species inhabiting the Virgin River, including the wondfin minnow, Virgin River Chub, Virgin River Spinedace and other species which live nearby such as the southwest willow flycatcher. This rider also provides for about 6,000 acres to be sold to the city for development. The Department of Interior opposes this amendment, because it gives away land that is currently being used by the Interior Department without any compensation to the federal government. Also, the Federal Aviation Administration has not completed a suitability assessment for the airport site to determine whether it is appropriate for aviation.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Reid (D–NV).

(4) Sec. 135: Prevent Restoration of Glen Canyon and the Colorado River—would prevent land managers from studying or implementing any plan to drain Lake Powell or to reduce the water level in Lake Powell below the range required to operate Glen Canyon Dam. This effectively prevents any restoration efforts for Glen Canyon and the Colorado river near the Utah-Arizona border. Glen Canyon, one of America's greatest natural treasures, was flooded in 1963 by the construction of the Glen Canyon Dam and Lake Powell. The dam has also caused environmental damage to fish and wildlife downstream on the Colorado River. This rider would tie the hands of land managers, prevent full consideration of restoration options, and prohibit meaningful scientific review of the dam.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Hatch (R–Utah).

(5) Sec. 136: Expand Exemption for Fur Dealers to Include Internationally Protected Species—would effectively amend and expand an already controversy exemption for fur dealers approved by the U.S. Fish and Wildlife Service by including internationally protected species under the Convention on International Trade in Endangered Species (CITES) and expanding the scope of the exemption to include all fur traders. This rider, offered as part of a group of ''non controversial'' manager's amendments, goes dramatically beyond the existing exemption which was itself strongly opposed by a number of conservation organizations. Specifically, the provision would: (1) increase the existing exemption from 100 to 1000 furs—a 10-fold increase; (2) include shipments involving internationally threatened and endangered species (CITES-listed) such as lynx, river otter, bobcat, and black bear in the exemption; and (3) expand the existing exemption to apply to any person or business, whereas the current exemption is restricted to the person who took the animals from the wild, or an immediate family member. The practical effect of the amendment is that each and every fur shipment imported or exported will be crafted to fit this exemption in order to avoid paying user fees (ie, a shipment of 5000 furs will simply become 5 shipments), causing the U.S. Fish and Wildlife Service to forego a significant amount of revenue used to support an already underfunded wildlife inspection program, and further endangering species already shown to be threatened by trade.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to cap the annual volume of fur shipments per person

under this exemption at 2,500. This change does not substantively address the major concerns articulated above. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Murkowski (R–AK).

(6) Sec. 137: Delay Efforts to Reduce Noise Pollution in the Grand Canyon—would prohibit the National Park Service from expending any funds in FY 2000 to implement sound thresholds or other requirements to combat noise pollution in the park until a report on such standards is submitted to Congress. Years of public discussion have resulted in agreement that the natural sounds of the Canyon need to be restored and protected from air tours and other sources. This amendment was introduced on behalf of the air tour industry that wants to delay the implementation of those agreements and force the National Park Service to spend additional time and money defending its decisions in an additional study on the subject.

Status: Unchanged as passed by the full Senate on 9/24/99 and reported from the House-Senate conference committee on———. This provision was inserted into the bill as part of a managers amendment on the Senate floor on 7/14/99 on behalf of Senators Bryan (D–NV) and Reid (D–NV).

(7) Sec. 141: Allow the Oil Industry to Continue Underpaying Royalties—would delay the implementation of an oil valuation rule by the Minerals Management Service (MMS) for the fourth time. The MMS' rule would force the largest oil companies to stop underpaying, by $66–$100 million a year, the royalties they owe the American public for drilling on public lands. These royalties would otherwise go to the federal treasury, to the Land and Water Conservation Fund, and to state public education programs. This rider was attached by Senators Domenici (R–NM) and Hutchison (R–TX) in full committee mark up.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to delay the new rule for 6 months pending a study by the Comptroller General of the General Accounting Office (GAO). The GAO has already released a study on the oil valuation rule in 1998 and it is unclear what further study would yield. On 7/27/99, this provision was stricken from the Senate bill in order to comply with Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53–45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, the provision was re-offered by Sen. Hutchison (R–TX) on the Senate floor. To keep the provision out of the bill, Senator Boxer (R–CA) and others filibustered the amendment until the Senate leadership forced a vote on cloture. On 9/13/99, that vote failed to get the required 60 votes (55–40) which should have spelled the end of the amendment. However, proponents of the rider demanded a re-vote due to the absence of 5 senators. On 9/23/99 the revote on cloture succeeded by a margin of 60–39. The Senate immediately voted to add the amended Hutchinson's rider which is limited to FY 2000 to the bill by a vote of 51–47.

(8) Title II: Increase Timber Subsidies for the Tongass National Forest—would allocate an extra $11.55 million to the Alaska Region of the Forest Service to force a three year supply of timber. This rider creates a special fund to ensure that Alaska's Tongass National Forest will continue to offer far more timber for sale than will be purchased. In Fiscal Year 1998 the Forest Service sold only 25 million board feet of the 187 million offered. When the public's old-growth trees were re-offered for sale at rock-bottom rates, still only have the volume sold. This rider guarantees that the Tongass remains the nation's largest money-losing timber sale program. The rider's supporters hope the flood of taxpayer-subsidized timber will spur the creation of a highly automated veneer slicer. Veneer slicers provide even fewer jobs per tree than the region's defunct pulp mills. To add insult to injury, this comes on top of the $34 million increase the Senate added nationwide to the Forest Service's timber request for FY 2000.

Status: Amended but remains objectionable. After passing the full Senate on 9/24/99, the provision was amended in conference to reduce funding for this program by $6.55 million for a final total of $5 million. Unfortunately, most of the reduction was used to increase funds for a damaging and unnecessary powerline through Alaska's Tongass National Forest (See write up at end of the Interior section). This provision was originally inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Senator Stevens (R–AK).

(9) Title II: Lead Mining in Ozark National Scenic Riverways—would prohibit the Secretary of the Interior from taking any action to prohibit mining activities in the watersheds of the Current, Jacks Fork, and the Eleven Point rivers in the Missouri Ozarks until June 2001. Under the Federal Land Policy and Management Act, the Secretary of the Interior may remove federal lands from access by mining companies. This provision, added by Senator Bond (R–MO) in full Committee, would block the Secretary from exercising that authority. Missouri conservation organizations, Missouri's Attorney General Jay Nixon, and the National Park Service had requested that Secretary Babbitt begin procedures to prohibit mining activities in these critical watersheds. The Doe Run Company had targeted the area for exploratory drilling, but withdrew the applications under protest. These lands were purchased for watershed and forestry resource protection—and the groups and entities requesting the withdrawal are concerned that lead mining would conflict with these purposes.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. On 7/27/99, this provision was stricken from the Senate bill in order to comply with Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53–45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, the provision was re-offered on 9/9/99 on the Senate floor by Sen. Bond (R–MO) (for Sen. Lott (R–MS)). The amendment passed by a vote of 54–44 and remains in the bill.

(10) Sec. 321: Delay National Forest Planning—would impose a funding limitation to halt the revision of any forest plans not already undergoing revision, except for the 11 forests legally mandated to have their plans completed during calendar year 2000, until final or interim final planning regulations are adopted. There is concern that this provision will put pressure on the Forest Service to hastily promulgate new regulations, rather than carefully incorporating recent recommendations developed by an independent Committee of Scientists. Sec. 322 in the bill would halt funding to carry out strategic planning under the Forest and Rangeland Renewable Resources Planning Act (RPA).

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(11) Sec. 327: Divert Trail Fund for ''Forest Health'' Logging—would allow the ten per cent roads and trails fund to be used to ''improve forest health conditions.'' Since there are no restrictions limiting the use to non-commercial activities, and logging is considered a ''forest health'' activity, this fund could be used to fund timber sales. It also represents a back door method to fund more logging roads for salvage and commercial timber operations. This rider also eliminates the requirement that the roads and trails fund be spent in the same state the money is generated when used for these purposes. This opens the distribution of these funds to the political process, allowing all the funding to go to one state or region with more political clout. Since there is a salvage fund and other sources such as vegetation management monies already available for this type of use and considering the consensus that exists regarding the great financial needs of the agency's road maintenance program, this rider is unnecessary and potentially destructive.

Status: Unchanged as passed by the Full House on 7/14/99 and negotiated by the House-Senate conference committee as 10/18/99.

(12) Sec. 328: Block Restoration of the Kankakee River—would prohibit use of funds made available in the act from being ''used to establish a national wildlife refuge in the Kankakee River watershed in northwestern Indiana and northeastern Illinois.'' The Grand Kankakee Marsh was once one of the largest and most important freshwater wetland ecosystems in North America, providing essential habitat to a spectacular variety of waterfowl, wading birds and other wildlife. Today, however, 95-percent of the Grand Kankakee March has been drained for agriculture and development. The U.S. Fish and Wildlife Service has proposed establishing the Grand Kankakee National Wildlife Refuge along the Kankakee in order to restore and preserve 30,000 acres (less than one-percent of the land within the river basin) of wetlands, oak savannas, and native tallgrass prairies. The proposal is currently undergoing an Environmental Assessment. Although the public overwhelmingly support the proposed refuge, for the second year in a row, certain members of Congress are attempting to derail the proposal by including a legislative rider in the House Interior Appropriations bill.

Status: Unchanged as passed by the Full House on 7/14/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(13) Sec. 329: Undermine Consensus-based River Management—would prohibit Federal resource agencies such as the Fish and Wildlife Service, US Forest Service, National Park Service and others, from participating in the American Heritage Rivers Initiative (AHRI). This voluntary presidential initiative was designed to coordinate the efforts of federal, state, and local agencies with interests in the economic, cultural, and ecological management of our nation's most heralded rivers. AHRI's purpose is to streamline management of river resources and facilitate efficient allocation of federal, state, and local funds. This program explicitly did not include any additional regulations or funding but instead relies on coordination of existing programs, staff, and funding. Last year, ten rivers were selected from around the nation that reflected broad political support. This rider would essentially prohibit these agencies from coordinating with other river managers at a time when citizens are working toward improving local/federal coordination. This would cripple the management funds of the Council on Environmental Quality (CEQ))/Executive Office of the President for the American Rivers Initiative and sent a dangerous precedent for coordinating other environmental cross-agency programs.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to allow for ''headquarters or departmental activities'' to be associated for with the AHRI program but still specifically prevents funds from

being transferred or being used to support the management fund at the Council for Environmental Quality (CEQ) for this program.

(14) Sec. 331: Limiting Preparation for Climate Protection—would limit the federal government's ability to address the international implications of climate change and help other countries to reduce greenhouse gas emissions, thereby prolonging the emissions of dangerous carbon dioxide and other global warming pollutants. The rider ignores the United States' existing commitments to reduce emissions under the 1992 Senate-ratified Rio Treaty. Specifically the provision, offered by Representative Joseph Knollenburg (R–MI) in full committee, would prohibit use of federal funds by federal agencies ''to propose or issue rules, regulations, degrees, or orders for the purpose of implementing, or in preparation for the implementation of the Kyoto Protocol.'' Similar language has been inserted in the House versions of the FY 2000 Commerce/State/Justice, Energy and Water, VA–HUD, Agriculture, Foreign Operations, and Interior Appropriations bills.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(15) Sec. 333: Tongass Red Cedar Rider—would continue the failed policy of exporting wood and jobs off the Tongass National Forest by leveraging the amount of Western Red Cedar available for export to the lower 48 and international markets against the percent of the Tongass' allowable sale quantity (ASQ) that is actually sold. Alaska's Western Red Cedar is a valuable export item and has become scarce in the forest as it only grows in the southern Tongass. The remaining old-growth Red Cedar provides important habitat for brown bears and wolves. The rider stipulates that the only way in which interested manufacturers in the lower 48 can have access to all of the surplus Alaska Red Cedar logged in FY 2000 is if the forest's entire allowable sale quantity is sold. Moreover, the rider requires that the sold timber must have at least a 60 percent guaranteed profit margin for the purchaser, continuing to maintain the Tongass's timber program as our National Forest System's largest money loser.

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99.

(16) Sec. 334: Undermine Science-based Management of National Forest and Bureau of Land Management Lands—would attempt to provide the Secretaries of Agriculture and Interior broad discretion during FY 2000 to choose whether or not to collect any new, and potentially significant, information concerning wildlife resources on the National Forest System or Bureau of Land Management Lands prior to amending or revising resource management plans, issuing leases, or otherwise authorizing or undertaking management activities. This section (formerly ''Section 329'') seeks to overturn a February 18, 1999 decision by the United States Court of Appeals for the Eleventh Circuit that the Chattahoochee National Forest in Georgia had violated the law by not maintaining population data on management indicator species as required under 36 C.F.R. 219.19, or sensitive species as required under its own forest management plan. However, the implications of Section 329 extend far beyond any single national forest. For example, the Forest Service could attempt to use the language of Section 329 to undercut full implementation of, and accountability under, the NW Forest Plan. This section's ''don't ask, don't tell'' approach may invite the Forest Service to take a shortcut around the information collection and analysis required by the plan—undercutting the basis on which Judge Dwyer upheld the plan, as well as recent Ninth Circuit case law. Beyond seeking to undermine existing law, Section 329 directly contradicts the overall direction recommended by the recent findings of the Committee of Scientists for land management planning on national forests. Its attempt to provide agencies the discretion to bypass existing information gathering requirements on wildlife resources prior to making land management planning and activity decisions undermines the very ability to arrive at scientifically credible conservation strategies. Section 329 is not the first ''don't ask, don't tell'' rider offered in an attempt to allow the government to forego the collection and consideration of important scientific information. The 1995 salvage logging rider also adopted this approach in some significant ways with harsh results for government accountability and ultimate credibility.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was slightly amended in conference but still seeks to waive the requirement that the USFS and BLM survey for wildlife before authorizing timber sales, grazing permits, and other activities on public lands. The revised language in Section 334 is further exacerbated by a new provision that seeks to grandfather in Northwest Forest Plan timber sales that were illegally authorized without wildlife surveys. Sen. Robb (D–VA) offered an amendment to strike the provision on the Senate floor on 9/9/99. The amendment was defeated by a vote of 45–52.

(17) Sec. 336: Weaken 1872 Mining Law—would weaken the 1872 Mining Law by removing toxic mining waste dumping limitations on federal public land. The rider was attached by Senator Larry Craig (R–ID) in full committee. In the only provision of the 1872 Mining Law that protects the environment and taxpayers, the millsite section states that for every 20-acre mining claim, mining companies are allowed one, and only one, 5-acre mill site for the processing or dumping of mine wastes. Craig's rider would strip the millsite provision entirely, legalizing unlimited mine waste dumping on public lands. The Craig rider represents a sweeping change to the 1872 Mining Law, and in the process it removes the only incentive the mining industry has to seriously negotiate environmental and fiscal reform to one of the most destructive public lands laws on the books.

Status: Amended but remains objectionable. As currently written, the conference language would exempt from the millsite waste dumping limitation: existing mines, expansions to existing mines, grandfathered patent applications and mines proposed before May 1999. It also could be viewed as rescinding Congress's 1960 acknowledgment of the millsite provision as law. On 7/27/99, Senators Patty Murray (D–WA), Richard Durbin (D–IL), and John Kerry (D–MA) offered a floor amendment to strike this rider. That amendment was tabled (i.e., rejected) by a vote of 55–41 and the rider was retained. Additionally, Nick Rahall (D–WV), Christopher Shays (R–CT), and Jay Inslee (D–WA) offered an amendment to the House Interior Appropriations bill (H.R. 2466) on 7/14/99 to prevent the unlimited dumping of toxic mining wastes on public lands. The amendment, which passed on the House floor by a vote of 273–151, and was followed by a successful motion to instruct the house conferees to keep the Rahall language, directly contradicted the Senate provision which would eliminate the millsite provision of the 1872 Mining Law. Despite these votes, the House capitulated to the Senate in conference.

(18) Sec. 341: Stewardship and End Result Contracting Demonstration Project—would permit the Forest Service to contract with private entities to perform services to achieve land management goals in national forests in Idaho and Montana, and in the Umatilla National Forest in Oregon. A similar provision was inserted and passed as part of the FY 1999 Interior Appropriations bill. Land management goals include a variety of activities such as restoration of wildlife and fish habitat, noncommercial cutting or removal of trees to reduce fire hazards, and control of exotic weeds. While the stated land management goals, provision for multi-year contracts, and annual reporting requirements are worthy, there are three major drawbacks contained in the language of the FY 1999 law: undefined community roles, the lack of provisions for monitoring and oversight, and the funding mechanism for desired work. This provision was added at the request of Senator Conrad Burns in Subcommittee.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference but does not substantially address the concerns articulated above.

(19) Sec. 343: Delay Critical Land Acquisition—would significantly compromise the public land acquisition process in the Columbia River Gorge National Scenic Area and would establish a dangerous precedent for land protection elsewhere. This provision would require duplicative appraisals for leach land purchase and add unnecessary bureaucracy, delays, and complexity to the process. Moreover, it would foster an unjustified presumption that the existing land valuation process is flawed, creating a basis of hostility and antagonism likely to frustrate willing-seller negotiations. As a result, this extreme departure from longstanding acquisition policies would be a substantial impediment to continued conservation in the Columbia Gorge and would set the stage for similarly unproductive ''reforms'' in other conservation areas.

Status: Amended but remains objectionable. After being passed by the full Senate on 9/24/99, the provision was amended in conference to but does not substantively address the concerns articulated above.

(20) Sec. 346: Effectively Waives NEPA requirements for Interstate 90 Land Exchange (WA)—would require the Secretary of Agriculture to complete a land exchange in Washington State with Plum Creek Timber Company within 30 days. Such mandate could circumvent the National Environmental Policy Act's public participation and environmental review requirements. The proposal to give Plum Creek the Watch Mountain roadless area and old growth groves in Fossil Creek (both now parts of the Gifford Pinchot National Forest) has sparked significant opposition. The rider could cut short full consideration of the public's concerns and block judicial review of the adequacy of the environmental analysis that has been done. The rider also orders the Forest Service to identify further lands to be traded to Plum Creek.

Status: Unchanged as passed by the full Senate on 9/24/99 and reported from the House-Senate conference committee. This provision was originally inserted into the bill as part of a managers amendment on the Senate floor on 9/14/99 on behalf of Sen. Slade Gorton (R–WA).

(21) Sec. 350: Prevent Grizzly Bear Reintroduction—would be disastrous for grizzly bear recovery and sets a very dangerous legislative precedent. This language prohibits the Department of the Interior and all other federal agencies from expending funds in any fiscal year to introduce grizzly bears anywhere in Idaho and Montana without express written consent of the governors of those two states. The language requires federal agencies to get state permission to implement a *federal law on federal lands* and sets a

broad precedent, both for other endangered species recovery actions and for all other federal laws. Moreover, this provision would derail a five-year collaborative effort initiated by local timber, conservation, and labor interests to restore grizzly bears to the Selway-Bitterroot ecosystem in Idaho and Montana, the largest roadless area remaining in the lower forty-eight states. This reintroduction is vital to grizzly bear recovery in the lower forty-eight states. Finally, both Idaho and Montana have existing populations of grizzly bears outside the Selway-Bitterroot ecosystem. This restrictive language is so unclear and broad that it could prohibit actions such as population augmentations or the movement of problem bears within existing recovery populations (e.g. Glacier and Yellowstone National Parks).

Status: Unchanged as passed by the full Senate on 9/24/99 and negotiated by the House-Senate conference committee as of 10/18/99. On 7/27/99, this provision was stricken from the Senate bill in order to comply with Senate Rule XVI, which was reinstated after a four-year suspension by a Senate floor vote of 53–45 one day earlier. Rule XVI restricts the addition of unrelated policy riders to appropriation bills on the Senate Floor. However, on 9/14/99 Sen. Burns (R–MT) and Sen. Craig (R–ID) successfully re-offered the provision which still prohibits funds for the physical relocation of grizzly bears into the Selway-Bitterroot ecosystem, but limits the prohibition to fiscal year FY2000. Although amended, the provision remains objectionable.

(22) *Sec. 355: Delays Improvements to White River Forest Plan*—would further delay the revision of the forest plan for Colorado's White River National Forest by extending the comment period on the revised plan for another three months. The Forest Service has already granted a 90-day extension making the comment period six-months long more than ample time for all interests to make their views known. This forest is one of the most popular national forests in the country, containing the world-famous Maroon-Snowmass Wilderness along with Vail, Aspen and several other ski areas. In its draft management plan, the Forest Service has proposed for the first time trying to better manage rampant recreation by limiting it to its current levels to the outrage of the motorized recreation and ski industries. The rider is a thinly veiled attempt to delay the new forest plan until the next Administration in hopes of permanently sandbagging any attempts by the Forest Service to rein in corporate ski area expansions and rampant off-road vehicle use.

Status: Unchanged as negotiated by the House-Senate conference committee as of 10/18/99. This provision was added in conference by Senator Ben Nighthorse Campbell (R–CO).

(23) *Sec. 357: Blocks Stronger Hardrock Mining Environmental Regulations*—would further delay the Department of Interior's attempt to strengthen environmental controls applicable to hard rock mines (the so-called ''3809 regulations''). Specifically, the rider would extend the moratorium on stronger hardrock mining regulations through the end of fiscal year 2000.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. GOSS), the vice chairman of the Committee on Rules.

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

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from Washington (Mr. HASTINGS), for yielding me this time.

Mr. Speaker, I rise in support of the rule and the Interior conference report, and I wanted particularly to commend the Committee on Appropriations, particularly the gentleman from Florida (Mr. YOUNG) and the gentleman from Ohio (Mr. REGULA), for including funding increases in areas such as the Park Service and the wildlife refuge system, particularly in this difficult year.

This bill is critically important to my home State of Florida. It is not just my home State. It is the destination of many visitors as well. Since it serves as the main vehicle for Everglades restoration funding, I am pleased that this year as in past years the committee has made sure that Congress continues to lead the charge in restoring the Everglades, unquestionably a unique national treasure which gives great enjoyment to a great many people.

In addition, I am grateful that the committee was able to make available land acquisition fund for the J.N. Ding Darling National Wildlife Refuge which happens to be in my district and in fact comprises about 50 percent of my hometown of Sanibel, another area that is enjoyed by literally millions of visitors.

Some of my colleagues have expressed some concern about certain riders in this conference report before us. I know that I generally share the opinion of my colleagues on the Committee on Appropriations when I say these issues really are best handled through the authorization process, which is why we have authorizers and authorizing committees.

Of course, as my good friend, the gentleman from Ohio (Mr. REGULA), is well aware, however, that since 1983 Florida has benefited from a legislative rider on this bill that protects our coastal areas from offshore oil and gas drilling. We have been trying to deal with the issue in the authorization committee, but so far we have been unable to get the job done so I want to express my appreciation and I think the appreciation of the full Florida delegation that the committee has once again included this stop-gap rider to protect Florida offshore waters from oil and gas drilling, which is a position our State holds very strongly and some other States do as well.

I urge my colleagues to support this rule, which is fair and traditional for this type of legislation. I urge them to consider the conference report carefully and support it, because it is a compromise conference report; but I believe it is a very good one under the circumstances.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong opposition to this conference report. This legislation defies the will of the American people by severely underfunding our national effort to protect and preserve the national lands and because it contains anti-environmental riders that interfere with the proper management of the public's resources.

This report drastically underfunds the President's land legacy initiative that is designed to protect the endangered lands and resources that are threatened by development. It is ironic that this legislation should take such an extreme and anti-environmental position on such an issue at a time when we are working mightily to fashion on a bipartisan basis a resource initiative.

Throughout this country, hundreds of thousands of people from soccer moms to sporting goods manufacturers, from environmentalists to hunters to park professionals to inner-city police organizations have come together to reach and support legislation that would expand, not constrict as this legislation does, the amount of investment we in Congress would make with the resources of this country.

The President requested $413 million for his land legacy and the land water conservation fund for the year 2000. The conference report provided less than $250 million. The administration sought $4 million for urban parks programs. The conference report provided half of that amount of money. We have to understand that the people of this country want these resources protected. They want the opportunities expanded. Ninety-four percent of all Americans support more funding for the land and water conservation fund. That is a Republican pollster taking that poll. Eighty-eight percent of the American people agree we must act now or we will lose these special places.

This bill does not act now, and it does so in the riders. In the riders it continues to give away public land for the mining companies to dispose of their waste and their toxic waste on these lands, and it overrides the limitations in the 1872 mining law; but they will not override those limitations to try to get the American people the royalties and rents for the use of those public lands.

This land also continues to allow the oil companies to underpay the royalties that my colleague, the gentlewoman from New York (Mrs. MALONEY), has worked so hard on. This continues to let them underpay $60 million in royalties that they owe the people of this country, $6 million in the State of California that goes to the education system in our State for young people.

This report continues to let the oil companies have a royalty holiday on lands that they drill oil from, that they take from the American people, and they underpay the resources. That should not be allowed to continue.

This bill also fails to provide the kind of support that is necessary so the Indian tribes of this Nation can continue to take over the functioning of those programs where the Government acted on their behalf in a most paternal manner, that the Indians can now

run those programs of the Indian health service from the Bureau of Indian Affairs, and they can do it more efficiently. They do it with greater enrollment and greater care for the members of their tribes, and yet this legislation does not speak to those in a proper manner.

This legislation is bad for the environment. It is bad for the taxpayers. It is bad for school children. It is bad for the public that supports our parks and public lands, and we ought to reject it.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Washington (Mr. NETHERCUTT).

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding time to me.

Mr. Speaker, I am proud to serve as a member of the Committee on Appropriations and the Subcommittee on Interior and was part of the conference committee that worked so hard with the gentleman from Ohio (Mr. REGULA), a tremendous chairman in this case, trying to craft a measure that would be balanced and sensible under the limitations that we have funding-wise.

We worked hard in the conference committee with Senator GORTON, our colleague from Washington State in the other body, who worked very hard on behalf of the Senate to try to craft a measure that makes some sense.

What I have heard the speakers on the other side say in the last 15 minutes or so defies reality; it defies logic. On the one hand, they say this bill is inadequate and they want to spend more money. On the other hand, the gentleman from Wisconsin (Mr. OBEY) says we are spending too much money in this bill; that we are over our allocation.

Well, the lands legacy program that the gentleman from California (Mr. GEORGE MILLER), the gentleman just spoke of, is $413 million.

My point is, they want to spend more money and they want to frustrate this bill. They do not want this conference report to pass under any circumstance because they know that if it passes and goes down and the President has to address the issue of whether it is adequate, then they are going to have a problem because they want this to go in an omnibus bill. They do not want to have any allocation made on the merits of this particular bill.

One had to be there, Mr. Speaker, to understand the diligence that went into trying to craft this measure and have it be acceptable. We are $77 million over last year on the National Parks Service. We are $50 million over the Bureau of Land Management for last year. We are $55 million more for the U.S. Fish and Wildlife Service; the Indian Health Service, $2.4 billion, a $130 million increase. When is enough enough?

We are trying to balance this bill, meet the objections of the other body, meet the objections of our colleagues on the other side of the aisle, and also their preferences. So I must say, with respect to the mining issue and the patent issue, what we tried to do was have agreement between the two sides on the issue and come up with something that is acceptable to both as best we could.

Was it perfect? Is it a perfect bill? Certainly not, but my goodness let us be reasonable in adopting this rule, moving this process along, not frustrating it and waiting until the end so that then we are down to the White House with millions and millions in more dollars in the final package. That is not acceptable.

So I must say, I think the objectors in this case are not thinking it through carefully in terms of what is good for this country and what is good in this bill. It is a good bill. It is a bill that was crafted by a very diligent chairman in conference committee on both sides of the aisle and both sides of the Capitol.

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

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

Mr. OBEY. Let me say the gentleman has misconstrued what I said. I did not say that this bill had spent too much money. What I said was under the rules of the House, the rules prohibit this bill from being considered at this point because it exceeds the budget ceiling that the gentleman's party assigned to the subcommittee; and, therefore, under those circumstances a vote for this rule is a vote to exceed the ceiling that the gentleman's party itself imposed. What we are suggesting is that that needs to be fixed and a lot of other things need to be fixed, and the only way to do that is to sit down and fix it, rather than send a bill to the President that we know is dead on arrival.

Mr. NETHERCUTT. Reclaiming my time, I appreciate yielding to the gentleman but these ceilings are adjustable and the gentleman realizes that, I believe, that they are adjustable. They have to be adjustable based on our conditions.

Mr. OBEY. They sure are.

Mr. NETHERCUTT. That is the nature of this process, it is, and the bottom line, though, with regard to those who object is that they want to spend millions and millions and millions of dollars more. That is really what is happening here. I guarantee if we do not pass this bill and send it down to the President and let him make his judgment as he should under the Constitution, either veto it or sign it and then tell us why he has vetoed it, if he will, then we are going to be in an omnibus and all of those of us who care deeply about preserving Social Security and all of those on the other side of the aisle who profess that they do are going to be breaching their own commitment to that goal.

So I urge my colleagues, vote for this rule. Vote for this bill. Support the conference committee's best efforts to make this work and let us get the President to either accept or reject that under the Constitution, which is his obligation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I rise in opposition to the rule and to the underlying bill. I would say to my friend on the other side of the aisle, who says that we want to spend more money. Actually we are trying to save money. One of the terrible, anti-environmental riders is also very anti-taxpayer. It is an undisputed fact that the oil rider that is attached costs the American taxpayer $66 million a year. This is money that could go to education, to our schools.

We just had a bill on the floor where people talked about the need for more money for education. This is where we could save some money, where we could save some money by doing what is right. I would just like to say that what basically has happened is for decades the oil companies have underpaid the Government for oil extracted from federally owned lands. They got caught by the Department of Justice, by the Department of Interior, and I would say by the Subcommittee on Government Management, Information, and Technology headed by the gentleman from California (Mr. HORN), who held many hearings on the underpayment of oil royalties, the royalty holiday of the oil companies stealing money from the American taxpayer.

They had to pay $5 billion in penalties for what they ripped off in the past.

So what we have before us is a number of anti-environmental riders that are terribly unacceptable. I must say that the gentleman from Washington (Mr. DICKS), who is the ranking member, and the gentleman from Ohio (Mr. REGULA) did a wonderful job keeping them off of the House version, but we need to keep them off the conference report, too. So I hope that my friends on the other side of the aisle will join us in voting against this rule, against the unacceptable oil riders and other riders that hurt the environment, that steal money from the taxpayers that could be going to education. It is just a bad bill. We need to stand up for America's schools, for the American taxpayers, and stand up against the anti-environmental rip-off and oppose this conference report.

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There is no reason why we should continue paying big oil companies $66 million that they do not deserve, because they pay themselves market price. But when it comes to paying American schoolteachers and the government for federally owned land, they

underpay to the tune of $66 million a year. It is wrong. It is terribly wrong.

If my colleagues are fiscally conservative, vote against this bill just on the oil rider alone.

Mr. Speaker I rise in strong opposition to this conference report.

Because it contains an unacceptable rider, that will let big oil companies, continue to steal money from our nation's schoolchildren, to fatten their own wallets.

Mr. Speaker, these oil companies, have been caught cheating, on the royalty payments they owe, for drilling oil on federal land.

Royalty payments, that benefit our schools, our environment, and the American taxpayer.

As a result, they have to pay almost five billion dollars in settlements.

But now, every time that the Interior Department has tried to fix the rules so that they pay the money they owe.

The supporters of big oil, have come to this Congress, and blocked them from doing it.

This time, they were a little more creative, they decided to delay the rules until the General Accounting Office, can audit Interior's rulemaking process.

But we all know, that this is just another delay, designed to get us to the next must-pass appropriations bill, when they'll attach another rider, so we can start this process all over again.

In fact, Mr. Speaker, GAO has already issued a report on Interior's rulemaking process, and found that Interior has been extremely thorough, and gone out of its way to respond to the comments of the oil industry.

Mr. Speaker, I listened yesterday as my colleagues on the other side of the aisle promised to do everything they could, to save every penny in the social security trust fund.

So I cannot understand why when we're cutting the COPS program: Cutting the NEA; cutting the Land and Water Conservation Fund; When we're cutting all these vital programs—we're telling deadbeat oil companies, that owe the American taxpayer millions. ''It's OK—we really don't need the money.''

Mr. Speaker, this is absurd and illogical.

I urge my colleagues to stand up for the American taxpayer.

Stand up for America's schools. Stand up against this anti-environmental rip-off. And oppose this conference report.

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

[From the New York Times, Sept. 27, 1999]

THE SENATE'S OILY DEAL

Though it was little noticed at the time, a donnybrook over Senate rules last week illustrated the outsized role of special interests in government. The issue was a money grab by oil businesses, which want to lower the royalties they have to pay the Government for drilling on Federal land. When Senator Russell Feingold of Wisconsin tried to block an amendment that would let them keep their royalty payments artificially low and pointed out that oil-sector campaign donations were calling the shots, several senators objected. Their reason? Mr. Feingold's recitation of campaign donations was not ''germane'' and therefore not allowed during the debate.

How quaint of the senators to disparage the germaneness of campaign contributions. In fact, nothing could be more relevant than the power of donors to call the tune in Congress. Fortunately, Mr. Feingold was allowed to continue, in spite of complaints from Senator Kay Bailey Hutchison of Texas, the amendment's sponsor, and Senator Craig Thomas of Wyoming. Unfortunately, the measure passed. The bill to which it is attached contains objectionable anti-environmental features, and President Clinton should veto it.

It is perverse for the Senate to cut school aid, housing and other domestic programs on the ground that the budget needs to be balanced, and then to cut revenues even more by handing out a big break to oil companies. Mr. Feingold, in raising the campaign reform issue, knew that simply pointing out what everyone knows is true would be embarrassing. If embarrassment moves the senators to act, it should be not to stop someone from telling the truth, but to pass the ban on unlimited ''soft money'' to parties sponsored by Mr. Feingold and John McCain of Arizona.

Mr. Feingold likes to point out that he is an heir to the Senate seat of Robert La Follette, the progressive hero of nearly a century ago, who used to ''call the roll'' of railroads and other big donors who got their way in government. La Follette's ability to embarrass his colleagues led eventually to the ban on corporate donations to individual candidates of 1907, a ban that is now being undone by the ''soft money'' scam whereby the money is given to parties, not candidates. Mr. Feingold's ''Calling of the Bankroll'' has pointed out how health insurance donors influenced legislation governing health-maintenance organizations, how the tax-cut bill got packed with treats for businesses, and how big donations by Chevron, Atlantic Richfield and BP Amoco led to the break on oil royalties.

This season of Republican-touted budget restraint was enlivened by the influence of a different special interest in the defense area. Trent Lott, the majority leader, wants a half billion dollars to start building a ship, the LHD–8. The Navy says it does not need the money or the ship, Naturally, the Senate has approved the money. Not all spending restraint is healthy, at least to some senators. Perhaps it is germane to point out that the ship would built at a shipyard in Mr. Lott's home state of Mississippi.

Oil royalty settlements, July, 1999

Alaska	$3,700,000,000
California	345,000,000
Louisiana	250,000,000
Private owners	180,000,000
Federal Governments	45,000,000
Texas	30,000,000
Alabama	15,000,000
New Mexico	7,000,000
Florida	2,000,000
Total	4,600,000,000

Note: This list includes financial settlements from oil royalty valuation lawsuits and government investigations. Figures may include taxes paid to state governments resulting from the settlements.

BACKGROUND MATERIAL ON THE BIG-OIL RIDER

PREPARED BY THE OFFICE OF REP. CAROLYN MALONEY

The current Senate version of the Interior Appropriations Bill contains a rider that would prohibit the Department of the Interior's Minerals Management Service (MMS) from implementing its new oil-valuation rule. The rule governs the royalty payments made by private oil companies that drill oil on federal land.

All companies that drill on federal land are required to pay the government a royalty—generally 12.5 percent of the value of the oil—to the taxpayer. Money from royalty payments helps to fund the Land and Water Conservation Fund, the Historic Preservation Fund, and the U.S. Treasury. In addition, states and Indian tribes received a share of the royalty payments. Many states, including California, put the money directly into their public school system.

For decades, states and independent observers have accused oil companies of deliberately undervaluing their oil in an effort to reduce their royalty payments. As a result, several states and private royalty owners have filed suit against several major companies, and have collected over five billion dollars in settlements to date. The Justice Department recently decided to sue several companies for underpayment of federal royalty payments; one company has already settled, and several others are rumored to be nearing settlements.

MMS has attempted to fix this problem permanently by introducing a new rule which will link royalty payments with the fair market value of the oil. It is estimated that the new rule will save taxpayers at least $66 million per year. Furthermore, MMS estimates that the new rule will impact only 5 percent of all oil companies—primarily large, integrated companies. Ninety-five percent of companies, including all independent producers, will not be affected.

On three separate occasions, oil-industry allies in the Senate have attached rides to must-pass appropriations measures to block the new rule. The current rider expires at the end of this fiscal year, and oil industry supporters, led by Senator KAY BAILEY HUTCHISON (R–TX) attached a rider to the Senate Interior Appropriations Bill that would extend it until October 1, 2000. The rider passed on a narrow 51–47, after supporters barely mustered the 60 votes to beat a filibuster led by Senator BARBARA BOXER (D–CA).

Attachments: Editorial dated 9/27/99 from the New York Times, Editorial dated 9/15/99 from the Washington Post, New York Times article from 9/21/99, Floor Statement by Congresswoman MALONEY, Press Release from Congresswoman MALONEY, Recent settlements against the oil industry for underpayment for royalties, Letter to the President from Congresswoman MALONEY and Senator BOXER, Disbursement of Royalty Revenues, 1982–1998.

BUDGET VALUES

To stay within spending limits, most House Republicans and some Democrats voted last week to squeeze federal housing programs for the poor. This week House Republican leaders acknowledged they were considering deferring billions of dollars in income support payments to lower-income working families as well. But congressional zeal in behalf of budget savings appears to extend only so far.

The Senate currently faces the question of ending what amounts to income support, not for low-income families but for oil companies. The Interior Department would require the companies to begin paying royalties based on the open market value of oil and gas extracted from the federal domain. Sen. Kay Bailey Hutchison has an amendment to the Interior appropriations bill that would allow them in many cases to continue to pay less. On a test vote Monday, she was able to marshal 55 of the 60 votes she needs to cut off debate and put the amendment in place. The remaining votes are said to be at hand: all 54 Senate Republicans, the lone independent, former Republican Bob Smith, and five wayward Democrats.

In the end, it is well understood that Congress will breach the spending limits, which are artificially tight. In the meantime, we have pretense to the contrary. But even the pretense produces winners and losers. Oil

wins, poor people lose; those are the values of this Congress.

The spending caps represent no one's idea of the true cost of government. They were set in the 1997 budget deal between the president and congressional Republicans to make it appear that the politicians could, too, balance the budget while granting a tax cut. Now it's time to adhere to them, and there aren't the votes. Nor should there be, given the long-term damage that adherence would do. The question isn't whether they'll be exceeded but by how much, how honestly, and who will bear the blame.

To avoid the appearance of breaching them, Congress has been using all manner of gimmicks. Ordinary expenditures for such things as the census and defense have been classified as emergencies, because under the budget rules, emergencies don't count. Various devices have likewise been used to alter not the amount of spending but the timing of it, to move it out of next fiscal year. That's what the House leadership is contemplating with regard to the earned income tax credit, which provides what amount to wage supplements to the working poor. They should be the last victims of budget-cutting, not the first.

A third device has been to avoid deep cuts in the smaller domestic appropriations bills by ''borrowing'' funds from the larger final ones, for veterans' affairs, housing, labor, health and human services and education. But that has merely concentrated the problem, not solved it. Meanwhile, the housing programs are essentially frozen in a period in which the general prosperity masks increasing need.

The president and Congress knew the appropriations caps they set in 1997 were unlikely ever to be met. The caps were set for show; they were an official lie to which both parties put their names, and from which they continue to try to extricate themselves. The projected surplus in other than Social Security funds over which they have been fighting all year—the one Republicans would use to finance their about-to-be-vetoed tax cut—exists only if you assume that most domestic spending will be cut by more than a fifth in real terms, as the caps require. But the votes don't exist for even the first of these cuts, much less the full mowing; nor is it just Democrats who are turning away. They're living a lie, both parties; that's the reason for the gimmicks. Only the oil subsidy seems unaffected. Are there really no Republicans in the Senate who think it wrong?

[From the New York Times, Sept. 21, 1999]

BATTLE WAGED IN THE SENATE OVER ROYALTIES ON OIL FIRMS

(By Tim Weiner)

Oil companies drilling on Federal land have been accused of habitually underpaying royalties they owe the Government. Challenged in court, they have settled lawsuits, agreeing to pay $5 billion.

The Interior Department wants to rectify the situation by making the companies pay royalties based on the market price of the oil, instead of on a lower price set by the oil companies themselves.

A simple issue? Not in the United States Senate. Instead, it has become a textbook example of how Washington works. The battle over royalties shows how a senator can use legislation to right a wrong, in the view of Senator Kay Bailey Hutchison, a Texas Republican who is blocking the Interior regulations. Or it shows how Congress does favors for special interests, in the view of Senator Hutchison's opponents.

The issue could come to a vote this week, and it appears as if the Senate might side with the oil companies.

Senator Hutchison, who has received $1.2 million in contributions from oil companies in the last five years, has been winning the battle to block the pricing regulations since the Interior Department imposed them in 1995. The department estimates that oil companies are saving about $5 million a month, money that would otherwise be flowing to education, environmental programs and other projects.

Senator Hutchison calls the regulations a breach of contract and an unfair tax increase. She says she represents ''the overwhelming majority of the Senate who want to do the right thing, who want fair taxation of our oil and gas industry.''

For 4 years, she has placed amendments and riders into annual spending bills to keep the Interior Department regulations from taking effect. To do otherwise, she argues, would be ''to let unelected bureaucrats make decisions that will affect our economy.''

Senator Hutchison's chief antagonist has been Senator Barbara Boxer, a California Democrat who has condemned the underpaying of royalties as a scheme intended to ''rob this Treasury of millions and millions of dollars.''

''We shouldn't have a double standard just because an oil company is powerful, just because an oil company can give millions of dollars in contributions,'' Senator Boxer said.

The Senate has never actually voted on Senator Hutchison's measure. It has been inserted into must-pass spending bills that provide a perfect vehicle for controversial measures that might attract public notice if they were openly debated.

This year, however, the Senate decided it would stop attaching such riders to appropriations bills. Now the Hutchison amendment has turned into a running battle on the Senate floor.

The Interior Department first proposed the regulations in December 1995, nearly 10 years after the State of California first began to suspect that energy companies were underpaying the royalties they owed on oil pumped from Federal and State land. The royalty is 12.5 percent for onshore drilling and 16.67 percent for offshore production.

For the industry's giants, the royalties are a small fraction of earnings. For the Exxon Corporation, they represent about one-eighth of 1 percent of company revenues. According to Interior Department figures, the new regulations would cost Exxon $8 million, an additional one-hundredth of a percent of revenues.

The money goes to the Treasury, which sends it to environmental and historic-preservation projects, and to 24 states, many of which use the money on education.

But instead of basing their royalties on the actual market price of oil, the energy companies have been using a price they set that has run as much as $4 a barrel less than the market price.

According to the sworn testimony of a retired Atlantic Richfield executive in a California lawsuit in July, the policy of his company and others was to pay royalties based on a price ''at least four or five dollars below what we accepted as the fair market value.'' The retired executive, Harry Anderson, said his company's senior executives had decided ''they would take the money, accrue for the day of judgment, and that's what we did.''

The testimony was first reported by Platt's Oilgram News, a trade publication.

This practice allowed 18 oil companies, including Shell, Exxon, Chevron, Texaco and Mobil Oil, to avoid paying royalties of about $66 million a year, according to Interior Department figures published in the Congressional Record.

Sued by state governments, and now under investigation by the Justice Department, most of the major oil companies have signed settlements totaling about $5 billion with seven states.

But Ms. Hutchison says forcing the companies to pay royalties based of the true market price of oil amounts to an unfair tax increase.

''They are breaking a contract and saying: 'We are going to raise your taxes,'" she argued on the Senate floor this week.

''If we allow that to happen, who will be next?'' the Senator asked. ''Who is the next person who is going to have a contract and have the price increased in the middle of the contract? Contract rights are part of the basis of the rule of law in this country, and we seem to blithely going over it.''

If the Hutchison amendment comes to a vote—and it might this week—it appears likely to pass, with support from almost all the Senate's 55 Republicans and a few oil-state Democrats.

If the Senate lets the regulations take effect, says Senator Frank Murkowski, an Alaska Republican who supports the amendment, the message will be clear: ''We will be saying, 'Go ahead. Raise royalties and taxes. We, the U.S. Senate, yield our power.'"

HTTP://WWW.NYTIMES.COM

Graphic: Photos: Senator Kay Bailey Hutchison, left (Stephen Crowley/The New York Times), is seeking to protect companies that drill on Federal land. Senator Barbara Boxer says they are underpaying. (Ed Carreon for The New York Times)

REMARKS OF THE HONORABLE CAROLYN B. MALONEY ON THE BIG-OIL RIDER IN THE INTERIOR APPROPRIATIONS BILL—JULY 13, 1999

I rise today in support of this legislation. I would like to applaud the Appropriations Committee for wisely rejecting efforts to load this bill up with controversial anti-environmental riders. Unfortunately, the version of this bill passed by the Appropriations Committee in the other body contains numerous riders that would never pass on their own and have no place in this legislation.

One of these riders, in particular, robs the American taxpayer of over 66 million dollars per year. this rider would permit big oil companies to continue to underpay the royalties they owe to the Federal Government, States and Indian tribes, cheating taxpayers of millions of dollars. It would do this by blocking the Interior Department from implementing a new rule which would require big oil companies to pay royalties to the Federal Government based on the market value of the oil they produce.

Earlier this year, I released a report demonstrating how these companies have cheated the American taxpayer of literally billions of dollars of the past several decades. They do this by complex trading devices which mask the real value of the oil they produce. By undervaluing their oil, these companies can avoid paying the full royalty payments they own.

The Justice Department investigated these practices and decided that they were so egregious that it filed suit against several major companies for violating the False Claims Act. As a result, one company decided to settle with the government, and paid 45 million dollars. Numerous other companies have settled similar claims brought by states and private royalty owners for millions—and in one case billions—of dollars.

Mr. Chairman, the rule that the Interior Department is proposing is simple. It requires that oil companies pay royalties based on the fair market value of the oil they produce. But these oil companies that have been cheating the American taxpayer for years are now trying to block the Interior Department from implementing a new rule, using every excuse imaginable.

Mr. Chairman, this rider robs money from our schools, our environment, and our states and Indian tribes. It does this to benefit the most-narrow special interest imaginable—big oil companies with billions of dollars in profits.

I applaud the Appropriations Committee for leaving this issue to the experts at the Interior Department, and I call on my colleagues to reject these efforts to benefit big oil at the expense of the American taxpayer.

MALONEY EXPOSES OIL COMPANY FRAUD

ALLEGATIONS TO BE DISCUSSED AT HEARING TODAY

Congresswoman CAROLYN B. MALONEY (NY–14) today released a report exposing how several major oil companies have defrauded the U.S. government of millions of dollars by undervaluing oil produced on federal land for royalty purposes.

''This report confirms what we knew all along,'' said MALONEY. ''It proves that big oil companies have stolen money from our nation's taxpayers, our schools, and our environment, only to fatten their own bottom line.''

These allegations, along with the Interior Department's efforts to make oil companies pay the money they owe, will be discussed at a hearing held today by the Government Reform Committee's Subcommittee on Government Management, Information and Technology. The hearing will be held at 2:00 p.m., in room 2247 of the Rayburn House Office Building.

Under federal law, all companies which drill oil on federal and state land are required to pay a royalty based on the value of the oil they produce (generally from 12.5% to 16%). Big oil companies under report the value of the oil they produce, thus allowing them to pay less in royalties than they owe. It is estimated that this scam costs taxpayers between $66 million and $100 million each year.

In 1974, the State of California and the City of Long Beach sued several major oil companies for underpayment of oil royalties. This report is based on an exhaustive analysis of material obtained by Congresswoman MALONEY from the Long Beach litigation. Representative MALONEY requested the material in her role as Ranking Member of the Subcommittee on Government Management, Information and Technology, a post she held during the 105th Congress. Most of the documents date from the 1980's and cover a wide variety of trading practices. None of the information contained in the report is proprietary or could be damaging in any way to any individual company.

Congresswoman MALONEY has repeatedly pressured the Department of the Interior's Minerals Management Service (MMS), as well as the Justice Department, to expose the fraudulent practices of many major oil companies. This report is the first comprehensive analysis of internal company documents that reveals exactly how major oil companies engaged in suspect trading practices to reduce the amount of royalties.

The report reaches the following conclusions:

Companies regularly traded California crude oil with each other at one price—the market price—and reported royalties based on another (called ''posted prices'') which were lower than market. As a result, they paid less in royalty than required under the law.

Companies were aware that market prices were actually much higher than posted prices.

Companies used complex trading devices to conceal the fact that posted prices were often well below the true market price of the oil. These included:

Inflating transportation costs, which are then deducted from the sale price of the crude oil to lead to a royalty basis which is far below market value.

Engaging in ''overall balancing arrangements'' between companies to sell each other undervalued crude. These arrangements are complex trading schemes in which companies sell each other equivalent amounts of oil at reduced prices in such a way that neither company loses money on the transaction.

Selling oil at prices above posted prices without making any attempt to explain the discrepancy between posted prices and the sale price.

Companies recognized that Alaska North Slope Crude Oil (ANS) is traded at prices much higher than California posted prices, even when adjusted for relative quality. As a result, they considered California oil a bargain.

The ability of the major oil companies to trade at prices below actual value reveal that the California oil market in the 1980's was dominated by a few major players with substantial market power. This situation can only get worse in the wake of the recent wave of oil mergers, as the recent rise in California gas prices demonstrates.

The totality of this evidence reveals that major oil companies engaged in a deliberate plan to defraud the U.S. government of royalty money it was entitled to under the law.

The report is particularly timely because the Interior Department's Minerals Management Service (MMS), the agency which oversees royalty collection, is attempting to implement a new rule which would require that oil companies pay royalties based on the fair market value of the oil they produce, however, the Supplemental Appropriations Bill, which passed the House last night, contains a rider added at the request of big oil companies which prohibits implementation of the new rule prior to October 1, 1999.

Copies of the report can be obtained by contacting the office of Congresswoman CAROLYN MALONEY at (202) 225–7944.

CONGRESS OF THE UNITED STATES,
Washington, DC, October 13, 1999.

THE PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to urge you to veto any legislation passed by the Congress which prohibits the Interior Department from implementing its proposed oil-valuation rule. If this new rule is blocked, big oil companies will continue to cheat American taxpayers and schoolchildren by deliberately underpaying the royalties they owe.

When oil companies drill on federal land, they are required to pay a royalty to the federal government. A share of this royalty is given to the state, and the remaining money is used by the federal government for the Land and Water Conservation Fund and the Historic Preservation Fund. In many states, including California, the states' share provides much needed funds for public education.

For years, big oil companies have deliberately undervalued the oil produced on federal land in order to avoid royalty payments. To fix this problem, the Interior Department proposed a fair and workable rule that will simply require major oil companies to pay royalties based on the fair market value of the oil.

On three separate occasions, legislative riders included on appropriations bills have prevented the Interior Department from implementing this fair rule. If the supporters of big oil companies are successful again, they will have managed to block implementation of this rule for two and a half years, at a total cost to taxpayers of over one-hundred and fifty million dollars.

We urge you to stand up to this special-interest rider and veto any legislation that would prevent American taxpayers from getting the oil royalties to which they are entitled.

Thank you for your prompt attention to this important issue.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.
BARBARA BOXER,
United States Senator.

ROYALTY MANAGEMENT PROGRAM

Disbursement of Federal and Indian Mineral Lease Revenues—Fiscal Years 1982–98

[Revenues in Thousands of Dollars]

	Historic Preservation Fund	Land & Water Conservation Fund	Reclamation Fund	Indian Tribes & Allottees	State Share	U.S. Treasury General Fund	Total
1982	$150,000	$825,095	$435,688	$203,000	$609,660	$5,476,020	$7,700,318
1983	150,000	814,693	391,891	169,600	454,359	9,582,227	11,562,770
1984	150,000	789,421	414,868	163,932	542,646	5,848,044	7,908,911
1985	150,000	784,279	415,688	160,479	548,937	4,744,317	6,803,700
1986	150,000	755,224	339,624	122,865	1,390,632	4,983,055	7,741,400
1987	150,000	823,576	265,294	100,499	990,113	4,030,979	6,360,461
1988	150,000	859,761	317,505	125,351	767,621	2,627,721	4,847,959
1989	150,000	862,761	337,865	121,954	480,272	2,006,837	3,959,689
1990	150,000	843,765	353,708	141,086	501,207	2,102,576	4,092,342
1991	150,000	885,000	368,474	164,310	524,207	2,291,085	4,383,076
1992	150,000	887,926	328,081	170,378	500,866	1,624,864	3,662,115
1993	150,000	900,000	366,593	164,385	543,717	1,945,730	4,070,425
1994	150,000	862,208	410,751	172,132	606,510	2,141,755	4,343,356
1995	150,000	896,987	367,284	153,319	553,012	1,541,048	3,661,650
1996	150,000	896,906	350,264	145,791	547,625	2,866,509	4,957,095
1997	150,000	896,979	442,834	196,462	685,554	3,867,865	6,239,694
1998	150,000	896,978	421,149	191,484	656,225	3,663,532	5,979,368
Total	2,550,000	14,482,414	6,327,561	2,667,027	10,903,163	61,344,164	98,274,329

Mr. HASTINGS of Washington. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) has 13½ minutes remaining. The gentlewoman from New York (Ms. SLAUGHTER) has 7 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 11 minutes to the distinguished gentleman from Ohio (Mr. REGULA), chairman of the Subcommittee on Interior.

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

Mr. REGULA. Mr. Speaker, it has been interesting to listen to this debate, because this bill passed the House by about 380 votes, and a majority of the Members from the other side of the aisle voted for the bill. Essentially, it is the same bill, only with some extra funding in. I will address the issue of the riders. Perhaps we should do that right up front.

Now, we have good riders and bad riders. The good riders are, one cannot drill offshore. Everybody likes that one. The good rider is that patents giving away mining lands are on a moratorium. That is a good rider.

But the riders that were in the Senate, we found objectionable. But in the conference, with the support of the gentleman from Washington (Mr. DICKS) and the gentleman from Wisconsin (Mr. OBEY) and other Members on both sides of the House team, we got those riders modified. Let me take each one in order.

The mill sites question. Basically the responsibility for mine reform rests with this body and not the Solicitor General. I think that the issue of how we deal with mill sites should be resolved by our authorizing committees and by this legislative body. It is a legislative issue. We cannot very well have attorneys, such as the Solicitor, making law; otherwise, we might as well close up shop.

Now, of course I think the Senate provision overturned the Solicitor's opinion indefinitely. That is too long. So we modified it with give and take in the conference. My colleagues have to remember that we have a two-house system here. When we go to conference, and this is a conference report, it has to be worked out. There has to be some degree of compromise and negotiation.

What the conference agreement does is water down the Senate provision. We say that the Solicitor's opinion which, in effect, he is in the mode of writing legislation, cannot impact on existing mining plans. One cannot very well look back. One cannot even legislate ex-post facto, after the fact. So we said one cannot possibly change the rules. A lot of people have made a lot of investments.

We also provide that plans in operation submitted prior to May 21, 1999, are exempt. We went back as far as we thought was appropriate, and patent applications grandfathered pursuant to the current patent application moratorium in place since 1995, at this time this committee, under the leadership on our side of the aisle and support from the minority, did put in a moratorium on patents. So it is substantially less. Keep in mind this is a 1-year bill.

Oil valuation. The gentlewoman from New York (Mrs. MALONEY) just talked about that. The Senate included a provision prohibiting the Minerals Management Service from implementing a new rule on oil valuation throughout the year 2000. We said that is too long. There is a problem here that needs to be addressed.

So the conference agreement prohibits the rule from being implemented for a period not to exceed 6 months or until the comptroller general, that is GAO, reviews the proposed regulation and issues a report. Let us get the expert opinion from the GAO. This is a nonpartisan group. They can give us an unbiased opinion. We say it can only be in place 6 months or until we get the GAO report, and then we need to address it legislatively. That is our responsibility.

The grazing issue. The Senate included a provision which would have extended all expired Bureau of Land Management grazing permits based on existing terms and conditions. These permits are currently for 10-year periods. What did the conference agreement do? It continues a 1-year provision similar to the last year's law, similar to what we had last year. This provision clearly states that the authority of the Secretary of Interior to alter, modify, or reject permit renewals following completion of all required environmental analyses is not altered.

We have also included additional funding for the BLM to accelerate the processing of these permits. We said, let us get on with the job. We know that there has to be an EIS on every permit. Under the conference compromise worked out by both parties, the agreement is that they can renew the permits for 10 years; but if the EIS shows that there is any violation of the standards established in the law and by the regulations, immediately, the Secretary can terminate those permits.

This is a question of fairness. We have got to treat people fairly whether they live in the West or whether they live in the East. What we have done in modifying what I thought were too strenuous conditions imposed by the Senate language, we have modified to make the conditions fair. But I think they are reasonable, and I think they protect the interest of the American people.

On the hard rock mining, we have said, as soon as the National Academy of Science, again, a nonpartisan, independent group, as soon as they give us the report, we can take action. In the meantime, we have a moratorium. All these things are a matter of fairness.

Now, let me just tell my colleagues what a vote yes for this bill will do. A vote yes will give the parks $77 million more than they had last year; the Bureau of Land Management, $50 million more; an additional $55 million to the Fish and Wildlife Service.

We continue the recreational fee program. I am advised by the Park Service that that will generate over $100 million which they get to put right back in the park where the fee is generated.

Do my colleagues know what the law was before we worked on this? If the parks collected a fee, they sent it to the Treasury. Not much incentive to be out there collecting fees; paying one's team to collect a fee so one can send it to Washington. Now they get to keep it. They have done many improvements with the fee money.

I have been visiting the parks. Without exception, and I think the gentleman from Washington (Mr. DICKS) was with us when we visited the parks, we heard this from the team at Olympic how much that meant to them to have the fees to fix up different things that have been neglected.

Speaking of that, we address backlog maintenance. When we started here, we were told it was up to anywhere from $12 billion to $14 billion of backlog maintenance. Most of us have homes. We fix the roof. We fix the driveway. We fix it if there is a problem with the plumbing.

Yet, we were allowing our parks, our forests facilities, the Smithsonian, many others to be neglected. On their own testimony, backlog maintenance was up to almost $14 billion. We decided, as a policy, that we need to address the backlog problem. We need to take care of maintenance. We have been putting in probably twice as much money as was going into maintenance simply to ensure that we are taking care of what we have. We all understand how important that can be.

The conference report ensures environmental protection for the Everglades, including a national park in Biscayne Bay. There is a lot of money in this report to restore the ecosystem and the water flow in the Everglades. How important that is in preserving this great system for the future generations.

Funding for the Forest Service is $10 million over the administration's request and $16 million over the administration's request in trail maintenance. Trails, people love trails. If one has a trail in one's area one knows how much it is used. We recognize that even to a greater extent than the administration did.

This bill is designed for people. It is designed to allow them to use the forest for recreation, to make the parks safe, to make sure they have nice conditions when they go there to visit. So we maintain the sewage systems. We maintain the camp sites. We maintain the things that are important to people.

Funding for the North American Wetlands Conservation Fund continues at $15 million. We increased Indian

Health Services by $130 million, very important in the Indian community. Again, a concern for people. We have tried to address that throughout the bill.

We have the money to buy the Baca Ranch in New Mexico which will add a great piece of land to the base of this Nation, some 95,000 acres with an elk herd of 6,000 that just roam. Think of what that will mean for people to have an opportunity to visit. That is what my colleagues are going to vote yes for if they vote for this bill.

We, earlier today, had an amendment on science. I have seen op ed pieces on how important science is in our schools. We provide in this bill for science and research at the USGS, one of the premier science agencies of this Nation. It gets a total $824 million.

How about this one, a vote yes on this bill is a vote to clean up abandoned mine sites. We really neglected this country and our land when we allowed the rape of lands with mining, open pit mining. We have $191 million, a $6 million increase, to address the problems of open-pit mines, to stop the acid rain runoff that goes downstream and goes far beyond the mine site.

Well, there are a lot more things in here that I can talk about. I only can say this, that a vote yes for this bill is a vote for the people of this Nation.

We have done the best we could with the money we have had. We tried to be fair. I think our friends on the other side of the aisle will recognize that, in terms of projects, programs, that each side was treated equally, and that we made our judgments on the merits of the programs and the projects rather than any political decisions.

In view of that, I think we should get support from all the Members, as we did on the original bill. This bill is not that much different. It is, maybe, better in some respects, more funding because of what the Senate did. I certainly urge the Members here to respect the people of this Nation and support this legislation.

Ms. SLAUGHTER. Mr. Speaker, I yield 4½ minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentlewoman from New York for yielding me the time.

Mr. Speaker, let me just say at the outset how much I respect the gentleman from Ohio (Mr. REGULA) for his work in this Congress and for his concerns about the environment. But let me also say to him, as much as I hold him in high esteem for his abilities and for his care, he talked about this bill having some equity in it, and the only equity that I see in it is that the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, was able to get about $87 million worth of projects for his State in this bill, a lopsided number to say the least, at the expense of, of course, many other Members. So there is no equity in that formula.

I also want to say, Mr. Speaker, that the interior of our country is blessed with some of the most precious lands and forests in the world. Sometimes we take for granted Glacier and the Shenandoah and the Grand Canyon and Yellowstone and all these marvelous jewels that we have. We do not understand that somebody had the foresight years ago to make them a special place. It did not happen by accident. Legislators protected them from exploitation.

I am sensitive to this exploitation issue because, in my home State of Michigan, we have had a history of exploiting what I think is the most beautiful State in the Union. It occurred in the 18th Century when the folks who wanted to trap came into Michigan, and they took everything that ran on four legs with fur on it, and almost made, in fact, did make extinct the wolverine and the martin, and took pelts in prodigious numbers, beaver. You name it, they went after it and basically took the fur in the State in a very short time and exploited it.

□ 1645

And then in the 19th century, when the Erie Canal opened up and my colleagues' ancestors from New York came over to Michigan, they went after the trees, in the biggest rush of natural resources this country has ever seen. Michigan had unbelievable growth of pine forests and other virgin old growth forests. Seven-tenths, eight-tenths of our State was forest, and by the end of that century it was virtually all gone.

And they took with them the woodland caribou, they took with them the grayling fish, and they took with them the grey fox. The State was devastated. And it has taken us 100 years to recover as a result of that exploitation. We lost some of our special places due to lack of foresight.

In the year 2000, as we do this appropriations bill for the Interior, we should reflect on some of these misguided policies of the past, and we should offer a vision for a better future. Unfortunately, the bill we have before us today lacks in very important areas. It provides less than half of the funding requested by the President's Land Legacy initiative, and it has the riders that we have been debating here allowing for the unrestricted dumping of toxic mineral waste and in placing a 1-year freeze on the hard rock mining regulation.

The worst riders would grant grazing permit renewals without concern for the environmental impact, and it would also subsidize the oil industry by allowing them to pay, as the gentlewoman from New York (Mrs. MALONEY) mentioned, below-market prices for royalties extracted from Federal lands and waters.

And like much of 19th century Michigan, it even allows the trees in our national forests to be raided without any consideration given to the wildlife and the soil erosion and the human health concerns. So this bill lacks vision. It lacks vision. It cannot see the trees or the forests, and we should send it back to the dark ages, especially with respect to the riders. That is where this bill belongs.

This bill is opposed by every major environmental organization in the country for the reasons we have enunciated on the floor today. I urge my colleagues to vote ''no'' on this conference report.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from Washington (Mr. HASTINGS) has 2½ minutes remaining, and the gentlewoman from New York (Ms. SLAUGHTER) has 3½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, we are playing catchup ball. We are rushing to conclusion trying to finish the budget because we are 20 days into a new year without a budget. And as these bills whirl past us, I think it is fair to stop and ask what is the score right now. Just where are we? How much have we spent against what we have got?

To get an answer to that question we have only to look on page H10596 of the CONGRESSIONAL RECORD. We can see that we are $599 million in this bill alone above where the House was, and that is why this rule is required, because we are above the 302(b) allocation. We split the available resources into 13 different bills early in the year, and now this bill comes to us $600 million more than the allocated share it is entitled to.

This continues a trend that has gone on here repeatedly with the bills that are coming to the floor. The three largest bills in the 13 appropriation bills are Defense, which is $8 billion more than the President requested; HUD–VA is $2 billion more than the President requested; and I am told Labor–HHS, which comes here tomorrow, is $2.2 billion more than the President requested. And, of course, we have passed an Ag emergency bill that was not in the original calculus at $8.7 billion more than we originally contemplated. Those alone, back of the envelope, come to 20.7, and the surplus for next year is 14.4.

That means, just on the back of the envelope analysis, that we are $6 billion into the Social Security surplus. We have spent the on-budget surplus, and we are $6 billion into Social Security. But it is worse than that. If we take all the bills, according to the Committee on the Budget's analysis, we are $36 billion right now above what was allocated for discretionary spending. Thirty-six billion.

Now if my colleagues are asking themselves, how did we do this, two gimmicks, basically. Number one, emergency spending. We have taken it

to new heights. We have expanded the definition of an emergency to unprecedented extremes this year; $18.8 billion by our calculation, $24.9 according to the ranking member of the Committee on Appropriations. And then we have used creative scorekeeping. We have discarded, dispensed with, the scorekeeping that our own budget shop, a neutral nonpartisan CBO, congressional budget shop, would render of the budget authority we have provided, and said, no, it is at least $18 billion, $17.1 billion less than what you say. That is how we got $36 billion over the caps and into Social Security.

So where are we, if we adopt this bill? If we back out the gimmicks, we are over, way over, the discretionary spending caps we set; and we are well into the Social Security surplus. If we pass this bill, we will be $600 million over the caps and in BA, $200 million more in outlays into Social Security. That is why this bill is not a good idea.

Ms. SLAUGHTER. Mr. Speaker, I yield the balance of my time to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Speaker, I have 30 seconds to just raise one issue, and that is compact-impact aid for Guam.

This is an unfunded mandate which, according to a Department of Interior report, costs the people of Guam $17 million a year. We were asking for only about 50 percent of that in this Interior appropriations measure. We were not able to get it.

This is an unfunded mandate on citizens that are not fully represented here and stems from a series of treaties signed by the United States in the 1980s with three independent nations which are allowed free migration into the United States and they end up in Guam.

So I rise in opposition to the conference report.

I rise in opposition to the Conference Report on H.R. 2466, the Interior Appropriations bill. It is apparent from our on-going debate that this report does not meet the concerns important to our nation. The inadequate funding of both the Land's Legacy Initiative and the National Endowment for the Arts will weaken our efforts to protect our national parks and forests and jeopardize our nation's appreciation for the diversity of arts and cultures. I also oppose this bill because it does not ensure that the smallest of concerns from our furthest American citizens in the Pacific are addressed. This causes me great concern because for my district, the Territory of Guam, an agreement made in 1986 between the U.S. and the Freely Associated States of Micronesia placed a federal mandate on our territory which costs the island nearly $17 million annually in public services for immigrants from the Freely Associated States of Micronesia.

As background, the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) and the Republic of Palau (RP) are Freely Associated States with the United States. The FSM and RMI began their respective Compact agreements with the U.S. in 1986 while the Compact relationship with the RP began later in 1994. A provision of the Compact agreements allows Freely Associated State citizens unfettered travel within the U.S. to seek employment or education. As the closest American territory to these independent nations, Guam is their primary destination. The resulting immigration has placed greater demands to provide social, health care, public housing, educational, and public safety services to FAS citizens residing on Guam. Without the proper attention and assistance from Congress, this unfair situation placed on a territory with a limited economy will only contribute to the continuing depletion of Guam's financial resources. This is not only an unfunded federal mandate—it is worse—it is an unfunded federal mandate upon U.S. citizens who are not fully represented here in Washington.

Compact-impact aid assistance for Guam has been recognized by both the Congress and the Administration, but has not been fully addressed. In 1996, Congress authorized annual payment of $4.58 million to Guam until 2001 to offset costs associated with compact migration. A year later, a study paid for by the Department of the Interior calculated the annual cost to Guam for providing social and educational services to Compact migrants was approximately $17 million. As you can see, Guam shoulders more than two-thirds of the cost of providing public services to FAS immigrants.

The budget requests from Delegates of the U.S. Territories in Congress are perhaps the greatest challenges we face during our terms in office. Without doubt, we have less influence in the appropriations process due in large part to our non-voting status in the Congress. Our needs are often misunderstood because our distances from the mainland U.S. are great. Apart from federal programs that both states and territories can participate in, any other requests outside of the norm can be a frustrating ordeal. We are vulnerable to federal interagency differences about how to treat the territories as well as having no leverage during the appropriations process.

I am appreciative for the collaboration and support of the President for including Compact-impact aid increase for Guam as part of his Administration's priorities during the appropriations process. I remain confident that the President is committed to increasing Compact-impact aid for Guam and I remain committed to working with my colleagues to ensure that this issue is addressed this year.

Mr. HASTINGS of Washington. Mr. Speaker, I yield the balance of our time to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I have found this discussion interesting. When we look back at the House vote of 377 to 47, and then hear the debate that we have heard in the last few minutes here on the rule, we would think this was a totally different bill.

I sat on the conference committee, and I can tell my colleagues that I want to give it high marks. When I want somebody to negotiate for me with the Senate or anybody, I am going to send the gentleman from Ohio (Mr. REGULA), because I think he did one real fine job. He stood tough and fought for the House position again and again and again, and won.

Now, sure, there is compromise. The President has some things that were added that he wanted changed so he might sign the bill. And the Senate had to have some victories. That is the process. Is it perfect? No. Do we ever pass a perfect bill? No. But this is a good bill, very, very similar to the bill that drew 377 votes. I think there is something good here.

I have heard five different reasons, none related, as to why this bill is bad all of a sudden, but no evidence. This bill has $1.4 billion for national park operations, a $77 million increase; $1.2 billion for Bureau of Land Management, a $50 million increase; national wildlife refuge, a $30 million increase. The issues that are important to our environment, the agencies that are important to our environment have been thoughtfully funded.

Some new initiatives: the Recreational Fee Demonstration program that allows our public lands to keep the fees and help with the backlog of maintenance. Everglades restoration, a new initiative. This bill, in my view, has been a very thoughtful, tough bill because we had constraints.

I personally think there is a move here to just stop the process. Because when we listen to the evidence that we have heard today, it does not make much sense. It is not very clear and convincing. Because this is basically the same bill we passed, and 377 House Members supported it, rightfully so, and only 47 voted against.

I urge my colleagues to support this bill. It is one that our committee fought hard for, our chairman worked hard for in the conference committee, and it is one that deserves our support so we can send it to the President.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 228, nays 196, not voting 9, as follows:

[Roll No. 527]

YEAS—228

Aderholt	Barr	Bereuter
Archer	Barrett (NE)	Berkley
Armey	Bartlett	Biggert
Bachus	Barton	Bilbray
Baker	Bass	Bilirakis
Ballenger	Bateman	Bliley

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

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—9

Camp
Coburn
Jackson-Lee (TX)
Jefferson
Linder
McCarthy (MO)
McCarthy (NY)
Scarborough
Towns

□ 1718

Ms. BROWN of Florida, Mr. UDALL of New Mexico, Mr. RAHALL, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1180. An act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1180) ''An Act to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, and for other purposes'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN, to be the conferees on the part of the Senate.

CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, pursuant to House Resolution 337, I call up the conference report on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SHIMKUS). 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 20, 1999, at page H10517.)

The SPEAKER pro tempore. The gentleman from Ohio (Mr. REGULA) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

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

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report to accompany H.R. 2466, and that I may include tabular and extraneous material.

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

There was no objection.

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

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

Mr. REGULA. Mr. Speaker, for the next several minutes, I wish all the Members would forget about partisan politics, forget about some of the personal things that they might not totally agree with and think what is good for the people of the United States of America. Two hundred seventy million people are depending on us to ensure that they have a park to visit, to ensure that when they go to a national forest they will be safe, that the facilities will be good, to ensure when a group of children go out in a bus to a fish and wildlife refuge to learn about the ecology of this Nation that there will be somebody there to tell about it, to ensure when they visit the Smithsonian, it will be open, that it will be well cared for, that the people will be there to serve them.

I could go through a whole list of things. Millions of Americans will go to our facilities over the next 12 months, and the quality of their experience is being decided here. Likewise, think about the generations that are here and yet to come, because the legacy we leave them in terms of our national lands is being decided not by

them but by us. Let us forget partisanship for a minute and let us say, what kind of a legacy do we want to leave for future generations as well as for those of today's world. What kind of opportunities do we want them to have.

For example, in this bill will be funds to do long distance learning through the Smithsonian, the National Gallery of Art, the Kennedy Center, an opportunity to tell the story of these marvelous institutions to all the young people of America, many of whom cannot travel to Washington. We have a responsibility to them that should transcend our own personal prejudices on this day. We did that on this bill earlier this year, by overwhelming majorities on both sides. We supported this bill. Sure there have been a few changes, some probably better, a little more money being spent, but the basic bill is the same. The basic bill provides the kind of services that the American people expect us to deliver. That is why we are sent here. And we have an opportunity today to reaffirm that judgment that we made several months ago.

To vote yes, we are voting for a lot of positive environmental things. We are voting to clean up the streams of America through the abandoned mine law. We have increased it. We are voting to spend $77 million more dollars on the parks as well as allow them to keep the $100 plus million that they earn with the fee program. We are voting to diminish vandalism because through the fee program we have discovered that vandalism in the public facilities, the public lands, is reduced. We have in our hands today 30 percent of the land in this Nation, and we are responsible, each of us are responsible with our vote as to how we treat this wonderful, wonderful asset. It is a legacy that has been provided for us.

Just think about New York City. If Frederick Olmstead had not had the vision to save 800 acres called Central Park, there would not be this oasis of beauty in that city. Think what that means to the 10 or 11 million people. Each of us today are going to vote, have an opportunity to do the same, to preserve these facilities. As we become more urbanized, as our cities become more heavily populated, it becomes even more important that we preserve these open spaces.

This bill provides funds to purchase 95,000 acres called the Baca Ranch. I have been there. You walk out in the meadows and there are 6,000 elk grazing. They are not there with a halter around them tied to the ground. They are there as free spirits, free standing, because that is the great natural legacy of their existence. We have a chance to preserve that opportunity.

We have an opportunity here to make good on a promise this body made several years ago. We said to coal miners who suffered with black lung, who suffered with all kinds of physical problems, we are going to help you, because this is a compassionate Nation, we care about people. So we passed a law to give these people some help. Today, we are providing some additional funds. The fund is depleted. Are we going to say to these people, ''Sorry, we made a promise but we're not going to keep it''?

Those are just a few items that are embodied in this bill. Sure, I know we can talk about the riders. But these are important. It is important to the people that live along the shorelines of this Nation, be it California or Florida or North Carolina, that their offshore be preserved. That is a rider. It says there shall be no drilling offshore. It is important that there not be more patents issued to give away our public lands. That is in this bill. It is called a rider.

We have a couple of others in here. They are much less severe than was the case in the language that was in the Senate, but in the process of a compromise that represents this report today, the gentleman from Washington (Mr. DICKS) and myself, members from both sides of the aisle, fought to mitigate those riders, to soften them but be fair to the people. We cannot say to a rancher that for 50 years he and his family have been running cattle that just suddenly we are going to cut you off tomorrow. That is not fair. But we do say, once we have done an EIS, if you do not meet the standards, you are going to lose your permit. And we give the Secretary of Interior the right to make that decision.

We do not have a lot of time. I am going to stop here. We have others that want to speak. Just examine your conscience and say, What do I want my legacy to be? What do I want my vote to represent? Do I want it to represent enhancing, preserving, taking care of these great assets that are our legacies from other generations that served in this body. These 378 national parks just did not happen. They happened because people had vision, such as Teddy Roosevelt and many others.

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Today, we are shaping the vision that others who serve here in years that follow us will say, gee, they really cared about the people of this Nation, they cared about preserving their crown jewels, the parks, they cared about preserving their forests for recreation. That is the challenge that we have to meet when we put the card in the slot this afternoon.

Today, as we take up the conference report making appropriations for Interior and Related Agencies for fiscal year 2000, you have the opportunity to voice your commitment to America's priceless natural and cultural resources. We can leave our children and future generations no more valuable legacy than our national parks, wildlife refuges, forests and wilderness areas, and our rich cultural heritage which defines who we are as a people and nation.

I urge you to vote in favor of this conference report. Don't let politics or a dedication to fiscal austerity cause you to overlook all the many very positive things that can be achieved through this bill. The American people expect you to be the guardians of their most highly prized natural and cultural resources. Don't let them down.

Getting to this point has been challenging, with many hurdles to overcome. The President sent the Congress a budget request for fiscal year 2000 that was balanced, only because it relied on budget gimmicks, increased taxes and new user fees. In contrast, this conference agreement sought to deal with real needs and important issues directly, fairly and in a way that best serves the public. This year's appropriation amount is $14.5 billion, a very modest increase of 1½ percent over last year's $14.3 billion. This is a very small price to pay to protect and preserve the nation's natural and cultural resources.

The House and Senate bills contained numerous differences, large and small, reflecting the concerns and priorities of the members of the two chambers. Reconciling these differences provoked spirited debate on all sides of the issues. Conferees argued their positions with reason and passion. But in the end, everyone's willingness to listen and seek common ground prevailed over our differences.

As a result, I am pleased to report that the conference report you have before you effectively addresses the priorities Americans care most about. These include $1.4 billion for National Park Service operations to enhance visitors' safety and their enjoyment of America's great natural wonders; $40 million to purchase the Baca Ranch in New Mexico, preserving a unique expanse of the Old West; over $500 million for the Smithsonian Institution and the National Gallery of Art so that visitors from across America and the world can enjoy the thousands of marvels of science, history, technology and the animal kingdom and the glorious works of art on display here; $68 million for the United Mine Workers of America Combined Benefit Fund, which is nearly depleted because of several recent court decisions, to ensure that elderly mine workers and their dependents continue to receive health care. I urge the authorizing committees to take up this issue and develop a long-term solution to this problem.

We have continued an important commitment I have made to improve management of the agencies funded by this bill. This year we have worked with the National Academy of Public Administration (NAPA) in examining the management of both the Forest Service and the Bureau of Indian Affairs. We are instructing these agencies to take steps to implement NAPA's recommendations for more effective and efficient management.

I wish to express my appreciation to Senator GORTON and his subcommittee members for their willingness to seek common ground to allow us to bridge significant differences in our respective bills. They worked diligently with us to achieve compromises on three key legislative provisions.

First, regarding mill sites, the conference report does not prohibit the Department of the Interior from enforcing the Solicitor's decision that establishes a limit of one mill site per mining claim, as the Senate had proposed. Interior may enforce the limitation on new claims, but exceptions are made for existing mining plans of operation (already agreed to by Secretary Babbitt), plans of operation submitted prior to May 21, 1999, and patent applications

grandfathered pursuant to the current patent application moratorium in place since fiscal year 1995.

Second, the Senate included a provision which would have extended all expiring Bureau of Land Management grazing permits based on existing terms and conditions. The conference agreement clearly states that the authority of the Secretary of the Interior to alter, modify or reject permit renewals following completion of all required environmental analyses is not altered. The agreement also includes additional funding to accelerate the processing of these permits.

Third, the Senate had included a provision prohibiting the Minerals Management Service from implementing a new rule on oil valuation through fiscal year 2000. The conference agreement prohibit the rule from being implemented for a period not to exceed 6 months, or until the Comptroller General reviews the proposed regulation and issues a report. There is no prohibition on implementation following the release of the report.

In summary, this conference report is not about politics and partisanship. This report reflects our commitments to protecting America's most valuable natural resources for future generations and promoting culture, science and history for the benefit of communities, large and small, throughout this country. Passage of this report means meeting our responsibilities to American Indians and Alaska Natives and continuing essential research to increase energy efficiency and maintain a clean, healthy environment. Again, as strongly as I possibly can, I urge you to vote for its passage.

There are three corrections that need to be made to the conference report. The number for the Historic Preservation Fund in the National Park Service should be $75,212,000, the number of Forest Service land acquisition should be $79,575,000 and in section 310, ''1999'' should read ''2000.''

We will take the necessary steps to ensure these corrections are made.

Also, in the statement of the managers, the first sentence under the Historic Preservation Fund in the National Park Service should read, ''The conference agreement provides $75,212,000 for the Historic preservation fund instead of $46,712,000 as proposed by the House and $42,412,000 as proposed by the Senate.''

At this point Mr. Speaker, I insert into the RECORD a table detailing the various accounts in the bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	612,511	641,100	631,068	634,321	644,218	+31,707
Wildland fire management	286,895	305,850	292,399	283,805	292,282	+5,387
Central hazardous materials fund	10,000	11,350	10,000	10,000	10,000	.....
Construction	10,997	8,350	11,100	12,418	11,425	+428
Payments in lieu of taxes	125,000	125,000	145,000	135,000	135,000	+10,000
Land acquisition	14,600	48,900	15,000	17,400	15,500	+900
Oregon and California grant lands	97,037	101,650	99,225	99,225	99,225	+2,188
Range improvements (indefinite)	10,000	10,000	10,000	10,000	10,000	.....
Service charges, deposits, and forfeitures (indefinite)	8,055	8,800	8,800	8,800	8,800	+745
Miscellaneous trust funds (indefinite)	8,800	7,700	7,700	7,700	7,700	-1,100
Total, Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,234,150	+50,255
United States Fish and Wildlife Service						
Resource management	661,136	724,000	710,700	684,569	716,046	+54,910
Construction	50,453	43,569	43,933	40,434	54,583	+4,130
Emergency appropriations	37,612	.....	.....	.....	.....	-37,612
Land acquisition	48,024	73,632	42,000	56,444	50,513	+2,489
Cooperative endangered species conservation fund	14,000	80,000	15,000	21,480	16,000	+2,000
National wildlife refuge fund	10,779	10,000	10,779	10,000	10,779	.....
North American wetlands conservation fund	15,000	15,000	15,000	15,000	15,000	.....
Wildlife conservation and appreciation fund	800	800	800	800	800	.....
Multinational species conservation fund	2,000	3,000	2,000	2,400	2,400	+400
Commercial salmon fishery capacity reduction	.....	.....	.....	.....	5,000	+5,000
Total, United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	871,121	+31,317
National Park Service						
Operation of the national park system	1,285,604	1,389,627	1,387,307	1,355,176	1,365,059	+79,455
Emergency appropriations	2,320	.....	.....	.....	.....	-2,320
National recreation and preservation	46,225	48,336	49,449	51,451	53,899	+7,674
Historic preservation fund	72,412	80,512	46,712	42,412	75,212	+2,800
Construction	226,058	194,000	169,856	223,153	224,493	-1,565
Emergency appropriations	13,680	.....	.....	.....	.....	-13,680
Land and water conservation fund (rescission of contract authority)	-30,000	-30,000	-30,000	-30,000	-30,000	.....
Land acquisition and state assistance	147,925	172,468	132,000	107,725	120,700	-27,225
Conservation grants and planning assistance	.....	200,000	.....	.....	.....	.....
Urban park and recreation fund	.....	4,000	.....	.....	.....	.....
Total, National Park Service (net)	1,764,224	2,058,943	1,755,324	1,749,917	1,809,363	+45,139
United States Geological Survey						
Surveys, investigations, and research	797,896	838,485	820,444	813,093	823,833	+25,937
Emergency appropriations	1,000	.....	.....	.....	.....	-1,000
Minerals Management Service						
Royalty and offshore minerals management	217,902	234,082	234,082	234,682	234,682	+16,780
Additions to receipts	-100,000	-124,000	-124,000	-124,000	-124,000	-24,000
Oil spill research	6,118	6,118	6,118	6,118	6,118	.....
Total, Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	93,078	94,391	95,693	95,891	95,891	+2,813
Receipts from performance bond forfeitures (indefinite)	275	275	275	275	275	.....
Subtotal	93,353	94,666	95,968	96,166	96,166	+2,813
Abandoned mine reclamation fund (definite, trust fund)	185,416	211,158	196,458	185,658	191,208	+5,792
Total, Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,426	281,824	287,374	+8,605
Bureau of Indian Affairs						
Operation of Indian programs	1,584,124	1,694,387	1,631,050	1,633,296	1,637,444	+53,320
Construction	123,421	174,258	126,023	146,884	146,884	+23,463
Indian land and water claim settlements and miscellaneous payments to Indians	28,882	28,401	25,901	27,131	27,256	-1,626
Indian guaranteed loan program account	5,001	5,008	5,008	5,004	5,008	+7
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	.....
Indian land consolidation pilot	5,000	.....	.....	.....	.....	-5,000
Total, Bureau of Indian Affairs	1,746,428	1,902,054	1,787,982	1,812,315	1,816,592	+70,164

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Departmental Offices						
Insular Affairs:						
Assistance to Territories	38,455	40,355	34,600	39,605	39,451	+996
Northern Marianas Islands Covenant	27,720	27,720	27,720	27,720	27,720	.....
Subtotal, Assistance to Territories	66,175	68,075	62,320	67,325	67,171	+996
Compact of Free Association	8,930	8,545	8,545	8,545	8,545	-385
Mandatory payments	12,000	12,000	12,000	12,000	12,000	.....
Subtotal, Compact of Free Association	20,930	20,545	20,545	20,545	20,545	-385
Total, Insular Affairs	87,105	88,620	82,865	87,870	87,716	+611
Departmental management	64,686	63,064	62,864	62,203	62,864	-1,822
Y2K conversion (emergency appropriations)	80,347	.....	.....	.....	.....	-80,347
Office of the Solicitor	36,784	41,500	36,784	36,784	40,196	+3,412
Office of Inspector General	25,486	27,614	26,086	26,614	26,086	+600
Office of the Special Trustee for American Indians	61,299	90,025	90,025	73,836	90,025	+28,726
Indian land consolidation pilot	.....	10,000	5,000	5,000	5,000	+5,000
Natural resource damage assessment fund	4,492	7,900	5,400	4,621	5,400	+908
Management of Federal lands for subsistence uses	8,000	.....	.....	.....	.....	-8,000
Glacier Bay fishing (emergency appropriations)	26,000	.....	.....	.....	.....	-26,000
Total, Departmental Offices	394,199	328,723	309,024	296,928	317,287	-76,912
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	7,130,235	7,768,930	7,151,904	7,120,673	7,276,520	+146,285
Appropriations	(6,999,276)	(7,798,930)	(7,181,904)	(7,150,673)	(7,306,520)	(+307,244)
Emergency appropriations	(160,959)	.....	.....	.....	.....	(-160,959)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	.....
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	.....
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest and rangeland research	197,444	234,644	204,373	187,444	202,700	+5,256
State and private forestry	170,722	252,422	181,464	190,793	187,534	+16,812
National forest system	1,298,570	1,357,178	1,254,434	1,239,051	1,251,504	-47,066
Wildland fire management	560,176	560,730	561,354	560,980	561,354	+1,178
Emergency appropriations	102,000	90,000	.....	90,000	90,000	-12,000
Reconstruction and maintenance	297,352	295,000	396,602	362,095	398,927	+101,575
Emergency appropriations	5,611	.....	.....	.....	.....	-5,611
Land acquisition	117,918	118,000	1,000	36,370	79,575	-38,343
Acquisition of lands for national forests special acts	1,069	1,069	1,069	1,069	1,069	.....
Acquisition of lands to complete land exchanges (indefinite)	210	210	210	210	210	.....
Range betterment fund (indefinite)	3,300	3,300	3,300	3,300	3,300	.....
Gifts, donations and bequests for forest and rangeland research	92	92	92	92	92	.....
Southeast Alaska economic disaster fund	.....	.....	.....	.....	22,000	+22,000
Management of Federal lands for subsistence uses	3,000	.....	.....	.....	.....	-3,000
Total, Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,798,265	+40,801
DEPARTMENT OF ENERGY						
Clean coal technology:						
Deferral	-40,000	-256,000	-256,000	-156,000	-156,000	-116,000
Fossil energy research and development	384,056	340,000	256,292	366,975	386,025	+1,969
Biomass energy development (by transfer)	.....	(24,000)	(24,000)	(24,000)	(24,000)	(+24,000)
Alternative fuels production (indefinite)	-1,300	-1,000	-1,000	-1,000	-1,000	+300
Naval petroleum and oil shale reserves	14,000	.....	.....	.....	.....	-14,000
Elk Hills school lands fund	36,000	36,000	36,000	.....	.....	-36,000
Energy conservation	691,701	812,515	706,822	659,817	664,242	-27,459
Biomass energy development (by transfer)	.....	(25,000)	(25,000)	(25,000)	(25,000)	(+25,000)
Economic regulation	1,801	2,000	2,000	2,000	2,000	+199
Strategic petroleum reserve	160,120	159,000	146,000	159,000	159,000	-1,120
SPR petroleum account	.....	5,000	.....	.....	.....	.....
Energy Information Administration	70,500	72,644	72,644	70,500	72,644	+2,144
Total, Department of Energy:						
New budget (obligational) authority (net)	1,316,878	1,170,159	962,758	1,101,292	1,126,911	-189,967
Appropriations	(1,356,878)	(1,426,159)	(1,218,758)	(1,257,292)	(1,282,911)	(-73,967)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)	.....	(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,950,322	2,094,922	2,085,407	2,138,001	2,053,967	+103,645
Indian health facilities	291,965	317,465	312,478	189,252	318,580	+26,615
Total, Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,372,547	+130,260
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	4,250	4,250	.....	4,250	2,125	-2,125
Smithsonian Institution						
Salaries and expenses	347,154	380,501	371,501	367,062	372,901	+25,747
Construction and improvements, National Zoological Park	4,400	.....	.....	4,400	.....	-4,400
Repair and restoration of buildings	40,000	47,900	47,900	35,000	47,900	+7,900
Construction	16,000	19,000	19,000	19,000	19,000	+3,000
Y2K conversion (emergency appropriations)	4,700	.....	.....	.....	.....	-4,700
Total, Smithsonian Institution	412,254	447,401	438,401	425,462	439,801	+27,547
National Gallery of Art						
Salaries and expenses	57,938	61,438	61,538	61,438	61,538	+3,600
Repair, restoration and renovation of buildings	6,311	6,311	6,311	6,311	6,311	.....
Y2K conversion (emergency appropriations)	101	.....	.....	.....	.....	-101
Total, National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	12,187	14,000	12,441	14,000	14,000	+1,813
Construction	20,000	20,000	20,000	20,000	20,000	.....
Total, John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars						
Salaries and expenses	5,840	6,040	7,040	6,040	6,790	+950
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	83,500	137,000	83,500	90,000	85,000	+1,500
Matching grants	14,500	13,000	14,500	13,000	13,000	-1,500
Total, National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	.....
National Endowment for the Humanities						
Grants and administration	96,800	129,800	96,800	101,000	101,000	+4,200
Matching grants	13,900	20,200	13,900	14,700	14,700	+800
Total, National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services/ Office of Museum Services						
Grants and administration	23,405	34,000	24,400	23,905	24,400	+995
Total, National Foundation on the Arts and the Humanities	232,105	334,000	233,100	242,605	238,100	+5,995
Commission of Fine Arts						
Salaries and expenses	898	1,078	935	1,078	1,005	+107
National Capital Arts and Cultural Affairs						
Grants	7,000	6,000	7,000	7,000	7,000	.....
Advisory Council on Historic Preservation						
Salaries and expenses	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission						
Salaries and expenses	5,954	6,312	6,312	6,312	6,312	+358
Y2K conversion (emergency appropriations)	381	.....	.....	.....	.....	-381

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
United States Holocaust Memorial Council						
Holocaust Memorial Council	32,107	33,786	33,286	33,286	33,286	+1,179
Y2K conversion (emergency appropriations)	900					-900
Emergency appropriations	2,000					-2,000
Total, United States Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust						
Presidio trust fund	34,913	44,400	44,400	44,400	44,400	+9,487
Total, title II, related agencies:						
New budget (obligational) authority (net)	7,167,568	7,497,207	6,851,705	6,983,037	7,189,391	+21,823
Appropriations	(7,091,875)	(7,663,207)	(7,107,705)	(7,049,037)	(7,255,391)	(+163,516)
Emergency appropriations	(115,693)	(90,000)		(90,000)	(90,000)	(-25,693)
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)					68,000	+68,000
Grand total:						
New budget (obligational) authority (net)	14,297,803	15,266,137	13,934,609	14,055,710	14,533,911	+236,108
Appropriations	(14,091,151)	(15,462,137)	(14,220,609)	(14,151,710)	(14,561,911)	(+470,760)
Emergency appropriations	(276,652)	(90,000)		(90,000)	(158,000)	(-118,652)
Rescissions	(-30,000)	(-30,000)	(-30,000)	(-30,000)	(-30,000)	
Deferral	(-40,000)	(-256,000)	(-256,000)	(-156,000)	(-156,000)	(-116,000)
(By transfer)		(49,000)	(49,000)	(49,000)	(49,000)	(+49,000)
(Limitation on guaranteed loans)	(59,682)	(59,682)	(59,682)	(59,682)	(59,682)	
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,183,895	1,268,700	1,230,292	1,218,669	1,234,150	+50,255
United States Fish and Wildlife Service	839,804	950,001	840,212	831,127	871,121	+31,317
National Park Service	1,764,224	2,058,943	1,755,324	1,749,917	1,809,363	+45,139
United States Geological Survey	798,896	838,485	820,444	813,093	823,833	+24,937
Minerals Management Service	124,020	116,200	116,200	116,800	116,800	-7,220
Office of Surface Mining Reclamation and Enforcement	278,769	305,824	292,426	281,824	287,374	+8,605
Bureau of Indian Affairs	1,746,428	1,902,054	1,787,982	1,812,315	1,816,592	+70,164
Departmental Offices	394,199	328,723	309,024	296,928	317,287	-76,912
Total, Title I - Department of the Interior	7,130,235	7,768,930	7,151,904	7,120,673	7,276,520	+146,285
TITLE II - RELATED AGENCIES						
Forest Service	2,757,464	2,912,645	2,603,898	2,671,404	2,798,265	+40,801
Department of Energy	1,316,878	1,170,159	962,758	1,101,292	1,126,911	-189,967
Indian Health Service	2,242,287	2,412,387	2,397,885	2,327,253	2,372,547	+130,260
Office of Navajo and Hopi Indian Relocation	13,000	14,000	13,400	8,000	8,000	-5,000
Institute of American Indian and Alaska Native Culture and Arts Development	4,250	4,250		4,250	2,125	-2,125
Smithsonian Institution	412,254	447,401	438,401	425,462	439,801	+27,547
National Gallery of Art	64,350	67,749	67,849	67,749	67,849	+3,499
John F. Kennedy Center for the Performing Arts	32,187	34,000	32,441	34,000	34,000	+1,813
Woodrow Wilson International Center for Scholars	5,840	6,040	7,040	6,040	6,790	+950
National Endowment for the Arts	98,000	150,000	98,000	103,000	98,000	
National Endowment for the Humanities	110,700	150,000	110,700	115,700	115,700	+5,000
Institute of Museum and Library Services	23,405	34,000	24,400	23,905	24,400	+995
Commission of Fine Arts	898	1,078	935	1,078	1,005	+107
National Capital Arts and Cultural Affairs	7,000	6,000	7,000	7,000	7,000	
Advisory Council on Historic Preservation	2,800	3,000	3,000	2,906	3,000	+200
National Capital Planning Commission	6,335	6,312	6,312	6,312	6,312	-23
Holocaust Memorial Council	35,007	33,786	33,286	33,286	33,286	-1,721
Presidio Trust	34,913	44,400	44,400	44,400	44,400	+9,487
Total, Title II - Related Agencies	7,167,568	7,497,207	6,851,705	6,983,037	7,189,391	+21,823
TITLE III						
Across-the-board cut in Floor action			-69,000	-48,000		

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL, 2000 (H.R. 2466)— continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE V						
United Mine Workers of America combined benefit fund (emergency appropriations)	.....	.....	.....	.....	68,000	+68,000
Grand total	14,297,803	15,266,137	13,934,609	14,055,710	14,533,911	+236,108

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

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

Mr. DICKS. Mr. Speaker, I rise in reluctant opposition to the conference report on the Fiscal Year 2000 Interior and related agencies appropriations bill. I will explain my reasons for this position in a moment, but first I want to state categorically that my opposition to this measure does not in any way impugn the job done by the chairman of the subcommittee, my good friend the gentleman from Ohio (Mr. REGULA). As chairman of the conference, he had the virtually impossible task of trying to bridge insurmountable differences of opinion between the Houses, the parties and the branches of Government, and I also want to at this time commend the staff of the subcommittee, Debbie Weatherly and the members of the majority staff, Del Davis, and the minority staff. These people have worked very hard under very difficult circumstances to bring this conference report, and they are highly professional people who work for the best interests of the House of Representatives.

In many ways the recommendations of the conferees on this measure represent improvements compared to the bill that passed the House in July. However, in other important ways, specifically the addition of three environmentally damaging legislative riders, this agreement is much worse than the House bill and will almost certainly be vetoed by the President. The inclusion of the riders is especially troublesome given the vote of the full House on the motion to instruct conferees.

Two hundred eighteen members of this House, a majority, voted to instruct conferees to support the Rahall amendment limiting the number and size of mill sites on public lands to support the Senate, the other body's position increasing funding for the National Endowment for the Arts and the Humanities by $5 million each and to reject the Senate's anti-environmental riders. Unfortunately the only part of the instruction that was followed was to agree with the Senate's funding increase for the National Endowment for the Humanities.

Environmentalists and the administration have roundly criticized the Senate bill. While it may be true that the conference agreement has marginally improved some of the riders, the resulting provisions are still opposed by the administration and have no place in this appropriations bill. The provisions relating to mining mill sites, delaying hard rock mining regulation, delaying oil royalty evaluation regulations, and grazing should not have been accepted by the conference.

The conferees' decisions on funding for the National Endowment for the Arts is a major disappointment. Despite the fact that the conference agreement provides a total of 600 million more for agencies and programs funded in the bill than the amount in the House-passed bill and despite the fact that the House had instructed its conferees to agree with the slightly higher funding levels for the NEH, the conference ended with no increase for the arts. Once again opponents of the NEA dredged up outdated information and outright misinformation. Once again the views of the ultra-conservative caucus representing a minority of one body have been allowed to override the wishes of a majority in both Houses.

Another feature of the bill that causes great concern is the inadequate funding provided for the administration's new Land Legacy program, one of the major initiatives of the 2000 budget. The administration proposal was to fund the Land and Water Conservation Fund at the fully authorized level of 900 million, including roughly 800 million in the Interior appropriations bill.

The conference agreement, while improving on the 190 million included in the House bill, provides only about one-third, or 266 million, of the amounts requested. While the conference agreement is 600 million higher than the House bill, funding for the administration's top priority was only increased by 75 million. The recommendation of the conferees does not even match last year's level. It is 62 million less. And last year's bill was 500 million less in total than this year.

Two major parts of the President's Land Legacy initiative, the 200 million requested for conservation grants and planning assistance and the 66 million increase requested for the Cooperative Endangered Species Conservation Fund, did not receive any funding. Given the threat of development in and around so many of our parks, forests, refuges, and other public lands and given the strong support of acquiring and conserving these sensitive lands by a substantial majority of the American people, the failure of this bill to address these needs adequately is a serious flaw.

Mr. Speaker, I urge my colleagues to vote no on this conference report and avoid the imminent veto by the administration. Passing the conference report right now is futile if changes are not made.

Mr. Speaker, I would say to the gentleman from Ohio that I agree with him on the Park Service and on several other areas of this bill. We have made some significant progress, and no one doubts the chairman's commitment to improving our national parks, and I have appreciated the fact that he goes out and he looks at the parks. I think the fact that we are keeping these fees to improve the parks is one of the most positive things that we have done with the authorizing committee, and there are a lot of things that are positive.

I do not want to paint an entirely negative picture, but unfortunately the other body keeps insisting on these riders; and some of these riders are things that I understand, being from the West. But unfortunately, they get our bill in trouble; and I wish we could convince, and I want to commend the gentleman on this, that the bill when it left the House did not have these riders. They almost, every single one of these riders was added in the other body, and so somehow I hope that we can do better in the next go round because there will be a next go round in my judgment, and we can come up with a bill that can be signed into law.

I went back and looked at my own record. I have been on this committee, this is my 23rd year on the Subcommittee on the Interior. I have seldom voted against a bill, I have seldom voted against a conference report, and I regret that I have to do it today. But I am convinced that we can do better, that we can make this bill stronger, and I look forward to working with the gentleman from Ohio (Mr. REGULA) to accomplish this task at a later date.

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

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Tennessee (Mr. WAMP), a very valuable member of our subcommittee.

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

Mr. WAMP. Mr. Speaker, I thank the gentleman for an outstanding job, not just this year, but in previous years, outstanding staff on both sides of the aisle; and I say to my friend, the ranking member who is also an outstanding gentleman, I am reminded today of what Ronald Reagan once said, something like this, I am paraphrasing, that somebody who votes with me 80 percent of the time is not 80 percent my enemy, he is 80 percent my friend, or he is not 20 percent my enemy, he is 80 percent my friend; and I really think that the opposition to this bill is focusing on a few narrow problems that on October 21 we need to get beyond.

It is time to get beyond this October the 21, in this year pass this bill, move it out of here; and I hate to see the gentleman from Washington (Mr. DICKS) break his perfect record on supporting this because I think it runs counter to the philosophy of the Committee on Appropriations where we do work in a bipartisan way, we do build consensus, we do work through these conference committees, and my colleagues know the old saying that we say in the House from time to time, that maybe the Democrats are our opponents, but the Senate is the real enemy. That seemed to not have changed regardless of who is in the majority. But that is just reality. At the end of the day the Senate does not do what we want them to do, but we have got to move the process forward. So, please do not hold this bill up.

I want to focus on a couple of things that have not been talked about yet, and that is the energy piece of this bill, a little over a billion dollars out of $14

billion in energy research, fossil energy and energy conservation.

Let me just say some people may ask why do we fund these programs. Energy research really was brought about by the oil problems of the 1970s and the need for our country at the national level, the Federal level, to rely on research, basic research from the Federal Government, to pursue alternative energy sources so we are not so dad-blasted dependent on Middle Eastern oil. We have got to fund those programs. We are increasing the funding on those programs.

That is at the heart of this bill. We fund the good guys. We fund the Park Service, the Forest Service, the Bureau of Land Management, U.S. Fish and Wildlife, U.S. Geological Survey; these are the good guys. We are trying to fund these good guys; help us fund these good guys. But we also have to reduce our reliance on Middle Eastern oil for the peace and well-being of our country at large.

We hear a lot about climate change, does it lead to global warming? I do not know what the actual science is. I have great questions about it, but I know this. If we can develop better policies through fossil energy research to reduce CO_2 emissions, it cannot do any harm; it can only do good. Why not do it? That is in this bill, strong effort, thought through, good science. We studied it; we developed these priorities. It is in the bill. Do not hold that up. Move fossil energy research forward; we will have cleaner air guaranteed if we fund these programs.

Energy conservation, things like weatherization. We do not want cool air to just leak out of our public housing in this country or warm air just to leak out. We want to come up with smarter ways to build public housing in this country to make sure we reduce the cost for our residents and for our Government to take care of the indigent in our country through weatherization programs.

This research is working. It is basic research fully funded in this bill, the kind of things that we need.

This is a good bill. It went through the process, we had the hearings, we do travel, we hear from everyone, we vent, we work through it. Dad-gummit, it is October 21. Let us pass this bill with bipartisan support like we always have before and move this process forward. It is not time to obstruct or delay unless my colleagues are being excessively partisan, and I am not one that is excessively partisan. I jump back and forth depending on what my guts tell me to do, and it is time for my colleagues who want to play partisan games at the end of the year to do the right thing, move this bill forward, pass the bill.

Congratulations.

Mr. DICKS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), one of my distinguished classmates who is working on umpire reform at this very moment.

Mr. MARKEY. Mr. Speaker, as my colleagues know, the problem with being a Red Sox fan is not unlike being in the minority with this particular Republican in the majority. We just do not have any chance to win. We can, like, script it, as my colleagues know, differently each time to make it interesting; but the outcome is always predetermined, and we lose. So I am quite used to this, given the way in which the umpires stole the American League championship from the Red Sox.

Today, I rise to denounce the assault on America's environmental tradition in this Interior appropriations conference report. I am honored to have helped shape the tradition in a small way by ensuring fair royalties for our oil and gas reserves in a law which I authored in 1981 when I was the chairman of the Committee on Oversight and Investigations overseeing the Department of Interior by preventing corporations from robbing the American people of their natural resources.

How then can I accept this bill in which the Republican leadership plays with the Minerals Management Service like a yo-yo? The Minerals Management Service proposes rules valuing our oil and gas reserves. The Republicans respond with riders, restricting the rule. For 4 years this yo-yo has rolled back and forth without resources trapped on the string; and, true to form, an additional 6-month delay has been attached to this conference report.

□ 1745

It is time to end this destructive game. Cut the string and give the American people reasonable compensation for oil and gas from Federal lands.

Mr. Speaker, I wish that I could say that this was the only threat in the Interior Appropriations conference report, but I cannot even say it is the worst. Extension of grazing permits and an allowance for increased mining waste on Federal lands are just a few of the destructive provisions that remain. They buzz around this bill like gulls in a trash dump. We cannot accept a conference report with any of these provisions. We have a responsibility to our natural resources, to our tradition of environmental stewardship.

As we enter the 21st century, we must not relinquish this responsibility. We must protect our resources and we must start by defeating this Interior conference report on the floor this evening.

I thank the gentleman from Washington State for his national leadership and for his civility and compassion for Red Sox fans.

Mr. REGULA. Mr. Speaker, I yield 4½ minutes to the gentleman from Nevada (Mr. GIBBONS).

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

Mr. GIBBONS. Mr. Speaker, first of all, I want to extend my great congratulations and thanks to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee, for the bill that we are about to have. I know it is the best we could do with the Senate that we are dealing with on the other side, and certainly, it is not a perfect bill, of course not. But there have been a great number of mistruths presented in this bill that I would like to straighten out in this few minutes that I have.

Over the debate of the last few weeks we have had the so-called Rahall mill site rider included. Did I support it? No. Let me tell my colleagues why. Because the mistruths that were there need to be corrected.

Current law mandates that mill sites can only be five acres in size, but additional mill sites may be used in order to support an economic ore body. That is current law. The reason being, this limitation forces the mining company to use only the minimal amount of public land needed. However, when an additional 5-acre mill site is required, mining companies must comply with all State and Federal environmental laws.

It is important to note that what many would characterize as ''mine waste'' is nothing more than dirt and rocks covering the ground that is similar to any jogging path or driveway that we have in America today.

Allow me to share with my colleagues on the left who oppose this bill the current environmental laws that mining companies must comply with every time they seek an additional five-acre mill site.

They must fully comply with the National Environmental Policy Act. This means that all activities on mill sites located on public land must be evaluated in an environmental impact statement before they are allowed by the BLM or the Forest Service to have additional acreage. They must comply with the Federal Surface Management Rules which apply to Federal lands and State mining and reclamation programs, which apply to Federal, State and private lands. These programs typically require a detailed characterization of the dirt and rocks which is called overburden; operating controls to prevent or control generation of any excess waste or overburden; continuous monitoring of overburden placed on sites; containment of any wastes; precautions to maintain stability of waste management structures; containment of any chemicals to prevent releases to the environment; reclamation of mill sites to return land to post-mining productive use.

They must comply with Air Quality standards on Federal, State and private lands. All activities on mill sites are subject to the Federal Clean Air Act; State implementation plans and State air quality laws, including the National Ambient Air Quality Standards, major source permitting, and new source review; Title V operating permits and regulation of hazardous air pollutants and control of fugitive dust.

Mines must also comply with the Surface Water Quality on Federal, State and private lands. All activities on mill sites are subject to the Federal Clean Water Act. All discharges of pollutants are subject to Federal discharge permits and effluent standards, as well as State water quality controls and numeric stream standards. Most mine standards are subject to a Federal zero discharge standard.

Mines must comply with the Ground Water Quality on Federal, State and private lands. All activities on mill sites must meet stringent ground water protection requirements and standards promulgated by States. Most States impose a no-discharge standard on mill site activities. The absolute minimum level of protection mandated by any State is the drinking water standards from the Federal Safe Drinking Water Act.

All activities on mill sites must obtain a Federal wetlands protection permit before placing fill or waste on a mill site.

At the end of the mine life, all activities on mill site must be closed under State laws to be stable, safe, and to remove the potential to degrade the environment.

Lastly, numerous Federal and State laws require operations on mill sites to report spills or environmental incidents and to remediate immediately. Again, reclamation of mill sites must be done to return the land to post-mining productive land use.

This measure contains the mill site provision, but it was unnecessary because all mines today have to go through a very stringent evaluation and environmental protection for mill sites. It was unnecessary to have this rider in it and certainly, I could not support that mill site, but I think this is the best bill we could get, and I want to thank the chairman for his success in getting it to the floor.

Mr. DICKS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Washington (Mr. INSLEE), who has been very concerned about environmental issues and one of our outstanding new Members.

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

Mr. INSLEE. Mr. Speaker, I must speak against this bill, and that is with due respect to the gentleman from Ohio (Mr. REGULA) who I think has been very sincere in his efforts to improve this bill. But one of the things the gentleman said struck me in his comments. He mentioned Central Park, a beautiful place loved by maybe all Americans, at least New Yorkers.

But the problem with this bill, if we give up, if we put up the white flag to the other chamber, it would allow somebody to go into Central Park if it was owned by the Federal Government and put in a strip mine, a gold mine and put as much as they want over 5, 10, 15 or 20 acres. We should not do that in Central Park and we should not do it in the forestlands of Washington where, in fact, that is going to go on if we accept that.

The problem with this bill is simple. While America wants us to go forward on the environment, this takes step by step backwards. We should go forward on mining reform; we go backward. We should go forward on forest reform; we go backward. We should go forward on oil royalties; we go backward.

My colleagues are right, we did send this bill over to the other chamber, but it came back infested with these antienvironment riders. When we sent it over to the other chamber, it was a puppy; and it came back full of fleas and now those little fleas have got to be removed from this bill.

I want to tell my colleagues why I think Americans are going to be so angry, and I think angry is the right word for it, when they hear about this continued giveaway. It is because if you go on Main Street, nothing will outrage the American people more than the giveaways to special interests, the giveaways that this body has given time after time to special interest legislation and antienvironmental riders. That should stop.

If we do not stand for the environment, we ought to stand for this House, for ourselves, for each other. When we voted 273 to say to the other chamber we will not let you shove this down our throats. We will not let you go backwards on mining reform. I do not want to encourage anyone to put up the white flag to the other chamber on this subject. We ought to stand firm.

Let me just point out, when I say this is an abject retreat on mining reform, it is. I would encourage my colleagues to look at section 337(b), which has some of the cleverest legal writing I have seen. It is a little trick in here that says basically that Congress agrees with the mining industry on their interpretation of existing law, existing law. There is a little time bomb in here that will entirely ruin our efforts.

Now, there is talk about compromise, and I understand compromise in a legislative body. But frankly, compromise in this manner, giving in to these special interests is like the guy who steals $10 from your pocket and wants to compromise by giving you five back. That is the situation with mining reform.

I am simply saying this: we are going to stand divided, unfortunately, on this. Some are going to stand for going forward on the environment and vote ''no;'' some are going to stand with going backward on the environment and vote ''yes.'' I am going to stand to go forward. It does not matter how many more stands as far as I am concerned, but the American people desire and are entitled to move forward when it comes to the environment.

Mr. REGULA. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PETERSON), a valued new member of our subcommittee.

Mr. PETERSON of Pennsylvania. Mr. Speaker, I thank the gentleman for yielding me this time.

It is a pleasure to be a part of this committee. It has been my first year in the appropriations process, and I have found it most interesting. I found today most interesting. As I said earlier during the debate on the rule, this bill received overwhelming support from this body, and it should have. A lot of hard work went into it. I have listened here during the discussion when the minority Member spoke of the many improvements in the conference report. That was the term he used. He did not define them, but he listed many improvements. So some things are better. But it has been interesting to listen to the discussion, and I think the gentleman from Nevada (Mr. GIBBONS) explained the mining issue well.

I have been dealing with bureaucracies for 25 years at State and now at the Federal Government level, and these are debates going on between bureaucracies and people they regulate. I have been involved forever in trying to bring fairness, because I find government lawyers are not always fair and government bureaucrats are not always fair and they should not be legislating, and they are legislating. What we are trying to do is work out to make sure the appropriate people study these issues and come up with the answers. So let us go through them.

I think the gentleman from Nevada adequately explained the hard rock mining regulation. It provides a one-year moratorium. Now, I am not a mining expert, but I was told when we had the debate on the floor and told by many people who know a lot more about mining than I do that that provision would prevent many of our mines from operating that are good mines. They could not work on that limitation of land with their waste. Impossible regulation to live with. Well, we should deal with that. We should make sure that this lawyer is being fair with the mining industry. It is a vital part of our future.

The oil valuation. There is nobody here who wants oil companies to get government oil cheaper than the market price. I do not know of anybody. I do not think there are members of the government who want to take oil out of the public land for less than the value. I do not. I do not know of other members that do.

But if there is a disagreement in how to come to that price, I think we have a right to look at and have a GAO study done that will resolve that issue. Why should we not do that? We should be fair.

The grazing issue. Another issue where people have been grazing on this land for years. The BLM is way behind in the backlog, not appropriately dealing with this issue. Are we going to punish those who graze? I do not think we should. We have given the BLM extra money, we have taken a 6 month

moratorium waiting, and then they can go ahead and if the people are not appropriately using the land, they can stop their permits. These are not environmental riders that are going to devastate the public land of America. That is just not a fair statement. These are disagreements that have been brought to the table and have been given a very limited time to resolve them. That is good government. And those who want to demagogue and punch oil companies and punch grazers and farmers and shut down mining, that is their tool.

Mr. Speaker, I think we should be fair. We in Congress should set the rules on mining, not some lawyer in a department. And if we do not agree with the valuation of the price, then we should legislate what is how we sell oil. We should resolve those issues and not let bureaucrats arbitrarily do what they feel is appropriate when it is not.

This is a good bill. It is thoughtful; it has been a well-worked out compromise; it is the best we are going to get; and I think we should support it and the President should sign it.

□ 1800

Mr. DICKS. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking Democratic member of the Committee on Appropriations, who has worked very tirelessly on all of these bills.

Mr. OBEY. Mr. Speaker, let me start by stipulating that the chairman of the subcommittee is one of the finest Members of this institution. I have had the privilege of serving with him for many years, and I think he has graced this body with dedicated service. I think he is thoughtful. I think he is fair-minded, and I think he is a fine chairman of this subcommittee.

I wish that the bill that he brought to the floor was of the same quality as he is, because there would be no dispute if it were.

Let me simply say that we have heard a number of speeches from our friends on the Republican side of the aisle in which they have feigned surprise at the fact that there is so much opposition to this bill, given the fact that there were so many votes for this bill when it originally passed. I think if we want to understand why that is so, all we have to do is take a look at the motion to instruct conferees which passed this body just a few weeks ago.

This House, by a margin of over 20 votes, I believe, on a bipartisan basis, asked the conference committee to do a number of things. They asked us to go to the Senate level on funding for the arts. We did not do that in the conference committee. The conference committee made no compromise whatsoever with respect to the arts and brought the bill back still at the House level.

The motion to instruct that was adopted by this House on a bipartisan basis also asked the conferees to strip out all of the anti-environmental riders and, in fact, the conference committee did not. In fact, a number of these riders were not even in the House bill when the House bill passed originally. They were added in the other body.

So, again, this conference report does not measure up to the standards that this House set for it in its motion to instruct conferees, and we set those standards on a bipartisan basis with many people on that side of the aisle voting with us, urging the stripping of those riders.

That motion to instruct also asked them to drop the provision on mining so that mines cannot continue to go beyond the authority given to them under the 1872 law, in ruining the environment around them. Again, the conference did not drop that provision.

So I think we should not be surprised that this House is now going to find many votes opposed to this bill.

We are going to be voting against this bill essentially for three reasons. First of all, because the bill in many respects, with respect to the environmental riders is in worse shape than it was when it left the House originally.

Secondly, it contains a number of the provisions on these riders which the House asked the conference to strip and which the conference committee did not, in fact, carry out.

Thirdly, we feel that the conference report does not sufficiently take account of the opportunities available to us to save precious natural resources by meeting the President's request or something close to it for his Lands Legacy Program. That is all that is involved here. It should not be a surprise. From the beginning, from the get-go, we have known that this bill needed to be improved in order to achieve a large number of bipartisan votes, and under those circumstances, since the House leadership has chosen to bring that bill to us without the improvements that the House itself said it wanted when we first sent the conference committee to conference, we have no choice but to stick by our convictions and oppose the bill at this point.

I hope that after it goes down to the White House and is vetoed, the conference committee will take seriously the instructions of the House and take seriously the requests of the President of the United States. And when they do, with the few reasonable compromises, we can have a bill which will indeed reflect the same kind of quality that the gentleman from Ohio (Mr. REGULA) has reflected in all of his years service in this House.

Mr. REGULA. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I thank the gentleman from Wisconsin (Mr. OBEY) for his comments, and I would say that always in our dealings maybe we disagreed but he has been honorable about it, and I think that is a great quality in this institution.

Let me just say to the Members that are here and that are out there in TV land that here is an opportunity to enhance the legacy that we leave, as legislators, an opportunity to ensure that our public lands will be better when we leave than they were when we came here; an opportunity to tell the people of America that we care about the experience they will have; that we want to ensure that they are well maintained and that we enhance them wherever possible and that they can enjoy in the future generations the same experience we have had with this legacy.

I saw the smile of the gentleman from Massachusetts who brought up the metaphor of baseball. Being from the Cleveland area, I was not in a position to say a whole lot, but if I had been from New York it would have been a little easier.

In any event, let me just close by saying to everyone, we have an opportunity today, by voting ''yes,'' to hit a home run for America.

Mr. NADLER. Mr. Speaker, I rise today in strong opposition to the Interior Appropriations Conference Report.

There are plenty of reasons to vote against this bill, from its anti-environmental riders to the dramatic cuts in the President's Land Legacy Initiative. But most distressing is that once again, in what has become an annual event, the Appropriations Committee has shortchanged the National Endowment for the Arts of much-needed funding.

The NEA suffered a 40% cut in funding in 1996 to $99.5 million and it has been cut even further to $98 million the last two years, the lowest appropriation to the NEA since 1977, over 20 years ago. The bill that passed the House in July maintained this level once more. As the nation is experiencing historic levels of prosperity, it is time to increase our commitment to the arts. And it seemed, just a few weeks ago, that we had taken a first step toward renewing this commitment. This House voted to instruct our conferees to accept the Senate's modest $5 million increase to bring NEA funding to $103 million. But once again, we have fallen short of our promises. Indeed, our own conferees ignored the wishes of this House and insisted on level funding for the third consecutive year. This is a snub to our colleagues as well as to the arts community.

It is a tiny amount of money that we are talking about. A fraction of one percent of our entire federal budget. But these dollars yield dividends that far outweigh the investment. Throughout its thirty-year history, the National Endowment for the Arts has contributed to the tremendous growth of professional orchestras, non-profit theaters, dance companies, and opera companies throughout the country. The NEA helps support the non-profit arts industry which generates more than $36 billion of business annually, 1.3 million full-time jobs, and returns $3.4 billion in federal taxes every year.

The NEA also supports arts education, which is essential in developing critical thinking skills such as reading, math, and science. It builds important workplace skills such as creative problem solving, allocating resources, team building, and exercising individual responsibility. Arts education programs also help to discover and train the next generation of artists. These programs will all suffer as a result of our shortsightedness.

Let's remember that the NEA has an important impact on the arts throughout the country. The NEA stimulates the growth of local arts

agencies and investment in the arts by state and local governments. Before the NEA, only five states had state-funded arts councils. Today, all 50 states do. Many of these local agencies have formed partnerships with local school districts, law enforcement, parks and recreation departments, chambers of commerce, libraries, and neighborhood organizations. Innumerable small towns and cities across America have benefited tremendously from federal investment in the arts.

And the NEA has made special efforts to expand its reach into every community in this nation. The funding increase was to go to ensure that it had the resources to carry out this initiative. So, I hope that none of my colleagues will complain next year that their district received no grants from the NEA because it is their own fault that its reach will be stunted.

Once more, the Republican leadership has worked to restrict the growth of the arts in America. And we cannot rely on private money to make up the shortfall when we withhold funding. In fact, since NEA funding is often matched by private organizations, when we withhold public dollars we stifle efforts to generate private donations.

Mr. Speaker, the NEA is a crucial tool in building a vibrant arts community across the nation. We must do more for our artists and cultural institutions. I urge my colleagues to vote against this bill.

Mr. MALONEY of Connecticut. Mr. Speaker, I strongly oppose passage of H.R. 2466, the Fiscal Year 2000 Interior Appropriations Conference Report. Passage of this conference report is not only fiscally irresponsible, but it is also environmentally destructive. I urge everyone to oppose this bill.

Again and again, we have seen the majority bring conference reports to the floor that we simply cannot afford to pass if we intend to live within the budget caps. Anyone who is concerned about saving Social Security should vote against this report.

Just as bad, this bill contains virtually all of the anti-environmental riders from both the House and Senate versions of this legislation plus three new and equally harmful riders. For that reason as well I strongly oppose this conference report and will continue to oppose any legislation that weakens environmental laws, and infringes on public health, public lands, and the public treasury. I urge all of my colleagues to exercise fiscal and environmental responsibility, and vote 'no' on this conference report.

Mr. PORTMAN. Mr. Speaker, I supported the Department of Interior appropriations conference report, and commend Chairman RALPH REGULA who, despite strict budget restraints and difficult negotiations with the Senate, crafted a good bill. However, I do wish to express my opposition to the many policy initiatives, or so-called riders, that were added by the Senate and included in the report. The legislation overwhelmingly passed by the House on July 15 was far superior to the product returned by us by the Senate.

I am concerned that these riders included in the conference report will delay the implementation of necessary rules and regulations that help protect the environment. Furthermore, I am very concerned that the riders single out certain industries and organizations for special protection which gives them an unfair advantage over others.

My biggest concern, however, is that these initiatives will be paid for by every hardworking taxpayer. We should not ask the American people to pay for the kind of inappropriate, costly measures that have not been properly considered or authorized. Major policy decisions, such as these, should be considered by the appropriate authorizing committee after hearings and debate.

Mr. Speaker, overall, I believe the conference product is a good one. In the future, however, we should resist the temptation to attach inapproirate policy intiatives appropriations bills.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his great appreciation to the distinguished gentleman from Ohio (Mr. REGULA), Chairman of the Interior Appropriations Subcommittee, and the distinguished gentleman from Washington (Mr. DICKS), the Ranking Member on the Subcommittee, and to all members of the conference committee for the inclusion of a $10 million appropriation for the first phase of construction for a replacement Indian Health Service (IHS) hospital located in Winnebago, Nebraska, to serve the Winnebago and Omaha tribes. Of course, the conference committee is already well-aware of the ongoing situation with this hospital. Indeed, last year the Interior Appropriations Subcommittee kept the process going by including funds to complete the design phase of the project for which this member and Native Americans in the three state region are very grateful. Now, construction dollars are needed.

Unfortunately, the Office of Management and Budget overruled Indian Health Service's FY2000 budget request for the first phase of construction, so there was no request by the Administration. Once the design is completed, it is important to begin funding for the first phase of construction without a delay. If there is a time lapse between completion of design and construction, it is very possible that costs will increase, making this project more expensive. That is why this appropriation action at this time is so critical.

In closing Mr. Speaker, this Member wishes to acknowledge and express his most sincere appreciation for the extraordinary assistance that Chairman REGULA, the Interior Appropriations Subcommittee, and the Subcommittee staff have provided thus far on this important project and urges his colleagues to support the bill.

Mr. VENTO. Mr. Speaker, I rise today in strong opposition to the Interior Appropriations Conference Report. Since the Republicans took over the House, they have had the dubious distinction of using this spending bill to make substantive, and often controversial, policy changes. Most often, these decisions were in direct contrast to public interest and sentiment. Thus, it comes as no surprise, that we are on the floor debating mischievous attempts by the Republican majority today to undermine and roll back sound environmental policy originally designed by Congress to protect the land that each and every American rightly owns.

The most egregious example of this is the Majority's attempt to kill the oil valuation rule. Although it rolls back no environmental policy, it is a slap in the face to the American taxpayer and costs them millions of dollars every year. On October 1, 1998, the Department of the Interior attempted to correct the underpayment of $68 million a year in oil royalties not paid by cash laden oil producers to implement a new rule that would raise the royalty fees on oil and gas pumped from public lands. Specifically, the new sound royalty rate would tie the price of oil to the commodity market instead of murky negotiated deals between producers and buyers.

The effect of this rule was to curtail the practice of using posted prices to determine oil royalties. For two, now three straight appropriations processes, Congress has barred Interior from finalizing this rule in hopes that a compromise could be reached. It seems that the only compromise that can be reached regarding this issue is nothing short of the status quo, or if the oil industry had its way, they could pay the government in crude.

The oil industry has skillfully underpaid the government more than $3 billion and now they are complaining that the government is cheating them and driving them out of business. These accusations should infuriate everyone in this chamber. In the name of profit, big oil has cheated the American public, Indian tribes and our school children by denying them revenue for programs that rightly should benefit them. Delaying implementation of this rule any longer continues to show how money talks and the publics' rights walk in halls of Congress.

The Majority has also engaged in another attempt to weaken what little environmental protections that the 1872 Mining Law affords. The House's willing acceptance of the Senate's Millsite Rider astounds me. This rider, which amends the 1872 Mining Law, is contrary to the Administration's legal interpretation of the law and goes against two overwhelming House votes against this issue.

The Administration's interpretation of the millsite provision was an important step in promoting environmentally sound mining practices that have already cost the taxpayer $32–$72 billion in clean up costs. Mining today has wreaked havoc on the environment since the introduction of chemical leach technology that made the mining of low grade ore economically viable. Although this technology turned once profitless mines into profitable ones, it requires significant tracts of land on which to dump toxic fluid mining waste. The House broadly supported the Administration's decision to reinforce the Millsite provision after years of ignoring, but under Senate pressure, the House caved to their demands and rolled back one of the last environmental protections afforded in the Mining Law.

There are numerous other unpalatable riders tacked onto this legislation including denying millions in funds for the President's Lands Legacy Initiative to purchase privately held land located inside and adjacent to our national parks and forests, extending the moratorium on stronger hard rock mining regulations on mines that already exist on federal lands, the automatic renewal of grazing leases, waiving Forest Service and Bureau of Land Management requirements to conduct wildlife surveys before beginning timber sales on national forests and public lands, numerous directives that diminish Indian programs, prevent the Park Service from restoring natural quiet in the Grand Canyon National Park, the list goes on and on.

In addition to the anti-environmental riders, the House refused to even agree to a modest funding increase for the National Endowment for the Arts. As a Member of the Resources

Committee, I know all too well that the beauty of our national parks and public lands are an important part of our national heritage. As Members of Congress, we fight for every dollar that we can get to preserve and protect those public lands in our districts. In the same respect, we cannot afford to not fund the arts. Our nation is just as defined by its lands as by its melting pot of different cultures and ideas put to canvas, carved from stone, or seen on film. Instead, Congress is trying to shift America's cultural foundation to popular political tastes. As representatives of the people, we should take no part in stifling and sterilizing the creative development of our nation. Congress should encourage it—Not thwart such expression.

As we debate the multitude of riders tacked onto this conference report, we cannot forget the overall story this bill tells. This story is about the Republican Majority attempting to dictate important policy decisions through the appropriations process. The line that divides the authorizers from the appropriations is becoming transparent. The Committee process is becoming something of a joke. When a Member has a controversial issue to discuss, he or she does not bring it before the House. He or she sneaks it into a spending bill where it receives little or no Congressional scrutiny. Nothing is gained by this process. It allows the feelings of mistrust and abuse to fester, and forces Members to vote against important legislation. This is not the land of special interests and payoffs. It is the land of every American citizen. As such, I urge my colleagues to vote no on this legislation and work to report a new, clean bill to the President.

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

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

The SPEAKER pro tempore (Mr. SHIMKUS). 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 225, nays 200, not voting 8, as follows:

[Roll No. 528]

YEAS—225

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

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Becerra
Berman
Berry
Bilbray
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hostettler
Hoyer
Inslee
Jackson (IL)
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Larson
Lazio
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Toomey
Towns
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOT VOTING—8

Camp
Jackson-Lee (TX)
Jefferson
McCarthy (MO)
McCarthy (NY)
Scarborough
Vento
Young (FL)

□ 1831

Mr. KILDEE and Mr. GREEN of Texas changed their vote from ''yea'' to ''nay.''

Messrs. NUSSLE, SESSIONS, SANDLIN, and LAMPSON 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1598

Mr. BRYANT. Mr. Speaker, I ask unanimous consent that the name of the gentleman from California (Mr. THOMPSON) be removed as cosponsor of H.R. 1598.

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

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2260, PAIN RELIEF PROMOTION ACT OF 1999

Ms. PRYCE of Ohio, from the Committee on Rules, submitted a privileged report (Rept. No. 106–409) on the resolution (H. Res. 339) providing for consideration of the bill (H.R. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ACADEMIC ACHIEVEMENT FOR ALL ACT (STRAIGHT A's ACT)

Ms. PRYCE of Ohio. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 338 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 338

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. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. 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 the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill, modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. Points of order against that amendment in the nature of a substitute for failure to comply with clause 4 of rule XXI are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. 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 instruction.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member on the Committee on Rules, 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 338 is a structured rule providing for the consideration of H.R. 2300, the Academic Achievement for All Act, also known as Straight A's. The Straight A's Act encourages innovative education reform that will better prepare our Nation's children for the 21st century.

We have made a huge investment in education at the Federal level, yet we are not seeing the positive results each time we add more dollars and resources to Federal education programs. I think we all agree to some degree of failure at the Federal level, or education would not top the list of both parties' legislative agendas. Yet, while we agree that reform is necessary, Congress has a hard time coming together on the one solution that will give a better future to every child.

That may be because there is not one solution. Each school is different and each child is unique, so how can we find the answer, the answer, that will make every school a first-rate institution and help every child reach his or her full potential? The Straight A's bill recognizes that such an individualized task may be beyond the reach of the monolithic, far-removed Federal Government.

This legislation suggests that we look to those who are most familiar with the school systems and who are closer to the students to implement education policies and reforms that will make a real difference. Instead of making schools fit into a mold of a Federal education program, Straight A's lets States and school districts create their own programs and use Federal dollars to make them work.

Straight A's is an option, not a mandate for States. The only requirement is results. Each State that participates must sign a 5-year performance agreement and a rigorous statewide accountability system must be in place to participate. States must report annually to the public and the Secretary of Education as to how they have spent their funds and on student achievement. The bill provides penalties for failure, and it rewards results.

That does not sound so bad, does it? I would even say it is hard to argue against this type of flexibility and change, given the shortcomings of our education system under the status quo. But as my colleagues know, this bill is not without controversy. Whether it is fear of change, a distrust of State government, or healthy skepticism, there are a number of Members who are concerned that the flexibility offered to States through this bill is too broad.

Happily, there has been a compromise, and this rule implements a reasonable middle ground by limiting to 10 the number of States that may part in Straight A's. With adoption of this rule, the Straight A's Act will become a pilot program rather than a nationwide policy.

In addition to this amendment, which is printed in part A of the report of the Committee on Rules, an amendment to remedy a direct spending issue will be incorporated into the text of the bill when the rule is adopted.

The rule provides for 2 hours of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The House will then have the opportunity to consider two amendments printed in part B of the Committee on Rules report. One is the manager's amendment to be offered by the gentleman from Pennsylvania (Mr. GOODLING), which will be debatable for 10 minutes. The other is an amendment to be offered by (Mr. FATTAH), which will be debatable for 20 minutes.

Two amendments may not seem very generous, but of the amendments filed with the Committee on Rules, only one amendment was denied. And it was a Republican amendment, which was not germane to the bill. So I think the rule is very fair to the minority and to the Members of this House who sought to amend this legislation.

I should also mention that the rule provides an additional opportunity to change the bill through a motion to recommit with or without instructions. In addition, to give the Chair flexibility and for the convenience of the House, the rule allows the Chair to postpone votes during consideration of the bill and reduce voting time to 5 minutes on a postponed question, if preceded by a 15-minute vote.

Mr. Speaker, let me reiterate that this rule implements a compromise that will allow 10 States to escape from the red tape of Federal Rules and regulations to implement the education reforms that they guarantee will improve student performance. These 10 States may use Federal dollars, including Title I funding, as they see fit, to raise academic achievement, improve teacher quality, reduce class size, end social promotion, or whatever they feel is required in their schools to meet their performance goals. And the compromise ensures that States continue to address the needs of disadvantaged students.

With this compromise, we are moving forward with education reform in a measured way that builds upon and follows the successful model of the Ed-Flex program, which has now been expanded to all States. If the Straight A's program proves as popular, we will come back to this body and work to give all States the freedom to implement innovative reforms and help their students.

I hope my colleagues will join me in supporting this fair rule, which finds a middle ground and accommodates virtually all Members who have expressed an interest in improving this legislation. I urge a ''yes'' vote on the rule and on the Straight A's bill.

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague and my dear friend, the gentlewoman from Ohio (Ms. PRYCE), for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I am very sorry to see my Republican colleagues taking apart Federal education programs for disadvantaged children today, especially since earlier today the House passed an education bill authorizing $8.35 billion for Title I programs. Today's bill, the

anti-accountability act, will steer funds away from the high poverty areas and gut the accountability standards that passed the Committee on Education and the Workforce 2 weeks ago.

Mr. Speaker, these are the children with the greatest need. If the Federal Government does not provide them with some assistance, there is no guarantee that they will get it from the States. Specifically, Mr. Speaker, this bill will eliminate national education funds targeted towards schools in poor neighborhoods and turns them into one big block grant with which States can do anything they want, including buy band uniforms or build swimming pools.

If my colleagues believe this money will go towards the poor children, let me cite a General Accounting Office study that found that 45 States give less of their education funds to poor children than the Federal Government does. And, Mr. Speaker, those children deserve all the help we can give them. Poor children growing up in the United States have it bad enough. While their parents struggle to move off welfare, many of them are getting poorer and poorer. Meanwhile, their neighborhoods are filthy and violence ridden. Now, to add insult to injury, the Republican bill dismantles what little educational safety net they have left.

It is very shortsighted, it is dangerous, and I would say it is even cruel. In the long run, it will widen the chasm between the rich and the poor in this country, and that is very bad for everyone.

Mr. Speaker, this bill guts teacher training, technology, and school safety. It lumps all funds together, diluting their impact and ensuring Federal education programs get even less money next year.

□ 1845

Furthermore, Mr. Speaker, this bill eliminates any accountability in education funds. In other words, States can spend their money on anything, accomplish nothing, and no one will suffer except poor children.

I would remind my colleagues that the Federal investment in education has worked because schools were held accountable. Mr. Speaker, it worked because schools were held accountable. Now is not the time to stop.

Congress has just passed the Elementary and Secondary Education Act making schools accountable to parents, teachers, and, most importantly, students. This bill scratches all that. It says Congress changed its mind and now does not require any proof that schools are spending money in a way that benefit children's education.

The National Coalition for Public Education, the National Education Association, and the American Federation of Teachers oppose this bill very strongly. They agree that we need to reduce class size and make sure that all our children, even those in high-poverty areas, have the best possible teachers.

But this bill will not do that, Mr. Speaker. This bill will turn back the clock on years of Federal efforts to direct funds toward low-income children, and it should be opposed.

Mr. Speaker, Congress created some of these Federal education programs because many State education programs failed to meet the special education needs of neglected and homeless children. Now Congress is reversing its efforts away from poor children, the children who need it the most.

I urge my colleagues to oppose this bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 6 minutes to my distinguished colleague, the gentleman from Delaware (Mr. CASTLE), chairman of the subcommittee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman from Ohio (Ms. PRYCE) for yielding me the time.

Mr. Speaker, let me just start by saying a couple things. Let me say first, I do not now disagree with a lot of what the gentleman from Massachusetts (Mr. MOAKLEY) said in terms of these programs and what they do, and I think we all need to realize that as we debate this legislation.

I am the one who introduced an amendment at the Committee on Rules to reduce this from a full 50–State program to a 12–State pilot program, of which six of those 12 States would be able to do Title I as well as the other aspects of ESEA.

Title I is determined for economically disadvantaged students, and then it helps those who are academically disadvantaged. That is the program that concerns me a lot. I was very worried about even doing anything with respect to a pilot on that particular program.

After some negotiation and resolution, we made it a pilot program for 10 States, all of which could basically take all the parameters of the Straight A's Act and be able to do that. They would be selected by the Secretary of Education.

I think it is important to understand what a pilot program is, because I have not been the greatest supporter of the Straight A's program from the beginning; and going to even supporting a pilot program has not been that easy for me. But a pilot program for me, essentially, in this reauthorization would be under a 5-year time limit.

The various States, and there have been 10 or even more governors who have asked for this by the way, would have to put together a plan and present it to the Secretary of Education in a competitive sense; and then the Secretary of Education would make a determination as to which States would be able to go into the pilot program and there could be no more than 10 States.

What are they going to look for in that particular plan? The plan must help disadvantaged children. And there is an accountability measure to all of this which we do not have now in some of these programs, which I am going to talk about in a minute; and it must show how they are closing the gap between those who are disadvantaged presently served under various ESEA programs, Elementary and Secondary Education Act programs, and the other students who are there, something which does not happen today.

Now, what do we have today? Why should we even consider making any changes whatsoever or why should we take a chance on that? Because I consider it to be nothing more, really, than taking a chance.

Well, under the ESEA, we have first and, I guess, foremost the Title I program. That should be familiar to everybody in this chamber. Everybody just voted on that. Most, as a matter of fact a large majority, voted to what I think was a major improvement in Title I just an hour or so ago right here on this floor. That is the aid to disadvantaged students. At least that is how it is determined from an economic point of view. Then when it goes down to the schools, it takes care of those who are academically disadvantaged who may or may not be the exact same population.

But it includes other things. Part B, for example, of Title I is the Even Start Family Literacy Program. We have a Migrant Education Program in part C. We have a Neglected and Delinquent Children in part D. We have an Eisenhower Professional Development to help develop teachers as part of this, too. We have education technology. We have safe and drug-free schools, and the D.A.R.E. program, I believe, comes under that part of it. We have the Innovative Education Block Grant, which a lot of States obviously like. We have Class Size Reduction. We have Comprehensive School Reform. We have the Emergency Immigrant Education. We have a Title III of Goals 2000, and a Perkins Vocational Technical Training. And we have the McKinney Homeless Assistance Act.

What we do not have here, by the way, is IDEA. That has been excluded from what we are dealing with here.

Now, obviously, if one knows anything about the Federal role in education, these are all programs which basically help targeted parts of our population who need perhaps special help. The economically disadvantaged, the immigrants, the people who are having language problems in our country, for example. For the most part, those are the kinds of individuals who are being helped by this program.

The question then arises, have we really helped these kids? And we have not really measured that very well. We certainly had the programs in place. People are getting paid. People have taken the floor here today and said that Title I simply has not worked. I do not agree with that. I think Title I has actually helped a number of kids.

Do I think Title I can work better? My colleagues better believe I think Title I can work better. Do I think these other programs could work better? I absolutely believe that each program on here could work better.

So this is a deal where the Federal Government creates a program, hands the money and the outlines of the program down to the State and then down to the local school districts and the local schools, and they have to carry it out; and some place betwixt and between, something sometimes falls through the cracks and it does not work that well.

So a number of people got up and they said, we need to do it differently. We can do it differently. Give us that opportunity to do it differently. And they came and they came with this amendment.

Well, I think the Straight A's bill to have all 50 States do this at their option personally went too far. That is my own view of it. And I believe that we needed to make some changes, and that is why I introduced the amendment and we worked down to the 10 States that we have now.

Now, in addition to that, I am also concerned about the disadvantaged, as well, because I do not want them to fall through the cracks in this. I think these governors and these States are going to be able to put together programs that are going to help move some of these people. And if they can, God love them if they can do that. We will have an improved education situation for our kids. We can all learn from that. And that is what pilot programs are all about.

I am later going to have a colloquy with the chairman of the committee; and it is going to state, In addition, the amendment assures that if a State includes Title I, part A aid to disadvantaged students in its performance agreement, it must ensure that the school districts continue to allocate funds to address the educational needs of disadvantaged students.

I want to make sure that language is part of the Record. I wanted it to be part of the bill, but for technical reasons it did not work out. I want it to be part of the Record here.

I think if we do all these things, we are taking a chance. Maybe it is a chance that some people do not want to take, and maybe they will vote against it for that reason. But I think it is a chance that is at least worth trying. I do not think any great harm will be done if it did not work for one reason or another. Because of all the accountability that is in there, I think it will work.

So, for that reason, I am supportive of the rule.

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

Mr. Speaker, I think we can tell a lot about the bill by who supports it and who opposes it. I would like to read off the list I have of people who are supporting it and opposing it.

The people who support this bill are the Americans for Tax Reform, Citizens for a Sound Economy, Eagle Forum, Educational Policy Institute, Empower America, Family Research Council, Home School Legal Defense Association, National Taxpayers Union, and the Union of Orthodox Jewish Congregations of America.

My colleagues did not notice too many teachers' organizations there.

Now these are the people who are opposed: The National Education Association, American Federation of Teachers, Council of Chief State School Offices, Council of the Great City Schools, National Association of Elementary School Principals, National Association of Secondary School Principals, National Association of State Boards of Education, National Association of State Directors of Special Education, National Governors Association, National PTA, American Jewish Committee, American Baptist Joint Committee, Americans United for Separation of Church and State, National Urban League, Union of American Hebrew Congregations, Service Employees, International Union, and United Auto Workers.

I think we can deduce something by the people for and against this bill.

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

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my colleague, the gentleman from Colorado (Mr. SCHAFFER).

Mr. SCHAFFER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, the previous speaker, in opposing the rule and the bill, cited a great number of political organizations and associations that have some opinion about the Straight A's proposal. Several of these associations are on one side. Others of these political groups and associations are on another side. The implication being is that that is how we should measure the merits of the legislation before us.

I think we ought to try something different. I think we ought to focus on the children who are ultimately those who are affected most directly by the legislation we consider.

This is an opportunity that we have, passing the Straight A's bill to give governors and States a real chance, a chance to snip the rules, the regulations, the strings, and the red tape that have bound up these organizations, these States, these governors, State legislators, superintendents, school boards, and so on and so many, many years and made it virtually impossible, certainly difficult, to really help these children.

What we have in Federal law today is program after program after program which has developed its own constituency, and we just heard the names of them read. Certainly some of these constituency groups have positions on a bill like this. Some of their authority is threatened because that authority is derived from the laws have been created here in Washington with respect to education.

This is an opportunity to vote for a rule and vote for a bill that changes the laws that actually help children for a change.

I would like to ask the body to consider a letter I just received from my governor. It says, ''I am writing to ask you to support the Straight A's Act. As the Governor of the State of Colorado, and as the father of three children who attend three different public schools, I am proud to put my full support behind this legislation.

''By passing Straight A's this year, you have the opportunity to further public education reform. K–12 education in America is predominantly a local issue, and States need the flexibility to promote real student achievement in public education.

''This legislation would allow the diverse areas, schools, and people of Colorado to decide what they need most for their schools. Common sense tells us that the needs of Dinosaur Elementary School in rural Dinosaur, Colorado, with a total student body of 46, will have different needs than the 766-member student body of Oakland Elementary School in Denver, Colorado.

''This legislation would be an important step in providing for the individual needs of our differing public schools. I urge your support for the Straight A's Act, which puts children first and realizes that local communities know what is best for their local schools.''

I confess, Mr. Speaker, that I would like to see this kind of liberty and this kind of objective be achieved in all 50 States. The reality being, all of the Members of the House do not agree on that. But the rule allows for a bill to move forward that gives 10 States the chance to use liberty and freedom of the Straight A's Act to fix their schools and promote quality education, and it is on that basis that I ask Members to adopt the rule.

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

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind my colleagues that this rule is very fair. It not only amends the bill to bring it to a more moderate position, but it actually accommodates all but one Member who filed amendments with the Committee on Rules.

There may be an argument about the direction in which the Straight A's bill moves other education policy, but there should be no controversy over the fairness of this rule.

No matter what my colleagues' position on the Straight A's approach of moving education decisions away from Washington and into the hands of the States and local school districts is, today we will all have an opportunity to engage in a serious debate about the value of Federal education programs

and the role the Federal Government should play in helping children learn. This is a debate that is critical to the future of our Nation.

So I hope my colleagues will join me in supporting this rule, participating in today's debate, and working to give our children every opportunity to meet their full potential. I urge a ''yes'' vote on the rule and on the Straight A's Act.

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

The previous question was ordered.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the resolution.

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 214, nays 201, not voting 19, as follows:

[Roll No. 529]

YEAS—214

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

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Graham
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shadegg
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—19

Boehner
Camp
Cummings
Dooley
Fattah
Hinojosa
Jackson-Lee (TX)
Jefferson
Kennedy
Lipinski
McCarthy (MO)
McCarthy (NY)
Nadler
Oxley
Royce
Scarborough
Shuster
Weldon (PA)
Young (FL)

☐ 1922

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 338 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. 2300.

The Chair designates the gentleman from Indiana (Mr. PEASE) as the Chairman of the Committee of the Whole, and requests the gentleman from Florida (Mr. MILLER) to assume the chair temporarily.

☐ 1922

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. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, with Mr. MILLER of Florida (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Missouri (Mr. CLAY) each will control 1 hour.

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

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

Mr. Chairman, the bill before us is a permissive one. It allows States and local districts the option of establishing a 5-year performance agreement with the Secretary of Education. In return for this performance agreement, they will get greater flexibility to use their Federal dollars as they determine with vastly slashed paperwork. Straight A's puts academic results, rather than rules and regulations, at the center of K to 12 programs. It works on the same premise as charter schools, freedom in return for academic results.

Straight A's grants freedom and puts incentives in place for States to enable schools to innovate and to educate children as effectively as possible. States lose their flexibility in 5 years if they do not meet their goals and in 3 years if their student performance declines for 3 years in a row. On the other hand, States and school districts are rewarded if they significantly improve achievement and narrow achievement gaps.

Now, Mr. Chairman, Straight A's creates a relationship with States where Uncle Sam is the education investor, not the CEO. Since the Elementary and Secondary Education Act was passed back in 1965, our approach from Washington to aiding schools has been a bit heavy-handed.

It has relied on strict regulations of what States and communities may do with their Federal dollars and what priorities they must set, and that has not worked very well. Evaluations of dozens of ESEA programs make clear that the rich-poor achievement gap has not narrowed since 1965, that schools are neither safe nor drug free, and that much of the professional development money that we have spent has been wasted. Straight A's is voluntary. States do not choose this option. They will continue to receive funds under the current categorical program requirements. They will be protected.

But, Mr. Chairman, we owe it to our children to allow States the opportunity, the option, of participating in such a program. If Congress can agree to this ambitious experiment, then 5 years from now, when the next ESEA cycle comes around, we certainly will know a great deal more about which visions will best guide the Nation's schools. Until then all we are doing is throwing money at a set of sometimes broken programs.

I would like to commend the gentleman from Pennsylvania (Mr. Goodling), our chairman of the Committee on Education and the Workforce, for working out this bill. I think it is one of the most innovative and potentially far-reaching bills to come out of committee in my 20 years there, and I urge all of my colleagues to support it.

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

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

Mr. Chairman, I rise in opposition to this bill. Republicans on the Committee on Education and the Workforce have decided to take a giant step backward in providing for the most disadvantaged public schools and their pupils.

Just 5 hours ago this body passed H.R. 2, a bill to target Federal funds to poor, disadvantaged children. That bill was passed with overwhelming bipartisan support.

Now, if we enact H.R. 2300 tonight, it would eviscerate the enhanced targeting and accountability provisions contained in that bipartisan bill. Despite the majority's claim to the contrary, their high-sounding Academic Achievement For All act does nothing to ensure that Federal funds will help children improve their scholastic abilities. It does nothing to support practices which are proven to raise student achievement.

The bill essentially gives States billions of dollars in the form of revenue sharing without accountability for local educational providers or for protection to our most disadvantaged students. This bill permits States to use Federal funds to support private school vouchers and ignores Federal priorities for class size reduction, for teacher quality and for professional development. It creates a massive, yes a permissive, block grant where governors conceivably can spend Federal dollars on virtually anything from swimming pools, band uniforms to private school vouchers.

Even though this bill is designed to please the governors at the expense of local school districts, the National Governors' Association has sharply criticized this bill's abandonment of poor children. In an October 8 letter to Congress the governors wrote, and I quote:

''We governors recognize the link between the concentration of poverty and low educational achievement.

□ 1930

In schools with the highest proportion of disadvantaged children, students are less likely to achieve at higher levels. We would suggest that the Federal Government continue to concentrate Federal funds on these schools. Such support is essential, given that the Nation is truly committed to the belief that all students can achieve at higher levels. Only with a change to continue the targeting of Title I funds would the National Governors Association be able to bring bipartisan support to the legislation,'' end of the quote, Mr. Chairman, from the National Governors Association.

Mr. Chairman, we need legislation that will help communities by raising academic performance through smaller class sizes, by holding schools accountable for achieving high academic standards, and by helping every school become safe and disciplined, and we need to replace dilapidated and crumbling schools.

The Republican majority calls this bill Straight A's, but those closer to and more knowledgeable about the problems of our educational system see this bill as a cheap political gimmick designed to provide Republicans with 30-second sound bites at campaign time.

Let us get real, Mr. Chairman. Let us address the serious issues of this Nation's educational deficiencies. Let us defeat this bill.

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

Mr. PETRI. Mr. Chairman, I yield 6 minutes to our distinguished colleague, the gentleman from California (Mr. CUNNINGHAM), a former member of the committee.

Mr. CUNNINGHAM. Mr. Chairman, I miss the days back on the committee with the gentleman from Missouri (Mr. CLAY). I remember when Chairman Ford, I remember when the gentleman from Michigan (Mr. KILDEE) was my chairman, and then I took over as the chairman, and we worked real good together. I want to tell my colleagues, as much as I feel that the liberal philosophy and even further left than liberal is wrong, and it does not work. We have not always been right on our side, and that philosophy has not always been wrong.

I do not know if, in place, this bill will be good or not. I think it will be, and I want an opportunity to prove it.

Now, my colleague on the Committee on Rules a minute ago mentioned, look at the groups that support and look at the groups that do not. When I was on that committee and the gentleman from Michigan (Mr. KILDEE) was there, I asked a question to the President of the NEA, because I was upset at him because he represented the union issues and not the children. And I asked the President of the NEA, I said, kind of an attack, I said, when are you going to start supporting the children instead of the union social and liberal issues. And his response was, when they start paying my salary. I thought that was terrible.

Yes, I think we will find the leaders of the unions are opposed to this. But I think that we will find the rank and file teachers, the administrators, the community where we put the control in their hands, are in favor of it. And by the gentleman's very testimony just now in the Committee on Rules, I say to the ranking minority member, the gentleman does not trust the very people that we allow to teach our children, the governors, to make the decisions, the teachers, the parents, the administrators. That is where the difference lies. The gentleman thinks that someone back here can make that decision better because, and not wrongfully, that there is a population that is underserved if the government does not do that. But in my opinion, that is grossly wasted.

When I look at the groups that are in support of this measure, they represent the children. The children's issues, not the unions, not the social issues, not the political issues. And therefore, it tells me that this bill has got to be good.

Let me give my colleagues what I feel. I have three schools coming back for the Blue Ribbon award. My wife got very upset with Dan Quayle, who is a good friend of mine, when he said teachers are bad, public education is bad. My wife is one of those public education people. I think the gentleman from Missouri (Mr. CLAY) has met her. And she knows and I know and the conservatives know and the liberals know that we have many, many fine, dedicated teachers and administrators out there, more than we have bad. But, in many, many cases it is just not working, and we want an opportunity to show that we think we can try to do it better.

A classic example. When I was chairman of the committee, the gentleman from Michigan (Mr. KILDEE) was the ranking minority member. We had two sets of eight groups come in and they each had a fantastic program that worked in their district. Now, the old style, the liberal style would be to take all 16 of those programs because they are represented by Members of Congress and they want that program in their district, is to fund all 16 and have the Federal Government lay down rules and a lot of paperwork. Our view is to say, because I asked the question after

the hearing, how many of you have any one of the other 15 of these groups in your district? They said none. We said, that is the whole idea. We want to give you the money so that you can make the decision that that program works in Wisconsin or this program works in California, we want you to have the ability to do that. And that is the idea of our block grant, and we feel that it is much better than mandating from Washington, D.C.

Another example of block granting. Why? People say well, DUKE, you want to cut education because you are against Goals 2000. I think Goals 2000 in itself is a marvelous idea, but all the paperwork and the bureaucracy is terrible. Let me give a classic example. Goals 2000 we made a lot of changes, but in the original form, there were 13 ''wills'' in the bill, and if you are a lawyer you know what that means, you will do this. They said it is only voluntary. Well, it is only voluntary if you want the money.

Think about one school putting Goals 2000 forward to a separate board, not even the Board of Education, and then it goes to the Board of Education and then it goes to the principal, then it goes to the superintendent, then it goes to Sacramento to Governor Davis, and he has to have a big bureaucracy there to handle all of the schools' paperwork coming in for Goals 2000.

Then, the letter work back and forth, and then where do they send it? They send it to the Department of Education, and what do you have to have here? A big bureaucracy just to handle that, and that takes money. That is why we are only getting 50 cents out of a dollar to the classroom. We think by giving a block grant, letting the parents, the teachers, the administrators and the community make the decisions on what they want to do, it is better than paying all of that bureaucracy and wasting about 40 cents on a dollar.

We do not disagree. My colleagues want to better education; we want to better education. I know that my colleagues mean that from the bottom of their hearts. We feel that the method is bad.

Please support us in this and join us. Try to make a difference.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank my ranking member for yielding me this time.

Very simply, the Straight A's Act now with the changes due to the rule would allow 10 States to block grant Federal education programs, eliminate the Federal role and prioritization in education, undermine accountability for increased academic achievement, reduce targeting to disadvantaged districts and schools, and jeopardize the existing level of future education funding.

Since the House has spent yesterday and today reauthorizing Title I and other programs, the very programs Straight As seeks to block grant, I cannot support this legislation.

One of the major purposes of Federal education programs has been to target national concerns and national priorities. This proposal would eliminate the focus of Federal education programs that have been created to address specific concerns that have evolved with nearly 35 years of strong bipartisan support. Instead, Federal education funding would be placed out on the stump for governors to do with as they please. Federal funds could be spent for any purpose the governor could identify, resulting in no guaranteed focus on technology, teacher training, school safety, and many other important educational policies. This proposal would remove the targeting of Federal funds based on poverty, which now helps us ensure equitable services for all students.

The GAO has found that Federal funds are seven times more targeted than State educational funds. We should not abandon the success of Federal targeting.

This revenue-sharing approach also lacks sufficient accountability. If the Federal Government is going to totally cede educational accountability for Federal dollars to the States, States should be required to eliminate the most severe injustices in their educational system: School financing inequities, toleration of the use of uncertified teachers, high class sizes, overcrowded and crumbling schools.

The Federal Government should not enter into a weak performance agreement that will do nothing to ensure the most disadvantaged children are achieving.

Lastly, Mr. Chairman, this proposal is another block grant scheme that will lead to the defunding of education, not the increased investment that is needed. That is not just speculation. That is history. Let us go back to 1981, the winter of discontent, when we wrote educational policy in this country with chapter 1, which is now called Title I again, and chapter 2. And what did we do in chapter 2? Not with my vote. In chapter 2, we took many fine programs and dumped them into one block grant, and what happened? Those programs lost their identity, then they lost their advocacy, and then they lost their dollars. That is a fact. All of my Republican colleagues know that, those of them who were here in 1981. The funding for chapter 2 plummeted in a straight line down, and that is what happens when we block grant. We have a history of that, let us live with that history, let us learn from that history and let us defeat this bill.

Mr. PETRI. Mr. Chairman, I yield 6 minutes to the gentleman from Texas (Mr. ARMEY), a member of the committee, on leave, and our distinguished majority leader.

Mr. ARMEY. Mr. Chairman, we are back at education today and Mr. Chairman, again, let me tell my colleagues how proud I am of the things we are doing in education. Let me begin by pointing out that one thing is settled so that we do not have to argue about it any more, it is a matter of fact, not disputed, that since Republicans took control of the Congress, Federal education funding has increased by 27 percent. It is a matter of fact that this Congress in this year for fiscal year 2000 again is appropriating more money for education than even what the President asked for.

So, we can get set money aside. The fact is, we are all committed to education in America. We all understand its importance, Republicans and Democrats alike, and Republicans are willing to commit the dollars. But what we are not willing to commit, Mr. Chairman, is programs that are ineffective in the lives of children. Mr. Chairman, we have seen too much of that. We have had too many times too many hearts broken for that.

I can remember not too many years ago even up until the mid-1970s, this Nation was undisputed in its leadership in the world and had been forever. The Nation in the world that did most and best by educating its young people. This country and the education of our children was indeed the envy of the rest of the world.

But since the mid-1970s, Mr. Chairman, things have not been turning out so well. American parents have found themselves a little less content, satisfied, happy, and secure. American parents have been finding themselves a little more worried, violence in schools, lack of discipline, there seems to be a lack of respect, lack of standards, lack of learning, lack of comfort, sometimes perceived by parents, lack of decency. Things just have not been turning out, and by comparison with the rest of the world and our performance scores, our Nation's schoolchildren have not been holding up. They have not been doing well.

□ 1945

What has changed is the Federal Government got involved. We came to Washington. We looked out over the land, we talked to the experts, we heard the theories, we developed the programs, and then we said we are going to impose this program whether it be in Ithaca, New York, or El Paso, Texas, exactly the same, and people are going to have to comply.

The strength of this is amazing. Back home in America in our States, in our counties, in our local school districts, in our cities, in our communities, all of us working together as we do locally, raise and spend and manage $300 billion worth of money to educate our children with local, voluntary school boards working with parents and PTAs and teachers looking at the children, looking at the schools, looking at the needs and making decisions. We do pretty well. $20.8 billion of money comes from the Federal Government, and from the Federal Government we get not only the money but we get the mandates; we

get the requirements; we get the dictates; we get the paperwork; and we get the frustration.

It puts me in mind of Armey's Axiom: When one makes a deal with the Government, they are the junior partner and pretty soon we have the schools run from here.

Now, the idea just simply has not been working out. Let us just face it. It has not worked out in the lives of the children. We have a model that we lived with for 200 years of local control, local decision, local management, local concern, local care, local instruction and it worked; it worked better than anyplace in the world. For about 20 years now we have had a model of Federal control from Washington, D.C. that has just been hurting our kids bad. Why in the world would we not try to get away from that which we now see harming the children's chances and go back to that which we know has worked? Why would we not take that opportunity? Why not seize it?

I am proud to say that my governor, the distinguished Governor George Bush from Texas, saw that in Texas. He saw even in Texas that the local communities could not be compelled to live by the mandates of the governor's office in Austin, Texas; that they had to have the flexibility in El Paso to do things differently than they did in Austin, and in Austin they had to have the flexibility to do things differently than they did in Dallas. In Texas today, our children are performing at levels we have not seen for years.

Because why? They are people that know them, live with them, parent them, make the decisions.

Mr. Chairman, what we are seeing here, having spent the earlier part of the day fixing failed programs under Title I, we are now saying let us give a greater latitude to those governors, to those school districts, those local communities to simply make the decision to try it for yourselves; for a limited period of time try it and see if it works.

If it works, we will renew the contract. If it does not work, we can go back to the old way. Well, I will say if we do not dare to take a chance in the interest of the children's education, to sacrifice some of our control, power and authority centered in this town, to give the parents and the teachers and the neighbors and the community leaders a chance to teach those babies the way they used to in what I would call the good old days, then more is the shame for us and more is the pity for the children.

Let us give it a try. Let us try it. Let us work for the kids. Let us get the money out of Washington and let the money follow the children in success instead of leaving the money to fund the ill-advised, ill-conceived and heartless, failed mandates of Washington, D.C.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Chairman, I thank my leader on the Democratic side, the gentleman from Missouri (Mr. CLAY), for yielding me the time.

Mr. Chairman, I would like to start off by congratulating Republicans and Democrats alike for the fine product we just produced 5 hours ago, a piece of bipartisan legislation that passed overwhelmingly in the House; that tightened up accountability; that improved quality; that widened public school choice with some new options for parents; that targeted some funds to the poorest and most disadvantaged and most at-risk children in America. And we came together to do that; after 5 days in committee and 47 amendments, two days on the floor and an overwhelming vote of bipartisan support of Republicans and Democrats working together to try to look out for what was best for our children.

Well, it took Republicans 40 years to get back into power, 5 years to do their first ESEA, Elementary and Secondary Education Act, and 5 hours to then go back and say we do not like what happened there. Now we are going to come up and scuttle this bipartisan piece of legislation. I would encourage my colleagues on both sides of the aisle, let us not do that. We have just worked so hard on behalf of the poorest of the poor children, putting together a solid bill.

The gentleman from Texas (Mr. ARMEY) said and talked about that we spend $324 billion on education in this country, and I am one Democrat that thinks that local control should dominate what we do with that money, but out of that $324 billion that we spend, that is locally controlled, our parents and our teachers and administrators decide what to do with that money and they should, we are saying in a bipartisan way, we did 5 hours ago, that $10 billion of that, $9.8 billion of that, should have some targeting to children that are most likely to drop out of school and fall behind, and then possibly get involved in the juvenile justice system and then possibly become incarcerated and then that costs us $32,000 per person to incarcerate them; not a good deal for the United States; not a good deal for the taxpayers; not a good deal for us as the global superpower.

We are the only global superpower left. We are the global superpower in defense. Let us be the global superpower in education and work across the aisle to achieve that.

Now, one of the theories of doing a block grant like this proposal throws out there is to say that the governors would do a good job at making the decision as to how to spend it. The funny thing is, the governors do not like this bill. They do not want to do it. Here is what the governors say, and I quote from their letter, the NGA, the National Governors Administration, says, quote, ''The governors recognize the link between the concentration of poverty and low educational achievement. In schools with the highest proportions of disadvantaged children, students are less likely to achieve at higher levels. We would suggest that the Federal Government continue to concentrate Federal funds on these schools. Such support is essential given that the Nation is truly committed to the belief that all students can achieve at higher levels.''

Let us keep what we did 5 hours ago. Let us work together as Democrats and Republicans on education and hopefully let us defeat this bill.

Mr. PETRI. Mr. Chairman, I yield 8 minutes to the gentleman from Michigan (Mr. HOEKSTRA), our colleague and a senior member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. PETRI) for yielding me this time.

Mr. Chairman, let us go back and talk about what we not only did on the floor today but what we did in the committee. The gentleman is right, there was a bipartisan agreement to move the bill through. It is interesting that our colleagues on the other side of the aisle passed amendments which broke that bipartisan agreement, but that is really not the issue here about what they agreed to and what we agreed to and what agreements they broke. Really, this is about the kids.

So let us take a look at the dialogue that took place on the debate of the bill that we passed earlier today. Colleague after colleague after colleague talked about the failed 34-year history of Title I, the continuing disappointment of the Federal dollars, the $120 billion that had been targeted to the most disadvantaged and the poorest students in the country. We have not closed the gap. We have left those kids behind. What we said today in the bill that we passed earlier is, yes, we can tinker around the edges, we can tinker with this $8 billion, but for those kids we need to at least try something else and try something more innovative than what we have done in the past, because tinkering around the edges may not be enough to help those kids.

I still remember in some of the hearings that we have had in the Education at a Crossroads Project. We went to New York City. We went to those kids who are in those schools that are failing, and I still remember the father coming in and saying, I have had one kid now in school for 5 years. Five years ago, there was a program and it was a 5-year program towards excellence, and the schools are as bad now as they were 5 years ago and they may even be worse; and now you are coming in and you have another 5-year program for me?

That is what we have, but not a 5-year program. We have a 34-year track record, and the bill that we passed earlier today was tinkering around the edges. That is not good enough for our kids. That is not good enough for the future of this country. It is at least time to take a look at a more innovative approach. That is why we have the

Straight A's bill in front of us today because we need to get the Federal Government to catch up with what is going on in the States.

What is the approach that we are taking? The approach that we are taking is moving away from a bureaucratic program that has a program for every identified need, has a set of rules and regulations for every program, has a series of applications, has a series of red tape and it takes money out of the classroom; it takes innovation and creativity away from our local school officials.

By the way, they are the only ones that happen to know the names of the kids in the classroom that we are trying to help. The bureaucrats here in Washington do not know the names of those kids that we are trying to help. What we do is we tell these local officials if they will reach an agreement with us where we give them flexibility to focus on the needs in their schools, whether it is to make them safe, whether it is to improve technology, whether it is to lower class size, they do what is right for their school and then they report back to us on performance, because really what we are interested in, I thought we were interested in improving the performance of the students rather than in mandates, regulations and red tape. That is why we are doing the straight A's proposal, to get that innovation and to match the needs with the programs that we put in place.

What do the State education executives say about it? Well, I would have preferred to have seen the advantages and flexibility made available under Straight A's to every State. The 10-State pilot is a fair compromise if it ensures passage of the bill now. Many States are already straining to break the bonds of over-regulations, over-involvement, and overkill on the part of the education bureaucracy.

Remove those barriers to innovation through passage of H.R. 2300, and I think you will find no problem finding 10 States willing to take advantage of all that the Straight A's Act has to offer. We cannot wait any longer. This is a letter from Lisa Graham Keegan, State of Arizona Department of Education. She is the superintendent of public instruction.

The Education Leaders Council, what do they say? Passage of Straight A's is critical if we are to build upon existing innovative approaches to education reform in the States that are producing success and improving student achievement. It is time that Washington recognizes that the innovation and the focus of improving our student education is taking place at the State level and Washington is still trying to catch up with the innovation that is going on at the State level. That is why we need to provide this kind of opportunity to some of the States.

What do the governors have to say? Let us go back and reference what the governors' letter says that is being referenced so often. Straight A's is aligned with the NGA education policy in many instances. We urge the committee to maintain these provisions in the bill as it continues through the legislative process. Governors are strongly supportive of the provision in the legislation that permits States to determine how funds can be distributed to the States.

□ 2000

NGA policy calls for Federal education dollars to be sent directly to the State to enable the State to set priorities, provide greater accountability, and better coordinate federally funded activities with State and local education reform initiatives.

It does say the governors do recognize the link between the concentration of poverty and low education and achievement. The governors recognize that.

What this bill will do is it will provide the governors more opportunity to provide more dollars to the most disadvantaged students in their States. This is the welfare reform model where we are saying Washington cares more about the disadvantaged in one's State than the Governor and the State legislature.

What did we find out? We heard the same kind of scare tactics when we talked about welfare reform. We passed welfare reform. The States innovated, and more people are off the welfare rolls now than at any time in recent history.

The States and the governors and legislators care about the people in their States. We ought to at least enable 10 States to experiment, to move this program back, and to see how we can help the people in those 10 States. It is about kids. It is about making a difference.

So we have got the State education officers. We have got the NGA. We have got governors who want that kind of flexibility because they want to focus dollars on kids and on the classroom. They do not want to focus it on bureaucracy.

That is why we are doing this amendment and why we are doing this bill. The emphasis here is on helping kids. It is on moving away from process. It is about moving away from bureaucracy. That is why we are doing Straight A's, so that we can focus on the kids, that we can make a difference, and we can at least begin the process of reform and put the Federal Government in a position of supporting reform at the State and local level rather than being a barrier to helping kids that need help the most.

Free up the States. Free up our local leaders. Free up those people who know the names of the kids in the classroom and who care more about them than anyone in this Chamber or anyone in the Department of Education. It is about our kids. It is time for change, and it is time for reform.

Mr. Chairman, I ask my colleagues to strongly support this amendment.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY), my ranking leader, for yielding me this time.

Mr. Chairman, I rise in strong opposition to H.R. 2300. But, first, a high school quiz. Who said: ''war is peace; freedom is slavery; ignorance is strength?'' Of course that was George Orwell's Big Brother in the classic novel 1984. With the introduction of this legislation this evening, I think perhaps we have slipped back into Orwell's 1984 with this classic doublespeak.

No sooner do we pass a good bipartisan Title I reauthorization bill that targets funding to the most needy and most disadvantaged students across the country, then we turn around and bring this legislation that would basically act as a bomb and blow up and eviscerate the very provisions that we just passed a few short hours ago. The key to the Title I funding has been the targeted funding stream to those students most at need, this legislation would destroy that goal.

H.R. 2300 would turn the targeted funding into a block grant, effectively turning the Federal Government into the great tax collector for States in the form of a Federal revenue sharing program. Well, no one likes to collect taxes for any particular reason.

We can also see where this road would take us. If we just merely act as an intermediary, collecting taxes just to turn around to give it back to the States, it becomes a very simple question as to why we are doing this at all. Why do we not allow the States to collect their own taxes and target the money the way they see fit, so there would be no role at all for the Federal Government?

But that is what gets us back to 1965 and the very reason why the Federal Government passed the Elementary and Secondary Education Act. It was the fact that some States and localities were not doing an effective job of targeting the neediest students across the country, that there became a need for the Federal Government to step in, in the form of a partnership, and assist with a funding stream that does target these disadvantaged school districts.

The very entities that this is supposed to benefit are also in opposition to this legislation. The National Association of State Boards of Education is in opposition to it. In fact, they stated, and I quote, On bureaucracy: ''Straight A's will result in greater bureaucracy and blurred lines of authority.''

On effective use of funds, they stated: ''Federal resources must be targeted to be effective. Federal efforts supplementing State funding and State-level initiatives have been successful in assuring equity to low-income areas and socioeconomically disadvantaged students. Distributing scarce federal funds on a per capita

basis will only dilute these limited funds to an ineffectual level.''

On the Federal role in education, they stated: ''The leadership role the Federal Government plays in identifying and promoting national priorities cannot be overstated. It would be a mistake to abandon the national role in fostering specific educational improvement activities.''

Of course we have already heard the National Governor's Association themselves have come out in opposition to this bill.

One additional reason is given that I cite from the letter that they have submitted to us: ''Only with a change to continue the targeting of Title I funds as required under current law and the maintenance of the above mentioned provisions would the 'National Governor's Association' be able to bring bipartisan support to the legislation.''

There is a myriad of reasons, Mr. Chairman, of why this is bad legislation for the many reasons at the wrong time. Yes, we can provide greater flexibility to the localities. We have taken a step with education flexibility passed earlier this year, a measure I was happy to support.

Let us give Ed-Flex a chance to play out and see how well that works before we take this great leap into a block grant, Federal revenue sharing program. And let us allow the Title I targeted approach to take effect with the improved provisions that we just passed a few short hours ago. Let us give that a chance first and see if that will help our most disadvantaged students throughout the country.

Mr. PETRI. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Early Childhood, Youth and Families, for purposes of a colloquy.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I would like to enter into a colloquy with the gentleman from Wisconsin, and I would like to start by asking him if it is true that States may include part A of Title I in their performance agreement under Straight A's?

Mr. Chairman, I yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Castle, I believe I can speak for the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce in this regard: What the gentleman from Delaware has indicated is true. States may include part A of Title I as well as 13 other programs.

Mr. CASTLE. Mr. Chairman, as the gentleman from Wisconsin knows, I believe it is crucial that if States include Title I, they should ensure school districts use those funds to meet the educational needs of disadvantaged students.

Mr. PETRI. Mr. Chairman, I agree. As the gentleman knows, there is a hold-harmless in the bill, no school district in America will lose Title I dollars. Straight A's gives them the flexibility to address the needs of those students.

Mr. CASTLE. Mr. Chairman, so the intent of Straight A's is to require States to improve academic achievement and narrow achievement gaps between students.

Mr. PETRI. Mr. Chairman, that is why the accountability in Straight A's is so high, to ensure that States and school districts target their funds as effectively as possible to improve academic achievement.

Mr. CASTLE. Mr. Chairman, I appreciate the accountability provisions in the bill. I also believe that it is crucial that we clearly express our commitment to needy children in the language of the bill. If States include Title I, they must ensure that school districts use those funds to help children with the greatest educational needs.

Mr. PETRI. Mr. Chairman, I certainly will work to ensure that the language of the gentleman from Delaware is included in the final bill that is sent to our President.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. PETRI). I appreciate this. These are assurances with which I was concerned. I appreciate the gentleman's affirmation of where we were with respect to that.

I would also point out just listening to this debate, and I am running back and forth to a banking conference at this point, that this is a pilot program that we are talking about. We are talking about an experiment in which we are trying to determine if there is a better methodology of dealing with these programs, of dealing with these disadvantaged students than there has been before. That has worked, as somebody has pointed out, in welfare reform. It has worked in Ed-Flex. Hopefully, it can work in this as well.

Mr. CLAY. Mr. Chairman, these are the gentlemen who wrote this bill still at this late date trying to convince themselves what is in the bill.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Mr. Chairman, I would like to respond to the gentleman from Michigan (Mr. HOEKSTRA) who said that the Council of Chief State School Officers supported this bill.

I suppose maybe he has heard from one of the members of the organization, but I would like to read from a letter written by the executive director, Gordon Ambach from the Council of Chief State School Officers.

I quote, ''On behalf of the Council of Chief State School Officers, I write to urge you to vote against H.R. 2300, the Academic Achievement for All Act or Straight A's Act when it comes before the House for consideration this week.''

He also goes on to say, ''We oppose Straight A's because it undermines the following essential features of Federal aid to K–12 education:'' First, ''Targeting of Federal aid to elementary and secondary education to national priorities and students in need of special assistance to succeed.'' He wants that. He thinks it is important.

''Governance of education by State education authorities.'' He does not want that undermined.

''Accountability for Federal aid to elementary and secondary education.''

And it is signed, as I said, by Gordon Ambach, the executive director, Council of Chief State School Officers. This is a three-page letter. He said a lot more than that.

The Council of Chief State School Officers is correct. The goal of Federal education programs must be to make it easier for students to learn rather than making it easier for States to spend Federal dollars.

Under this bill, if a school district needs a bus barn, a shelter for their school buses, and if the State says yes, the district could use its Federal education funds to build that bus barn.

If a school band needs new uniforms, and that school has the ear of the governor, Federal dollars can be used to purchase school uniforms. That would be perfectly all right.

But those are local expenditures, not Federal expenditures. Federal funding is targeted for the neediest schools and the neediest children and those that are under the most duress in the school system, not for school uniforms, not for school bus barns. Because the purpose of Federal education funds is to fund national education priorities like the ones we set for Title I earlier today.

Educating all of our children well must be a national priority. The people who I represent in Congress who live in Sonoma and Marin Counties north of San Francisco understand that. In fact, I received a post card just today; and it says, make sure that our children are taken care of.

Mr. PETRI. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. SOUDER), an active member of the Committee on Education and the Workforce.

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

Mr. SOUDER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Chairman, just to clarify any confusion that may have existed about my remarks or at least as interpreted by the gentlewoman from California (Ms. WOOLSEY), I referenced the letter from the Education Leaders Council, representatives of the leading States that are leading the country in reform. I submit the letter for the RECORD, as follows:

EDUCATION LEADERS COUNCIL,
Washington, DC, October 21, 1999.

Hon. WILLIAM F. GOODLING,
Chairman, House Committee on Education and the Workforce, 2107 Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: We are the state school chiefs who oversee the education of over 19 million (1 in 5) in the nations students. You and your colleagues will very shortly begin debate on the Straight A's (Academic Achievement for All Act) legislation that will help us and other states continue to ensure academic excellence for all students and true accountability for results for state education agencies and local school districts.

Passage of Straight A's is critical if we are to build upon existing innovative approaches to education reform in the states that are producing success in improving student achievement. While we would have preferred to see the flexibility with accountability provided through Straight A's available to every state, we strongly believe that the current compromise, limiting its provisions to 10 pilot states, would represent a major step forward if it ensures passage of the bill now.

Many states are straining against the inertia created by bureaucratic micro-management and thousands of pages of regulations attached to hundreds of separate programs which may or may not be consistent with state and local priorities. Remove this burden now by passing Straight A's, and we are confident you will have no problem finding ten states ready to take advantage of all it has to offer.

There is no magic in what our states are doing. The results we seek are simple: measurable academic achievement increases for all students. The original intent of ESEA and title I in particular has been thwarted, not through poor intention, but by a misguided focus on process and regulation over results. We agree that a federal role in education is appropriate in response to national concerns—and the persistent low performance of poor children in this country merits such a response. But we have to move beyond a simple reauthorization of an act that, while well intended, has produced minimal if any gain for these children in thirty years. They deserve better.

Sincerely,

GARY HUGGINS,
Executive Director.

Mr. SOUDER. Mr. Chairman, I apologize again for my voice. I am doing the best I can.

I want to express some frustrations that I had today. This bill is no longer, after our management amendment, quite Straight A's anymore. It is more like a B, A, and an F, better alternatives for a few. But at least we have 10 pilot programs, which is better than nothing.

Part of my concern is that, as we move to conference committee with the Senate, then we might only wind up with one governor picks one student for half a day. But we need to continue to move this bill forward because at least it gives the opportunity for us to give more flexibility in return for accountability, which was the original intent of our bill earlier today, which was to provide more flexibility to the States in return for accountability.

But by the time we got done in committee, by the time we got done on the floor, we continued to add more and more things that reduced the flexibility but kept the accountability measures in.

This bill would help rectify that. That is why this bill, Straight A's, has been supported by, among other groups, American Association of Christian Schools, Citizens for a Sound Economy, Education Policy Institute, Family Resource Council, Hispanic Business Roundtable, Home School Legal Defense Association, Independent Women's Forum, Jewish Policy Center, Professional Educators of Tennessee, the Union of Orthodox Jewish Congregations of America; by the State school officers, Arizona Superintendent of Public Education, Georgia State Superintendent of Schools, the Michigan Superintendent of Public Instruction, the Pennsylvania Secretary of Education, the Virginia Secretary of Education.

It is also supported by the following governors: Governor Hull of Arizona, Governor Owens of Colorado, Governor Jeb Bush of Florida, Governor Kempthorne of Idaho, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Gilmore of Virginia, Governor Thompson of Wisconsin, Governor Geringer of Wyoming, Governor Pataki of New York, Governor Keating of Oklahoma, and Governor Guinn of Nevada.

It is also interesting, as we look for what is our vision as to how we approach education, rather than just saying we are going to do more of the same only for a little less dollars than the way it is done in the past, I would hold forth what our current leading candidate for President, Governor Bush, said in his education speech to New York, not the parts that the media picked up, but the fundamentals of it.

□ 2015

And let me quote from that. ''Even as many States embrace education reform, the Federal Government is mired in bureaucracy and mediocrity. It is an obstacle, not an ally. Education bills are often rituals of symbolic spending without real accountability, like pumping gas into a flooded engine. For decades, fashionable ideas have been turned into programs with little knowledge of their benefits for students or teachers. And even the obvious failures seldom disappear.''

On the next page he said, ''I don't want to tinker with the machinery of the Federal role in education. I want to redefine that role entirely. I strongly believe in local control of schools and curriculum. I have consistently placed my faith in States and schools and parents and teachers, and that faith in Texas has been rewarded.''

He also said, ''I would promote more choices for parents in the education of their children. In the end, it is parents, armed with information and options, who turn the theory of reform into the reality of excellence. All reform begins with freedom and local control. It unleashes creativity. It permits those closest to children to exercise their judgment. And it also removes the excuse for failure. Only those with the ability to change can be held to account.''

He also said, contrary to public opinion, that he always says that the Republican Congress is just too conservative, he also said what we did earlier today was too liberal, because what he favored as a reform to Title I was to ''give parents with children in failing schools, schools where the test scores of Title I children show no improvement over 3 years, the resources to seek more hopeful options. This would amount to a scholarship of about $1,500 a year.''

He said with regard to charter schools that we need someone bold enough to say, ''I can do better. And all our schools will aim higher if we reward that kind of courage and vision.''

I hope my Republican colleagues and those on the Democratic side of the aisle that are open to real school reform will support me and my colleagues in support of the Straight A's, which would give our governors real flexibility.

Mr. Chairman, I provide for the RECORD the full speech given by Governor George Bush, and the list of groups and individuals who support Straight A's:

GOVERNOR GEORGE W. BUSH—A CULTURE OF ACHIEVEMENT, NEW YORK, NEW YORK, OCTOBER 5, 1999

It is an honor to be here—and especially to share this podium with Rev. Flake. Your influence in this city—as a voice for change and a witness to Christian hope—is only greater since you returned full-time to the Allen AME Church. I read somewhere that you still call Houston your hometown, 30 years after you moved away. As governor of Texas, let me return the compliment.

We are proud of all you have accomplished, and honored to call you one of our own. It's been a pleasure touring New York these past few days with Governor Pataki. Everywhere I've gone, New York's old confidence is back—thanks, in large part, to a state senator who challenged the status quo six years ago. From tax cuts to criminal justice reform to charters, your agenda has been an example to governors around the country.

It is amazing how far this city has come in the 21 years since the Manhattan Institute was founded. You have won battles once considered hopeless. You have gone from winning debating points to winning majorities—and I congratulate you.

Last month in California, I talked about disadvantaged children in troubled schools. I argued that the diminished hopes of our current system are sad and serious—the soft bigotry of low expectations.

And I set out a simple principle: Federal funds will no longer flow to failure. Schools that do not teach and will not change must have some final point of accountability. A moment of truth, when their Title I funds are divided up and given to parents, for tutoring or a charter school or some other hopeful option. In the best case, schools that failing will rise to the challenge and regain the confidence of parents. In the worst case, we will offer scholarships to America's neediest children.

In any case, the Federal Government will no longer pay schools to cheat poor children.

But this is the beginning of our challenge, not its end. The final object of education reform is not just to shun mediocrity; it is to

seek excellence. It is not just to avoid failure; it is to encourage achievement.

Our Nation has a moral duty to ensure that no child is left behind.

And we also, at this moment, have a great national opportunity—to ensure that every child, in every public school, is challenged by high standards that meet the high hopes of parents. To build a culture of achievement that matches the optimism and aspirations of our country.

Not long ago, this would have seemed incredible. Our education debates were captured by a deep pessimism.

For decades, waves of reform were quickly revealed as passing fads, with little lasting result. For decades, funding rose while performance stagnated. Most parents, except in some urban districts, have not seen the collapse of education. They have seen a slow slide of expectations and standards. Schools where poor spelling is called ''creative.'' Where math is ''fuzzy'' and grammer is optional. Where grade inflation is the norm.

Schools where spelling bees are canceled for being too competitive and selecting a single valedictorian is considered too exclusive. Where advancing from one grade to the next is unconnected to advancing skills. Schools where, as in Alice in Wonderland, ''Everyone has won, and all must have prizes.''

We are left with a nagging sense of lost potential. A sense of what could be, but is not.

It led the late Albert Shanker, of the American Federation of Teachers, to conclude: ''Very few American pupils are performing anywhere near where they could be performing.''

This cuts against the grain of American character. Most parents know that the self-esteem of children is not built by low standards, it is built by real accomplishments. Most parents know that good character is tied to an ethic of study and hard work and merit—and that setbacks are as much a part of learning as awards.

Most Americans know that a healthy democracy must be committed both to equality and to excellence.

Until a few years ago, the debates of politics seemed irrelevant to these concerns. Democrats and Republicans argued mainly about funding and procedures—about dollars and devolution. Few talked of standards or accountability or of excellence for all our children.

But all this is beginning to change. In state after state, we are seeing a profound shift of priorities. An ''age of accountability'' is starting to replace an era of low expectations. And there is a growing conviction and confidence that the problems of public education are not an endless road or a hopeless maze.

The principles of this movement are similar from New York to Florida, from Massachusetts to Michigan. Raise the bar of standards.

Give schools the flexibility to meet them. Measure progress. Insist on results. Blow the whistle on failure. Provide parents with options to increase their influence. And don't give up on anyone.

There are now countless examples of public schools transformed by great expectations. Places like Earhart Elementary in Chicago, where students are expected to compose essays by the second grade.

Where these young children participate in a Junior Great Books program, and sixth graders are reading ''To Kill a Mockingbird.'' The principal explains, ''All our children are expected to work above grade level and learn for the sake of learning * * * We instill a desire to overachieve. Give us an average child and we'll make him an overachiever.''

This is a public school, and not a wealthy one. And it proves what is possible.

No one in Texas now doubts that public schools can improve. We are witnessing the promise of high standards and accountability. We require that every child read by the third grade, without exception or excuse. Every year, we test students on the academic basics. We disclose those results by school. We encourage the diversity and creativity of charters. We give local schools and districts the freedom to chart their own path to excellence.

I certainly don't claim credit for all these changes. But my state is proud of what we have accomplished together. Last week, the federal Department of Education announced that Texas eighth graders have some of the best writing skills in the country. In 1994, there were 67 schools in Texas rated ''exemplary'' according to our tests. This year, there are 1,120. We are proud, but we are not content. Now that we are meeting our current standards, I am insisting that we elevate those standards.

Now that we are clearing the bar, we are going to raise the bar—because have set our sights on excellence.

At the beginning of the 1990s, so many of our nation's problems, from education to crime to welfare, seemed intractable—beyond our control. But something unexpected happened on the way to cultural decline. Problems that seemed inevitable proved to be reversible. They gave way to an optimistic, governing conservatism.

Here in New York, Mayor Giuliani brought order and civility back to the streets—cutting crime rates by 50 percent. In Wisconsin, Governor Tommy Thompson proved that welfare dependence could be reversed—reducing his rolls by 91 percent. Innovative mayors and governors followed their lead—cutting national welfare rolls by nearly half since 1994, and reducing the murder rate to the lowest point since 1967.

Now education reform is gaining a critical mass of results.

In the process, conservatism has become the creed of hope. The creed of aggressive, persistent reform. The creed of social progress.

But many of our problems—particularly education, crime and welfare dependence—are yielding to good sense and strength and idealism. In states and cities around the country, we are making, not just points and pledges, but progress. We are demonstrating the genius for self-renewal at the heart of the American experiment.

Of course want growth and vigor in our economy. But there are human problems that persist in the shadow of affluence. And the strongest argument for conservative ideals—for responsibility and accountability and the virtues of our tradition—is that they lead to greater justice, less suffering, more opportunity.

At the constitutional convention in 1787, Benjamin Franklin argued that the strength of our nation depends ''on the general opinion of the goodness of government.'' Our Founders rejected cynicism, and cultivated a noble love of country. That love is undermined by sprawling, arrogant, aimless government. It is restored by focused and effective and energetic government.

And that should be our goal: A limited government, respected for doing a few things and doing them well.

This is an approach with echoes in our history. Echoes of Lincoln and emancipation and the Homestead Act and land-grant colleges. Echoes of Theodore Roosevelt and national parks and the Panama Canal. Echoes of Reagan and a confrontation with communism that sought victory, not stalemate.

What are the issues that challenge us, that summon us, in our time? Surely one of them must be excellence in education. Surely one of them must be to rekindle the spirit of learning and ambition in our common schools. And one of our great opportunities and urgent duties is to remake the federal role.

Even as many states embrace education reform, the federal government is mired in bureaucracy and mediocrity.

It is an obstacle, not an ally. Education bills are often rituals of symbolic spending without real accountability—like pumping gas into a flooded engine. For decades, fashionable ideas have been turned into programs, with little knowledge of their benefits for students and teachers. And even the obvious failures seldom disappear.

This is a perfect example of government that is big—and weak. Of government that is grasping—and impotent.

Let me share an example. The Department of Education recently streamlined the grant application process for states. The old procedure involved 487 different steps, taking an average of 26 weeks. So, a few years ago, the best minds of the administration got together and ''reinvented'' the grant process. Now it takes a mere 216 steps, and the wait is 20 weeks.

If this is reinventing government, it makes you wonder how this administration was ever skilled enough and efficient enough to create the Internet. I don't want to tinker with the machinery of the federal role in education. I want to redefine that role entirely.

I strongly believe in local control of schools and curriculum. I have consistently placed my faith in states and schools and parents and teachers—and that faith, in Texas, has been rewarded.

I also believe a president should define and defend the unifying ideals of our nation—including the quality of our common schools. He must lead, without controlling. He must set high goals—without being high-handed. The inertia of our education bureaucracy is a national problem, requiring a national response. Sometimes inaction is not restraint—it is complicity. Sometimes it takes the use of executive power to empower others.

Effective education reform requires both pressure from above and competition from below—a demand for high standards and measurement at the top, given momentum and urgency by expanded options for parents and students. So, as president, here is what I'll do. First, I will fundamentally change the relationship of the states and federal government in education. Now we have a system of excessive regulation and no standards. In my administration, we will have minimal regulation and high standards.

Second, I will promote more choices for parents in the education of their children. In the end, it is parents, armed with information and options, who turn the theory of reform into the reality of excellence.

All reform begins with freedom and local control. It unleashes creativity. It permits those closest to children to exercise their judgment. And it also removes the excuse for failure. Only those with the ability to change can be held to account.

But local control has seldom been a priority in Washington. In 1965, when President Johnson signed the very first Elementary and Secondary Education Act, not one school board trustee, from anywhere in the country, was invited to the ceremony. Local officials were viewed as the enemy. And that attitude has lingered too long.

As president, I will begin by taking most of the 60 different categories of federal education grants and paring them down to five: improving achievement among disadvantaged children; promoting fluency in English; training and recruiting teachers;

encouraging character and school safety; and promoting innovation and parental choice. Within these divisions, states will have maximum flexibility to determine their priorities.

They will only be asked to certify that their funds are being used for the specific purposes intended—and the Federal red tape ends there.

This will spread authority to levels of government that people can touch. And it will reduce paperwork—allowing schools to spend less on filing forms and more on what matters: teachers' salaries and children themselves.

In return, we will ask that every state have a real accountability system—meaning that they test every child, every year, in grades three through eight, on the basics of reading and math; broadly disclose those results by school, including on the Internet; and have clear consequences for success and failure. States will pick their own tests, and the federal government will share the costs of administering them.

States can choose tests off-the-shelf, like Arizona; adapt tests like California; or contract for new tests like Texas. Over time, if a state's results are improving, it will be rewarded with extra money—a total of $500 million in awards over five years. If scores are stagnant or dropping, the administrative portion of their federal funding—about 5 percent—will be diverted to a fund for charter schools.

We will praise and reward success—and shine a spotlight of shame on failure.

What I am proposing today is a fresh start for the federal role in education. A pact of principle. Freedom in exchange for achievement. Latitude in return for results. Local control with one national goal: excellence for every child.

I am opposed to national tests, written by the federal government.

If Washington can control the content of tests, it can dictate the content of state curricula—a role our central government should not play.

But measurement at the state level is essential. Without testing, reform is a journey without a compass. Without testing, teachers and administrators cannot adjust their methods to meet high goals. Without testing, standards are little more than scraps of paper.

Without testing, true competition is impossible. Without testing, parents are left in the dark.

In fact, the greatest benefit of testing—with the power to transform a school or a system—is the information it gives to parents. They will know—not just by rumor or reputation, but by hard numbers—which schools are succeeding and which are not.

Given that information, more parents will be pulled into activisim—becoming participants, not spectators, in the education of their children. Armed with that information, parents will have the leverage to force reform.

Information is essential. But reform also requires options. Monopolies seldom change on their own—no matter how good the intentions of those who lead them. Competition is required to jolt a bureaucracy out of its lethargy.

So my second goal for the federal role of education is to increase the options and influence of parents.

The reform of Title I I've proposed would begin this process. We will give parents with children in failing schools—schools where the test scores of Title 1 children show no improvement over three years—the resources to seek more hopeful options. This will amount to a scholarship of about $1,500 a year.

And parents can use those funds for tutoring or tuition—for anything that gives their children a fighting chance at learning. The theory is simple. Public funds must be spent on things that work—on helping children, not sustaining failed schools that refuse to change.

The response to this plan has been deeply encouraging. Yet some politicians have gone to low performing schools and claimed my plan would undermine them.

Think a moment about what that means. It means visiting a school and saying, in essence, ''You are hopeless. Not only can't you achieve, you can't even improve.'' That is not a defense of public education, it is a surrender to despair. That is not liberalism, it is pessimism. It is accepting and excusing an educational apartheid in our country—segregating poor children into a work without the hope of change.

Everyone, in both parties, seems to agree with accountability in theory. But what could accountability possibly mean if children attend schools for 12 years without learning to read or write? Accountability without consequences is empty—the hollow shell of reform. And all our children deserve better.

In our education reform plan, we will give states more flexibility to use federal funds, at their option, for choice programs—including private school choice.

In some neighborhoods, these new options are the first sign of hope, of real change, that parents have seen for a generation.

But not everyone wants or needs private school choice. Many parents in America want more choices, higher standards and more influence within their public schools. This is the great promise of charter schools—the path that New York is now beginning. And this, in great part, is a tribute to the Manhattan Institute.

If charters are properly done—free to hire their own teachers, adopt their own curriculum, set their own operating rules and high standards—they will change the face of American education. Public schools—without bureaucracy. Public schools—controlled by parents. Public schools—held to the highest goals. Public schools—as we imagined they could be.

For parents, they are schools on a human scale, where their voice is heard and heeded. For students, they are more like a family than a factory—a place where it is harder to get lost. For teachers, who often help found charter schools, they are a chance to teach as they've always wanted. Says one charter school in Boston: ''We don't have to wait to make changes. We don't have to wait for the district to decide that what we are doing is within the rules . . .

So we can really put the interests of the kids first.''

This morning I visited the new Sisulu Children's Academy in Harlem—New York's first charter school. In an area where only a quarter of children can read at or above grade level, Sisulu Academy offers a core curriculum of reading, math, science, and history. There will be an extended school day, and the kids will also learn computer skills, art, music and dance. And there is a waiting list of 100 children.

This is a new approach—even a new definition of public education. These schools are public because they are publicly funded and publicly accountable for results. The vision of parents and teachers and principals determines the rest. Money follows the child. The units of delivery get smaller and more personal. Some charters go back to basics—some attract the gifted—some emphasize the arts.

It is a reform movement that welcomes diversity, but demands excellence. And this is the essence of real reform.

Charter schools benefit the children within them—as well as the public school students beyond them. The evidence shows that competition often strengthens all the schools in a district. In Arizona, in places where charters have arrived—teaching phonics and extending hours and involving parents—suddenly many traditional public schools are following suit.

The greatest problem facing charter schools is practical—the cost of building them. Unlike regular public schools, they receive no capital funds. And the typical charter costs about $1.5 million to construct. Some are forced to start in vacant hotel rooms or strip malls.

As president, I want to fan the spark of charter schools into a flame. My administration will establish a Charter School Homestead Fund, to help finance these start-up costs.

We will provide capital to education entrepreneurs—planting new schools on the frontiers of reform. This fund will support $3 billion in loan guarantees in my first two years in office—enough to seed $2,000 schools. Enough to double the existing number.

This will be a direct challenge to the status quo in public education—in a way that both changes it and strengthens it. With charters, someone cares enough to say, ''I'm dissatisfied.''

Someone is both enough to say, ''I can do better.'' And all our schools will aim higher if we reward that kind of courage and vision.

And we will do one thing more for parents. We will expand Education Savings Accounts to cover education expenses in grades K through 12, allowing parents or grandparents to contribute up to $5,000 dollars per year, per student. Those funds can be withdrawn tax-free for tuition payments, or books, or tutoring or transportation—whatever students need most.

Often this nation sets out to reform education for all the wrong reasons—or at least for incomplete ones. Because the Soviets launch Sputnik. Or because children in Singapore have high test scores. Or because our new economy demands computer operators.

But when parents hope for their children, they hope with nobler goals. Yes, we want them to have the basic skills of life. But life is more than a race for riches.

A good education leads to intellectual self-confidence, and ambition and a quickened imagination. It helps us, not just to live, but to live well.

And this private good has public consequences. In his first address to Congress, President Washington called education ''the surest basis of public happiness.'' America's founders believed that self-government requires a certain kind of citizen.

Schooled to think clearly and critically, and to know America's civic ideals. Freed, by learning, to rise, by merit. Education is the way a democratic culture reproduces itself through time.

This is the reason a conservative should be passionate about education reform—the reason a conservative should fight strongly and care deeply. Our common schools carry a great burden for the common good. And they must be more than schools of last resort.

Every child must have a quality education—not just in islands of excellence. Because, we are a single Nation with a shared future. Because as Lincoln said, we are ''brothers of a common country.''

Thank you.

GROUPS WHO SUPPORT STRAIGHT A'S

60 Plus; ALEC; American Association of Christian Schools; Americans for Tax Reform; Association of American Educators

(branch offices in LA, OK, KS, KY, PA, IO, TN); Citizens for a Sound Economy; Eagle Forum; Education Policy Institute; Empower America; Family Research Council; Hispanic Business Roundtable; Home School Legal Defense Association; Independent Women's Forum; Jewish Policy Center; National Taxpayers Union; Professional Educators of Tennessee; Republican Jewish Coalition; State Senators of Texas; Texas Education Agency; Toward Tradition; Traditional Values Coalition; and Union of Orthodox Jewish Congregations of America.

CHIEF STATE SCHOOL OFFICERS WHO SUPPORT STRAIGHT A'S

Arizona Superintendent of Public Education—Lisa Graham Keegan; Commissioner of Education in CO—William Moloney; Georgia State Superintendent of Schools—Linda Schrenko; Michigan Superintendent of Public Instruction—Arthur Ellis; Pennsylvania Secretary of Education—Eugene Hickok; and Virginia Secretary of Education—Wil Bryant.

GOVERNORS WHO SUPPORT STRAIGHT A'S

Arizona—Jane Hull; Colorado—Bill Owens; Florida—Jeb Bush; Idaho—Dirk Kempthorne; Illinois—George Ryan; Michigan—John Engler; Virginia—Jim Gilmore; Wisconsin—Tommy Thompson; Wyoming—Jim Geringer; New York—Pataki; Oklahoma—Keating; and Nevada—Guinn.

Mr. CLAY. Mr. Chairman, I yield 4½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. Mr. Chairman, I thank the ranking member for yielding me this time, and I rise today to express my strong opposition to H.R. 2300.

I was a State superintendent of my State school for 8 years. I do not know what the Education Leaders Council is. I never came in contact with that in my 8 years. I do know what the Chief State School Officers group is. That is all 50 Chief State School Officers, and they are opposed to it. I do know what the 50 governors are, because I worked with them. I also worked with the Education Commission of the States; that includes the governors, the States and the legislators.

Let me remind my colleagues that this is not about a Republican agenda or a Democratic agenda. But apparently the last names I heard read off were all off Republican lists. That is not what this is about, my fellow colleagues. It is about all the children in America, all 53 million of them going to public schools from all 50 States.

We need to remind ourselves that good policy is good politics. It is not the reverse. And tonight I am hearing a lot of politics trying to be turned into policy. And it bothers me greatly. I came to this Congress to help make education a national priority, not to make it a political issue, as it was before I came. And I am sorry to say it does not look like it is improving.

The Republican leadership has labeled this bill the Straight A's bill. But as someone who knows something about good education policy, and I think I know a little bit, I can tell my colleagues that this bill should be called the Straight F's bill. The Straight F's bill because it fails our children, it fails our schools, and it fails the taxpayers in this country.

Mr. Chairman, as a member of the New Democratic Coalition, I have strongly supported flexibility in Federal education programs as long as we have accountability. And as a longtime education reformer, I strongly support innovation that will improve education for all of our children. However, this bill fails to meet those standards in several ways.

But let me insert here that my State of North Carolina has been an education reform leader for a number of years, and we have done it within the system that we have because we hold people accountable. And if we do not hold them accountable, it will not work. Block grants will not work, dropping them in governors' laps who are there for short periods of time and then are gone.

The Straight F's bill fails our schools by undermining our national commitment to education. The Straight F's bill fails our children by eliminating the targeting of funds to the highest poverty areas in this country, children who have the greatest need to get help. And the Straight F's bill fails our taxpayers by doing away with accountability standards, by taking funding that this Congress has appropriated for specific education purposes and turned it into a blank check for our States' governors. And even the governors understand that and have said that they do not want that.

North Carolina's governor, Jim Hunt, has been a strong voice for education in our State and this country. But governors' terms do not last very long. It is either 4 or 8 years. Children are there for 12 to 13 years, and we need people who are committed and policies in place to make sure they get an education.

Mr. Chairman, I call on this Congress to reject House bill 2300. We should reverse course and support school construction, teacher training, technology upgrades, after-school care, year-round schools, school resource officers, character education, and class size reduction initiatives that will improve education for all of our children.

Earlier today we passed a good education bill. We did it in the way it should be done; we did it on a bipartisan basis. And tonight we are trying to undo every bit of that with a partisan bill, and I suggest we ought to defeat it and defeat it now.

Mr. PETRI. Mr. Chairman, I yield 5½ minutes to the gentleman from Colorado (Mr. SCHAFFER), an active member of our committee.

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

In response to the gentleman from North Carolina, I would merely point out that I agree with him; that there are a handful of governors around this country who lack the confidence in their administrations and in their education systems to design a system that is in the best interests of their children. And for those few governors, they do indeed rely upon this Congress to make decisions for them.

But for the vast majority of governors, their ideas are very different. They ran for office on the notion that they could improve schools. In fact, when we look around America today, the greatest accomplishments in school reform do not come from people here in Washington, I hate to say, they are coming from the 50 individual governors who are closer to the people, more responsive to those who elect them, and in a far more capable position to design education programs that meet the needs of the children they understand and know best.

I met with a bunch of schoolchildren this morning who were here visiting, and I asked some of those students, I said, let us pretend that you are the principal of your school. What would you spend the Federal money that comes back to your school on. One little girl said computers, another little girl said, well, she would buy more furniture for her classroom, desks and chairs and so on. Another said we should buy more books. Another said, well, we need more space.

And I use that example to show that even in a roomful of children, who are in classrooms every day, their ideas, as third graders, about what is important, varies dramatically. The same is true for all 50 States. It makes no sense, therefore, for people here in Washington to assume that we magically have the answer for all 50 States in the Union, that what is good for New York City is good for Fort Collins, Colorado.

I am here to tell my colleagues that New York City may be a great place, but we do not want their schools. There may be good examples that we can borrow; there may be great things New York could find out in our part of the country. But to assume a child in Atlanta is the same as a child in Detroit is the same as a child in Denver is the same as a child in Seattle is the kind of thinking that we are trying to move out of this city, frankly.

At that meeting with those children we handed out little constitutions, and one of the amendments in the Constitution I would like to remind Members of is amendment 10. Let me just read it; it is real quick. ''The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.''

It is the spirit of the 10th amendment that drives this legislation for us today. Because I think our founders were right. I think they are right even to this day; that States should be trusted, specifically when we are talking about the issues that are not even mentioned in the Constitution, like education, to deliver the services that are closest to the people and closest to the States.

In fact, I would defy any of the Members here to take this constitution and

find in it where the Federal Government has specifically been given the authority to manage my child's school back in Fort Collins, Colorado. It is not here. I will leave a copy here. I invite anybody tonight to come and point that out for us. And I would venture to say that by the end of the evening this Constitution will still be sitting there.

I served 9 years in the State Senate back in Colorado; served on the education committee. And let me tell my colleagues how frustrating it is, because we agonized and worked every day to try to help the children in our schools, to try to get dollars to their classrooms, to try to treat the teachers like real professionals, and the superintendents and principals like professional managers, because we knew that if we could empower those professionals, we could do more to help children. And it was so frustrating at the end of the day to realize that our hands were tied by the rules of Washington, D.C.

In fact, I have heard my colleagues stand up and praise the work we did earlier today. Earlier today, we passed this set of laws; 495 pages of new laws passed today. And that is what my colleagues on the opposite sides of the aisle are celebrating. Here is what we are proposing now. We are proposing 23 pages of new laws. Very different kind of laws, laws that represent academic liberty, managerial freedom for States, for superintendents, for principals.

Which should we pick? Is this one my colleagues' idea of quality education in America, or is this? I know what principals back home in my State will say. They want less rules, fewer regulations, more freedom, and more liberty. They are willing to take the accountability that goes along with it, and the only regret I have is that only 10 States will have the opportunity.

Let me just point out that the governor of Pennsylvania wrote to the Congress in favor of Straight A's, as well as the Education Leaders Council, a large group of school executives, has written in favor of Straight A's. These are the leaders who represent 25 percent of the students around America.

Finally, let me finish with this. This is an optional program. Ten States are going to have an opportunity to choose to be exempt from these rules and regulations under Straight A's. What in the world is this Congress afraid of? With all due respect, I trust governors to manage the education of my children. I do not trust people in Washington.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. Mr. Chairman, let me thank my ranking member for yielding me this time.

Later on, we will have a chance to vote on the only Democratic amendment to this bill. It will not make this bill one that is supportable in many respects, because there are still major issues that divide us. But I want to take some time to just discuss the issue that I am going to raise in my amendment.

The thrust of the bill, which I think sincerely is offered by my colleagues, many of whom I serve with on the Committee on Education and the Workforce, is that what we need to do is give States more flexibility, give them some money, and let them figure how to disburse it because they know best how to educate their children. I think that theory needs to be analyzed.

We need to look at what States are doing with the money they now control, and have total control of, and what their doing in response to the needs of disadvantaged children.

What is going on in 49 out of our 50 States in this country is that there is a wide disparity between what is being spent in one school district in our States and in other school districts in our States. In fact, hundreds and hundreds and hundreds of school districts have filed suit in either State or Federal Court challenging these school finance systems. And more than the majority of States, some 37 States are in various stages of litigation. We have seen the State court of Michigan and Ohio and a number of other States, New Jersey, rule the school finance systems unconstitutional because they take disadvantaged students and they give them sometimes as much a third less, or a third, of what they give other school districts.

□ 2030

That is that we have disparities that range from $8,000 per pupil in some of our States to many of them $1,000 or $2,000 or $3,000 per pupil per year. When we add that up in the aggregate by classroom, let me give my colleagues a sense of what those numbers mean.

In Philadelphia, the City is spending $70,000 less per classroom than in the average suburban school district surrounding the City. The 45 suburban school districts are spending on average $70,000 more per classroom. Over the K–12 experience of a kid's educational life, we are talking about upwards of an $800,000 differential being spent in one classroom versus the other.

Some may have seen the story in the Washington Post looking at high schools in Illinois 30 minutes apart describing those two schools in terms of their circumstances, one with no chemistry equipment in the lab, no financial connection to the Internet, very little by way of library books; the other with three gymnasiums, 12 tennis courts, functional computers in every classroom. And on and on and on the story went.

Well, that was about Illinois. But my colleagues know and I know that we can find schools that meet those descriptions in any State in our country. In States who control more than 90 percent of the money, as many of my colleagues on the Republican side keep reminding us, they every day have funding formulas that put disadvantaged families in rural America and in urban America at a disadvantage.

We have 216 rural districts in Pennsylvania that have filed suit 13 years ago challenging the school finance system. There are children who started in kindergarten in those school districts that have now graduated from high school in those districts, and the supreme court in our State has yet to find it appropriate to rule on it, as has been the case in some other States.

I would suggest to my colleagues that before we give States flexibility we demand some accountability. My amendment will offer them that opportunity.

Think about the Congress. We all get paid the same amount of money. Think about the NFL. They have a strict set of guidelines in terms of salary caps, the spread of the field, the number of people on each team, and then they can go compete. We have poor people who we are asking them to compete without giving them the resources to compete.

I think that it is a time now for the Federal Government to step in and say, look, they can have the Federal dollars, but the first thing they need to do is equalize their per-pupil expenditure, and if they are telling us that money does not matter, then equalize their achievement; and if they can equalize their achievement, then they do not have to equalize their expenditure. But they cannot have it both ways. If money matters, then give every kid a fair opportunity.

Mr. PETRI. Mr. Chairman, I yield 4 minutes to the gentleman from Colorado (Mr. TANCREDO) a hard-working, active member of the committee.

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

Mr. Chairman, a late comedian, a gentleman by the name of Flip Wilson, used to use a line I recall. He used to say all the time ''the devil made me do it'' as the tag line. Do my colleagues recall that? I think they do. I can hear the laughter.

Well, for the past 30 years or more public schools in the United States, when challenged about what their problems were, when challenged to explain why they were not being able to produce the results that we asked them for, have essentially used the same line ''the devil made me do it.'' But, in fact, in this case the devil was the Federal Government.

We heard it all the time from them, every time we turned around. I cannot accomplish this. We cannot do this. Why not? Because of the Federal rules, the Federal regulations they impose upon us that block our ability to actually accomplish the ultimate goal.

We have all heard it. Certainly, when I taught in public schools for 8 years it was the common statement being made in the faculty lounges in the districts in which I taught. It is prevalent in every school district in America, the Federal Government made me do it.

Well, sometimes that claim was accurate. Sometimes it was not. It certainly could be backed up with a great deal of empirical evidence.

My colleague the gentleman from Colorado (Mr. SCHAFFER) used the condensed version, but this is about half of the ESEA, the Elementary Secondary Education Act, and this is what they were referring to. These are the rules and regulations that will be over a thousand pages, by the way, when we get down with ESEA. This is only half of what we passed so far. It started out in 1965 at about 32 pages. It has grown in the 34 years since then to over a thousand.

Many, many claims are made on this floor, many of them that are incredibly audacious sometimes. We all know it. But the one thing I have yet to hear in the debate on education is a claim by anyone on our side or their side that over the last 30 years education in this country has improved. No one dares say that because they and I both know, everyone knows, that that is not accurate, that, in fact, educational attainment levels have plummeted in the last 35 years to a point where we now have literacy rates in the United States lower than some Third World nations.

We have incredible problems in our schools. This is something that we can all agree on. There was something else that we could all agree on it seemed like when we were actually debating Title I in our committee, and that was that Title I had been essentially a failure.

Certainly we have heard that from people from all over the United States. We even heard it from members of the committee, from their side of the committee, the gentleman from California (Mr. MILLER) for one. I know what is currently law, and that law is not working. This was a Member of their side.

So when we come to them with a proposal to change that situation, when we say we know that education in America is not doing well, we know that attainment levels are plummeting, and we know that our program to fix it is not working and has not worked for 35 years, here is a way to change that, everybody gets very self-conscious about it.

But, after all, what are we trying to replace it with? What do we, in fact, know that does work? When we look out there across the land, what can we point to with any degree of semblance of any degree of success? It is, in fact, diversity. It is, in fact, the charter school movement. It is where we allow children in public schools to select from a variety of public schools.

These things are working. Student achievement levels are increasing in those areas. It is because of diversity, exactly what this bill intends to give States.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT. Mr. Chairman, I thank the gentleman from Missouri (Mr. CLAY) for yielding me the time.

Mr. Chairman, we just finished reauthorizing Title I. We also, by two votes, rejected private school vouchers.

Now we consider this bill, which will essentially waive all of the valuable provisions in Title I and send for the first time targeted money for low-income public schools, students of public schools to private schools, as vouchers.

This kind of bill requires us to focus on what the Federal role of education really ought to be. That Federal role is to do what the States will not do.

For example, the historic role of the Federal Government came in 1954 when many States were segregating student by race, separate and inherently unequal schools existed, and the Federal Supreme Court intervened. That is why they intervened.

We also found years ago the disabled students were not getting an education, millions of students no education at all. That is why we passed Individuals With Disabilities Education Act. And now, because of Federal intervention, disabled students enjoy an opportunity to get an education.

We also found years ago that poor students were not being properly funded. We found that there was an egregious gap in funding between rich and poor neighborhoods. Low-income citizens routinely failed to get reasonable funding. That is why we passed Title I, to target funds to poor students because States and localities just will not do it.

The Title I bill we just passed had enough loopholes in it. For example, school districts for the first time can spend all of their money on transportation. We failed to put a limit on the money they could spend on transportation. And because we liberalized the school-wide programs where a majority of the students do not even have to be poor, we have a situation that targeted money, money targeted to low-income students' education can now be spent on transportation, which does not help their education, and a majority of the people benefitting do not even have to be poor.

This bill makes matters even worse. It allows States to waive the little targeting that we had in Title I and allows money to be sent to private schools for the first time. That is wrong.

Mr. Chairman, if we really trusted States and localities to properly fund education for low-income students, we would not need Title I in the first place. But we do need Title I. And, therefore, we do not need this bill, and I urge my colleagues to defeat it.

Mr. PETRI. Mr. Chairman, how much time has each side remaining?

The CHAIRMAN. The gentleman from Wisconsin (Mr. PETRI) has 20½ minutes remaining. The gentleman from Missouri (Mr. CLAY) has 27½ minutes remaining.

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

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Chairman, I thank my friend the gentleman from Missouri (Mr. CLAY) for yielding me the time.

Mr. Chairman, I rise in opposition to this legislation.

A few minutes ago, the very articulate gentleman from Colorado (Mr. SCHAFFER) challenged us rhetorically to cite the basis in the Constitution for the Federal education laws which are block granted and, I believe, functionally repealed by this bill.

I would suggest to my colleagues that there is indeed an important constitutional basis for these Federal education laws. It is the relevant part of the 14th Amendment that says that no State shall deny any person life, liberty, or property without equal protection of the law.

The theory of giving local decision-makers more flexibility to do the right thing is alluringly attractive. We all know and trust and admire certain local decision-makers in our districts, and we know that they are capable of making excellent judgments, as they do every day. But that alluring theory runs head-long into the harsh reality of history in this country, and the history of this country is this:

The children living in poor neighborhoods have historically had much lower levels of educational opportunity. They have gone to school in facilities that are very often segregated by race, that are very often inferior in their physical plan, that have larger class size, very often that have less qualified teachers, less access to technology, and fewer of the positive attributes that successful schools have.

Thirty-five years ago this Congress made a judgment to do something about that, to bring more equal protection to those children who did not have and do not have a lot of clout in the State legislatures, who do not have and did not have the ability to make immense campaign contributions to people running for governor or the State legislature, and we made a judgment that says that we would put a modest amount of money into reading teachers, for tutors, for facilities in the Title I, Part A program.

We made a judgment that some of those children should have the chance to get an even start by going to school before kindergarten. And we looked at children that were the sons and daughters of migrant workers and understood that when they went to one school in September and another one in October and another one in December and another one in February that they have a special educational problem.

Later on we made a judgment that putting police officers and teachers in front of third- and fourth- and fifth-grade classrooms in the safe and drug-

free school program made sense. This is not an imposition of Federal will upon local decision-makers. This is the proper establishment of a national policy that says that all children have the equal protection of the law that the 14th Amendment guarantees them.

□ 2045

Frankly, it is an effort that falls far short of what we really ought to do. Because we really ought to have a viable school construction program that takes children out of trailers and hallways and puts them in a good facility. We should enact the President's initiative to put 100,000 qualified teachers in classrooms in every community in America. We should, as many Republican Members of this House have said, have met our obligation and fully fund the IDEA. What we did today with over 300 votes was reaffirm our historical commitment to assuring equal protection under the law for all of our children.

What this proposal does is to abandon that commitment. That commitment is not a Democratic or Republican commitment. It is not liberal or conservative. It is not regional. It is part of the essential sense of who we are and what we are as a people. Let us not abandon our historical commitment to the children of this country. Let us reject this legislation. Let us reaffirm what over 300 of us did earlier today and stand by our commitment for equal protection under the law.

Mr. PETRI. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee (Mr. BRYANT).

Mr. BRYANT. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time. It is good to sit here on the floor and hear this debate and hear it affirmed on this floor that we all, Republican and Democrat alike, agree that we want to see our children educated in a better fashion across this country, that we all agree that this Congress can have a role in that, but yet we disagree at some point, I think, on some parts of how we get to the solution here to this problem.

If I sit here correctly and understand the underlying premise of the opposition to this bill, it is based on the presumption that Washington knows better than the parents and the teachers and the administrators and the city officials and the State officials around this country. I believe that argument is wrong, because I think that this bill is best served under these circumstances by providing the grants that have been talked about.

The Straight A's bill is a measure that does give to these States and the local education officials an opportunity to take more control over their own system. This bill is about flexibility and accountability which I believe are two very important principles in the education of our young children. It provides the flexibility to our students and our teachers and our administrators to learn but yet it holds them to a standard of accountability. Once this 5-year agreement is in place with the Department of Education, and as I would reiterate to those that are listening to this debate, that this is a pilot program that will be in 10 States only. Once this is in place, each local and State school district participating would be held to a strict standard, requirement for improving student achievement. In this agreement it states that they would have to put in place a system that evaluates student performance, that gives us concrete results that we can measure by.

One of the more important aspects of this bill is that once the State and local districts have the flexibility to use the Federal funds as they see fit, improvements will be made. Whether that problem is raising academic achievement or improving teacher quality or reducing class size or putting technology in the classroom, this legislation frees up the State and local authorities to use the Federal funds to improve their school systems just as they know best.

As my colleague from Michigan said, we would be better served if we let those people who know our students by name make the decisions, have the flexibility, yet hold them to a strict standard of accountability in spending these additional funds. I say, let us give this experiment a chance to work, let us compare the results that we get, and I think in the end when you award that right of educating the students, that you will see an improvement under the Straight A's Act.

I simply urge my colleagues to support the bill.

Mr. CLAY. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I want to thank the ranking member for allowing me this time to speak.

As I said earlier today, I knew the love fest was going to be over as soon as this bill hit the floor and the honeymoon would be over and we would be into the same unbipartisan cooperation that we usually are in.

The gentleman who just spoke said that our preconceived notion was that Washington knows best. I do not know who he is speaking for because I do not think he is speaking for anybody on our side. No one on our side has ever said that Washington knows best. That is their theme, not ours. The fact is that they miss the point. When you eliminate the programs that they eliminate and if you look at the programs they eliminate, some of them are programs that that side of the aisle has never liked to begin with. Even though I believe that very seriously they think they are doing the best for a majority of the population, they do not understand that much of this Federal money was targeted to special populations that were ignored by the local education agency. They were not populations that were being taken care of. The only one that I am grateful that they left out of here was IDEA which at least they realized in that instance that that is a special population that needed to be targeted, needed to be focused. But that is the point of this super-block grant that they are putting together, is that it does not focus on those special populations.

Let me make it very simple for my colleagues. Let us say we are talking about Title I and we are talking about appropriating money on the basis of the poverty population of a school. Initially we said that a school receiving funds had to be 75 percent, then we reduced it, we just had an argument over 40 or 50 percent, that then if there was that amount of poverty population in the school, they could use the money then schoolwide.

Let me explain how this works and it would work to the same degree on the idea of block-granting all of these programs. If you have, to make it real simple, 100 students in a school, and you gave that school $100 and four of that population, of that 100 population were the qualified disadvantaged that you needed to target, well, if you gave them all the money, each one of them would get $25. But, now, if you gave it to the whole school, each one of the school would get $1. How do you justify spreading the money that thin and really think that it is going to do any good for those four students that really needed it?

That is the problem with this whole proposition that they are coming forth with, is that they ignore the fact that the only reason the Federal Government is involved in these programs at all is because there were court cases that proved that local education agencies were not addressing these issues on a local basis. So in that regard, no, the locals did not know best. They did not know best. And it is not that Washington knew best but Washington knew that there was something that they had to do to force the local education agency to accept their responsibility of educating migrant children, of educating children with disabilities, of educating children that came from a disadvantaged backround.

When I entered kindergarten, there were none of these programs. As a result, over 50 percent of the kids that entered kindergarten with me never graduated high school when I did. They had dropped out. The result of this block grant is going to be the same thing that happened before, is the ignoring of those special populations.

The fact is that you can stack all the pieces of paper that you want to and talk about all the regulations that exist here from Washington for the use of these moneys. I call it accountability and it is taxpayers' dollars and we should make them accountable for it. But the fact is that if you look at the State regulations, they are 10 times, 20 times the amount of regulations that the Federal Government puts out.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from

Georgia (Mr. ISAKSON), a member of the committee.

Mr. ISAKSON. Mr. Chairman, I rise today not as a partisan Republican or Democrat but as one that is very partisan to our children and their education. I rise to take issue, not to make an argument, to make a point, on two comments that have been made, one by the majority and one by the minority. One comment was that this was a cheap trick, designed to create 30-second soundbites. Well, it is not cheap. It is 13 to 14 billion Federal dollars that are invested in these 14 programs and our children. The majority said that it is time that we take a chance. You are never taking a chance when you invest dollars in children.

I do not think everyone that has talked about this bill has read the 23 pages that are in it. And so for just a second, I want to give a perspective to all of us. This bill is really not about block grants. If you read it, it is a request for proposal. It says that up to 10 governors, Democrat or Republican, it does not matter, whichever governors come first, up to 10 governors can apply to have the flexibility to use the money in 14 programs across their school district in return for improving performance. And then you need to read the performance measures that it asks for, because here is where it targets the disadvantaged and the most needy. If you read the description for the performance, it says, first of all, every system must rate their children at basic, at proficient and at advanced and then on an annual basis, grade to grade, must compare the improvement. That is part of the 5-year contract. That is part of the 3-year measurement where they can lose the funds if they decline. And then, secondly, it provides rewards. It provides rewards for those systems that close the gap by greater than 25 percent from their least proficient to their most proficient students.

I just left Governor Hunt of North Carolina who was referred to a minute earlier. I left him where he received accolades because he put a reward system in his State for those teachers who became certified and improved themselves and saw measurable improvement in their children. That is no difference than what this particular bill does. To close the achievement gap, you do not do it by raising the top advanced students. You do it by raising the bottom. To take the hypothesis that this does not address the most needy children is to presume a public school system would meet performance by lowering its best rather than uplifting its worst. That on the face of it is an insult to local educators.

I do understand the fear of change. But change is not taking a chance. There are three groups of people in this Congress: There are those that would tear this down, tear it down because it is a change. There are those that would tear down the Federal Department of Education because they do not like it and I do not agree with them, either. And then there is a third group, which is really all of us, that care about kids and do not want to tear anything down.

And so at the risk of going past my time, I want to close with a poem and challenge both sides to decide which they want to be:

I saw a bunch of men tearing a building down.
With a heave and a ho and a yes, yes, well,
They swung a beam and a side wall fell.
And I asked the foreman:
Are these men as skilled
As the ones you would hire if you had to build?
He said, oh, no, not these.
The most common of labor is all I need.
For I can destroy in a day or two
What it takes a builder 10 years to do.
And so I ask myself as I walk my way
Which of these roles am I going to play?
Am I going to go around and build
On firm and solid ground,
Or am I going to be the one that tears down?

I submit we build with H.R. 2300.

Mr. CLAY. Mr. Chairman, I yield 5 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Chairman, tonight we are seeing the naked fist of the Republican education philosophy. The education guerilla warfare is over. This is a full scale invasion under way at this point. The tanks are in the streets, the dive bombers are in the air, and the big guns are booming. The Republican objective is the obliteration of the Federal role in education. That is what this is all about. Couple this bill with the fact that there is an appropriations bill floating around which has skipped over the House of Representatives and some kind of conference is taking place and it is coming back to us with deep cuts in the budget of the Department of Education as well as cuts in many of the innovative programs that have been proposed and passed in the last few years, and you will understand that this is part of a larger, grand design.

□ 2100

Straight A's means total destruction. Ed-Flex and Teacher Empowerment were probes; they were probes to establish beach-heads and to get us sucked in. But this is it. Straight A's tells the full story.

Now, we were criticized a few moments ago. Somebody said we have not even read the bill. Well, we know what came out of committee, and we know what the debate in committee was like. I understand there has been a drastic change because the extremism of the bill that came out of committee was too great to be digested even by the Republican majority. So we have a cutback, and 10 percent is being proposed, but it does not matter. It is a juggernaut into the Federal role in education.

This is it. As my colleagues know, if we pass this, then it is all over in terms of Federal role. It would just be downhill from here on.

Straight A's is the beginning of a final solution to what the Republicans perceive to be the Federal nuisance in education. I do not know why that irrational perception persists, that the Federal Government is the problem. How can the Federal Government be the problem when the Federal Government only provides 7 percent of the funds? If it only provides 7 percent of the funds, it only has 7 percent of the power. Ninety-three percent of the power resides with the State and local governments to make decisions about what happens with our schools, and if our schools are in bad shape, if education needs improvement greatly because over the years things that should have been changed and were not changed, things that should have been happening did not happen, it is the State and local governments that have to be blamed. The Department of Education has played a limited role, and it should continue to play that role.

Specific language of this bill is almost irrelevant. It is the real intent, because the overriding intent is what is really dangerous. It destroys the checks and balances between the Federal Government and the State and local government. What is wrong with having a Federal role which is only 7 percent of the power and decision-making to help check the power and decision-making at the State and local level? For years and years the State and local governments had full reign on what happened in elementary and secondary education, and we drifted backwards steadily.

Where would we be in this high-tech world as we are moving toward a cyber-civilization? Where would we be if we strictly had the old State and local government participation only? Many of the most important innovations and the most important things that have happened in State and local education have been prompted, have been stimulated, by the small participation that we have had from the Federal Government. What is wrong with shared power? Why are we obsessed with not having the Federal Government participate in sharing the power and decision-making about education?

We are ignoring the opportunity, as my colleagues know, for some real changes here. A few minutes ago the speaker said that change is being proposed and we do not want to go along with change. Well, this is destructive change. This is change in the wrong direction. What we are ignoring is the opportunity right here to make some constructive and some creative changes.

We ought to be talking about where we are going toward this new cyber-civilization in the next millennium. We ought to be talking about what we need to do to bring our schools up to par, to be prepared to provide a full-scale education to every youngster, not just in reading and writing and arithmetic, but also in computer literacy.

We ought to be talking about how we are going to maintain leadership in the

world where we are now the leading computer power, and our economy is way ahead of all the other economies because of our computerization, and that, as my colleagues know, that stroke of genius, collective genius, we should be proud of and build on it.

But instead of building on that, we come with the old cliches about the Federal Government has no responsibility in education because, after all, the Federal Constitution, the Constitution has nothing about Federal responsibility for education. The Constitution says nothing about Federal responsibility for roads or highways.

As my colleagues know, the Morrill Act, which established the land grant colleges, there is nothing in the Constitution that said they should do that, but thank God they did, that we have a system of land grant colleges which allowed agriculture to blossom and we become the agriculture power that we are in the world.

The transcontinental railroad, the Federal Government, the Constitution, said nothing about building railroads, but the Federal government paid for the building of transcontinental railroads.

The GI bill, which allowed every GI who wanted to go to school, to higher education, to be able to get an education after World War II, Constitution did not say we had to do that.

The Constitution does not dictate what is in the interests of the American people. It is the Members of Congress; it is their vision, their foresight that has to guide where we are going, and right now we ought to be going toward an omnibus bill for education which looks at all aspects of it and comes forward in what we need to go into this cyber-civilization that we are going into, what kind of education do our kids need, not this quibbling about getting the Federal Government out of education. It is childish, it is juvenile, but it is dangerous, it is very dangerous.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Chairman, I can remember before I got here, sitting at home watching this institution at work, passing some of the legislation that they did, thinking why did we do it again? It did not work last time, and it did not work the time before. Boy, if I were there, I would change it.

I have learned since I have gotten here how difficult it is to get people to release the power here, to actually rely on individuals that are closer to the problems to play a part of the solutions. It has been an eye-opening experience.

Since I have been here, I have had an opportunity to spend time in schools, to meet with teachers, to talk about the problems, to hear firsthand, to ask questions and to hear them say when I ask, Why do you do it that way?, their answer is: Because you make me, you Washington.

Let me make my point, if I could.

I heard earlier that the purpose of Federal dollars was for Federal initiatives. I would tell my colleagues that I have a huge difference with the gentlewoman that said that. The purpose of Federal dollars is the same as State dollars and local dollars as it relates to education. It is to help our kids learn. It is to supply the resources so teachers can teach. It is to make sure that the tools are there.

My colleagues on the other side of the aisle have said that we cannot trust governors. I guess that means we cannot trust school boards or parents or anybody in the school system because they all play a part.

This program is voluntary. This program is voluntary. States will choose to pick whether they want to participate or not.

I truly believe that every person in this institution is after the same goal, and that is to increase the learning and knowledge of our students in this country.

So what is the difference, quite simply? We have heard it tonight. It is over who holds the power. Some want to hold it here; some of us want to return it home to teachers and to parents and to educators. That is a huge difference. It is a difference that clearly, I think, makes a difference in the education of our children.

It is startling to know that over half the paperwork required of the North Carolina Department of Public Instruction in Raleigh is required by the Federal Government for only 6.8 percent of the overall funding. That is certainly not equitable.

The single most important investment that we can make in this country is in our children. Congress has made sure that enough money is set aside for education. Now let us just make sure that it gets to the classrooms. Let us make sure that under Straight A's our kids have the computers, have the resources, that more teachers are in the classroom, that schools are safer, and that we guarantee academic results.

I urge my colleagues to support this legislation and trust parents and teachers.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, as my colleagues know, I think all of us can agree that the key to improved education is increased accountability. The real question is what do we mean by that? The usual response from the education establishment is that increased accountability has to mean increased Federal mandates, specific program dictates, basically jumping through specific bureaucratic hoops. But that emphasis on process has failed our schools and our children miserably.

States recognize, as people on the ground in the trenches, so to speak, recognize this, including my State of Louisiana: we are requiring schools and districts to demonstrate annual progress toward meeting actual performance standards; and as a result, those schools that are meeting their goals and those schools that are not have been identified, and my district, St. Tammany, is leading the way, scores demonstrably better than other schools, and they are a model in my area.

We need to piggyback on that concept, and the choice is clear. Congress can support these successful State efforts and improve academic achievement by allowing States to use Federal dollars more effectively rather than insisting on simple bureaucratic hoop jumping, and that is what the debate is about, what does accountability mean, jumping through certain hoops or achieving bottom line results?

Results matter. Results mean educating our kids, and we need to focus on those results.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding time.

Today is a crossroads day, a pivotal day. It is a crossroads because today we become either partners or obstacles to reform. State after State, governor after governor, Republican and Democrat, has shown us the promise and potential of a merging American education reform. Their stories are exciting; their stories are optimistic.

Thomas Jefferson called the States laboratories of democracy. It is much more than that. The States are not just engaged in experiments; they are engaged in a race, a race for education, a race towards excellence.

The governors, the best governors from around the Nation, are looking at each other. They are looking to other States, seeing what is working, copying it, benchmarking it, adopting it, refining it, improving it, always pushing further down the track.

Each experiment moves us down the track and brings us all up so that no one is left behind, not the inner-city youth, not the tribal school student.

I want to close with this troubling thought. As my colleagues know, so many of us came from State and local government, Mr. Chairman. But yet many of us here today are poised to say that we do not trust our former colleagues. There must be something sacred or divine in the water out here in Washington. Suddenly, when we are sworn in, we become all knowing; we become the repositories of all that is good in education. Somehow we have made that change.

Obviously that is absurd.

Today, I say it again: we are at a crossroads. We can either be partners for reform or obstacles to reform.

Mr. CLAY. Mr. Chairman, I have one more speaker who is on his way; so, Mr. Chairman, I yield myself as much time as I may consume.

Let me say why I think we ought to vote this down.

First, the Straight A's does not ensure that dollars will reach the classroom. These dollars can be spent in any fashion that the local district would want it to be spent, and apparently that is the aim of those who are promoting this. But that is not what is best policy for this Nation. Our dollars ought to be spent on national problems that are not being addressed at the local level. This is not just a big fund where we just supplement the resources of local communities.

In addition to that, Straight A's undermines our commitment to the neediest children, the most educationally disadvantaged. If we do not target this money to those in the needy areas, the money will never get there. That is history; it will repeat itself.

Now I have heard over and over during this debate a lot of cliches, but I have not heard many logical recommendations for addressing the problems of our neediest children educationally. We keep hearing the cliche: let the people closer to the problem make the decisions. That is meaningless according to the legislation that is consistently proposed. If they wanted the people closest to the situation to make the decision, then they would give the money directly to the local school districts instead of transferring it through the governors of the States.

□ 2115

I keep hearing them talk about kids trapped in bad schools. Well, they do not give a damn about kids trapped in bad schools; their record indicates that. They are opposed to educating those kids in bad schools. They want to use this money to send kids to parochial schools; and the parochial schools, we do not know whether they are good or bad, because they do not test their kids. And they do not test their kids, and they do not have any assessments or any value system for whether or not one is achieving educationally.

I keep hearing this cliche about government is the problem, and I keep hearing it from people who are part of this government. I have been here 31 years. During that 31-year period, Republicans controlled the White House 20 years. The last 5 years, they have controlled the House and the Senate. They are the government, so if the problem is government, it is their problem, not the problem of the local school districts.

So I say to my colleagues that this is a bad bill, a very bad bill, and we ought to reject it summarily.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Chairman, I stand here in total opposition to the Academic Achievement for All Act, H.R. 2300. I must admit that the other side has a tremendous ability of making names sound good. If one listens to the names, how can one be opposed to this? The AAA. When one is on the highway, and one is looking for help, what does one look for? They look for the AAA. They come there to rescue; they come to give assistance; they get to you when you need someone, when you are someone in need. So the AAA sounds like a great title for this bill.

But what does the AAA do here? We now have this H.R. 2300 which eliminates the following Federal education programs, turns them into block grants, without any kind of adequate accountability: Title I compensatory education to help disadvantaged children, eliminated; class size reduction, eliminated; safe and drug-free schools, eliminated; Goals 2000, eliminated; Eisenhower Professional Development Training for Teachers, one of our great presidents and generals, named after him because of what he exemplifies, eliminated; vocational education, eliminated; emergency immigrant education, eliminated.

But what does it do? It gives flexibility to States. It allows governors to do what they want to do because they know best, it says. What will it do? It will allow vouchers for private schools.

So what we are saying is the defederalization of the 7 percent that the Federal Government had, and it dilutes targeting for special needs populations. It would result in significant funding shifts among localities. It would weaken accountability of Federal funds. The reason that the Federal Government became involved in education was because we found that the States turned their backs on those who were most in need. That is why the Federal Government came in and said we should have Title I programs, we should have Goals 2000. We ought to have School-to-Work so that we can have youngsters who are not going to college to be prepared for work.

So what does this do in one fell swoop? It takes it all out. What would it do? It would allow the use of public funds for private school voucher programs. It assumes that there are no legitimate national education priorities. When the Sputnik went up back in the late 1950s, early 1960s, when Russia was ahead of us in science and technology, our government came together and said we will have a national defense program. What was the national defense program? It was to put money in education so that we could put out engineers, so that we could put out scientists, so that we could beat the Russians to the moon; and we did, because we had a Federal national priority.

Now we are saying we have no longer any need for national priorities; we have no more a need for the government to focus on specific problems that we see in our society and say we need to overcome that, since the States are derelict in their responsibility. So along comes the AAA; and the AAA says, just let the governors do the right thing. We know they will do the right thing because, of course, to become a governor, one has to be right, right? Wrong. Governors before took the funds and did not distribute them properly.

Federal funds make up a minute 7 percent of total school revenues compared to State and local contributions; and these Federal resources must be targeted, that is the reason that we say the Federal Government should not dictate overall education policy. But there are some specific areas that we feel that the Federal Government wants to see more accountability, wants to see us engaged, and this bill just blindly trades flexibility for greater accountability. We have to hold people accountable.

So as we move into the new millennium and we see these tricky names coming up, the AAA, we are finding that this is going in the wrong direction; and I urge my colleagues to defeat H.R. 2300.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. FORD).

Mr. FORD. Mr. Chairman, I rise in strong opposition to H.R. 2300 because I believe, as many of my colleagues on this side of the aisle have said quite eloquently, including the gentleman from Missouri (Mr. CLAY) and the gentleman from New Jersey (Mr. PAYNE) and others, this bill simply abdicates our responsibility to help ensure educational excellence for all children.

I had the chance not long ago to visit a model early childhood center in my State and met one of the young stars there at the center, Ellen. Ellen, just 4 years old, has already mastered many of the technological tools that pervade our work places and our classrooms today. She sat with me as she e-mailed her mother and her mother e-mailed her back.

Over the past few days, we have spent countless hours, Mr. Chairman, debating and deliberating the importance of a national commitment to education, to the point where the Republican leadership now feels that we can just abandon our responsibility to America's children. I am somewhat confused because earlier today we voted on an amendment offered by the majority leader, and now hours later, we are voting on something that would simply nullify all that many of my colleagues on this side of the aisle voted on much earlier today. I realize that both the majority leader and the majority whip would prefer to see States go there own way, regardless of the consequences. But what I find strange is that this bill completely violates the whole notion of local control because it takes power from parents and schools and centralizes it in State capitals.

I am confident the Speaker has spent enough time in classrooms in talking with parents and teachers around this Nation to know that Americans simply do not see the things the way many of my colleagues on the other side of the aisle see them tonight. I would ask that he encourage all of his colleagues to do the right thing, not abdicate this responsibility, do what is right for all

of our kids so that all young people will have the same opportunity that Ellen has and all of my friends in America who enjoy Social Security and Medicare can be assured that all working people in the 21st century will have an education. That is what we are seeking to do on this side. Unfortunately, my friends on the other side do not want to do that.

Let us not run from our responsibilities now. Our future depends on it.

The CHAIRMAN. The gentleman from Missouri (Mr. CLAY) has 2½ minutes remaining.

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

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

Mr. Chairman, I am very proud to have had some responsibility as in relationship to this committee's activities during the last 4½ years. I am very proud because we have done so many wonderful things. We reauthorized IDEA. It is too early to say how well we did. We will not know because unfortunately, the Department was very, very late in getting any regulations out. Hopefully, we have improved the Individuals With Disabilities Education Act.

I am extremely proud that we have been able to get $2 billion more for that program. We pleaded and pleaded and pleaded for years; and finally, we now are getting a little bit closer to the commitment we made to local school districts as far as financing IDEA. We reformed the entire Jobs program, a disaster, a disaster. No way could anyone get anything worthwhile in order to make their life better because of the job training programs that were there. We brought the Vocational Education Program into the 21st century.

In higher education, we put our emphasis on quality teachers. And, I am also happy to say that we increased Pell grants dramatically in that whole program. Child nutrition, this committee moved the child nutrition bill that gives every youngster out there a greater opportunity for good nutrition. Ed-Flex, 50 States can now have Ed-Flex. Teachers Empowerment Act saying, you have reduced your class size. If you have done that, then we want you to make sure that the teachers you have are better qualified to teach, and if you need special ed teachers, we want you to do that. And yes, Title I.

For the first time today, the first time today, Title I no longer will be a block grant program. Now, in 1994 we tinkered a little, because we realized it was a disaster, we realized it needed something done, but it was still pretty much a pure block grant program. As long as one could show the auditor where those dollars were going, it did not matter what one did; and one had no responsibility to show anybody that there was any accountability, that there was any achievement gap that was changed because of the money one received from the Federal Government. Hopefully, with what we have done today, that will change.

But let me tell my colleagues, one of the greatest things was, $340 million more the appropriators are saying for education than the President requested. That is pretty outstanding, in my estimation. But let me go back to what we are doing now.

I heard all of these arguments, all of this doom and gloom back in 1994. The word ''flexibility'' on that side, that was swearing; you do not say a terrible word like that. And all of a sudden, in 1994, they said, well, maybe we can have a little bit of flexibility. And guess what? In 1999, I do not know what happened. All of a sudden everybody is for flexibility, and all 50 States now can have flexibility. Is that not amazing, how doom and gloom all of a sudden changed to something that everybody could support, 50 governors and mobs of people, that is not a good term, most of the people in the Congress of the United States.

Mr. Chairman, would my colleagues believe that no matter what we heard, we are not eliminating any programs. Is that not amazing. We are not eliminating any programs in this Straight A's bill, not one. What we are saying is, something that I wanted to do for years; I wanted to say hey, could I combine a little of these monies with this program and this program so I can make one of them work. We could not do that when I was a superintendent. One cannot do that now. But now, we have an opportunity to say yes, all of the programs remain, the State can choose, as a matter of fact, to go Straight A's. If they do not want to go Straight A's, the local district can choose.

But guess what? The accountability, the performance agreement is so tough that I have a feeling there will be very, very few States, just as in the flexibility. We said six and then we said 12, and really, only two took a great advantage of that program to make it work. Now we are saying that here are 10 States. Do you have the courage, do you have the courage to meet the accountability requirements that are in this legislation?

□ 2130

Your goals must reflect high standards for all students and performance gains must be substantial. You must take into account the progress of all school districts and all schools and all children. You must measure performance in terms of percentage of students meeting performance standards such as basic proficiency and advance. As a State, you must set goals to reduce achievement gaps between lowest and highest performing groups of students, without lowering the performance of the highest achieving student; but you have to prove that you have done something about that gap that we could not do anything about in all of these years in Title I; and, yes, States, you can set other goals to demonstrate performance such as increasing graduation and attendance rate in addition to assessment data, and you must report on student achievement and use of funds annually to the public and to the Secretary, and you get a mid-term review, and if you are not doing well in that mid-term review you struck out and you lose your eligibility and you could lose loss of administrative funds if as a matter of fact as a State you did not make everyone live up to these standards and these requirements.

So I am happy to say that by the end of this day hopefully we will be giving every child in this country an equal opportunity for an academic program that spells success in future lives. I said many times; we cannot lose 50 percent of our students as we presently are. We positively for their sake and positively for the sake of this country, we will not compete in this 21st century unless we can make sure that every student is ready to get into the high-tech society and be able to succeed in the 21st century. I would encourage everyone to vote for the legislation.

Mr. GOODLING. Mr. Chairman, today we are here to debate the centerpiece of our education reform agenda which I introduced earlier this year, the Academic Accountability for All Act, known as Straight A's.

We have 129 cosponsors for this landmark legislation, and we have the support of many of the nation's Governors and chief state school officers too.

Today we passed H.R. 2, the Students Results Act. In that bill we made some important improvements to Title I program, along with other programs targeted at disadvantaged students. It is appropriate that we now move to Straight A's.

Straight A's is an option for those States that want to break the mold and try something new: more flexibility, in exchange for greater accountability than current law. It transforms the federal role from CEO to an investor. It is for States that believe they have the capacity to improve the achievement of their most disadvantaged students. Like welfare programs earlier this decade, where states like Wisconsin received waivers to implement ambitious and highly effective programs, we should free-up high-performing states to lead the way in education.

Let me assure you we are in no way contradicting or invalidating what we have just passed. In fact, most States would likely continue with the current categorical structure and operate under the Title I program just passed.

The status-quo education groups here in Washington want to keep things the way they are. We have drafted this legislation because of what we have heard from Governors, chief state school officers, superintendents, principals and teachers from around the country, not because of lobbyists in Washington. The people in the trenches want real change and they are the people who have made Straight A's what it is today.

Let me share with you what some of them have said. Governor Jeb Bush of Florida is in favor of more accountability, in exchange for more flexibility. According to the Governor,

> We can increase the impact that federal dollars will have on student learning in our State, if we are provided with more freedom and less one-size-fits-all regulations from the federal government.

Paul Vallas, Superintendent of the Chicago Public Schools has also asked for this flexibility. Chicago Public Schools have been the model of many reforms such as ending social promotion. He told my Committee earlier this year that they wanted the federal government to be a partner, not a puppet master. He said that instead

> What we want is greater flexibility in the use of federal funds coupled with great accountability for achieving the desired results. We in Chicago, for example, would be delighted to enter into a contract with the Department of Education, specifying what we would achieve with our students, and with selected groups of students.
>
> And we would work diligently to fulfill—and exceed—the terms of such a contract. We would be held accountable for the result.

Who are we to say you can't improve, you can't reform, you can't succeed? Much of what is new in Title I is taken from what States like Texas and Florida and cities like Chicago have shown to be effective. Why should we ask them to abide by our program requirements, when their programs are the ones that are working and improving achievement and the federal programs are not?

For more than three decades the Federal government has sent hundreds of billions of dollars to the States through scores of Washington-based education programs. Has this enormous investment helped improve student achievement? Unfortunately, we have no evidence that it has.

After thirty years and more than $120 billion, Title I has not had the desired effect of closing achievement gaps.

States now have access to ''Ed-Flex,'' which we passed earlier this year in spite of the Administration's initial protests.

Ed-Flex gives schools and school districts more freedom to tailor Federal education programs to meet their needs and remove obstacles to reform.

Ed-Flex, however, was only a first step. Ed-Flex is designed to make categorical Federal programs work better at the local level. But States still have to follow federal priorities and requirements that may or may not address the needs of children in their state. It is time to modernize the Federal education funding mechanism investment so that it reflects the needs of States and school districts for the 21st century.

For those States or school districts that choose to participate, Straight A's will fundamentally change the relationship between the Federal government and the States.

Straight A's will untie the hands of those States that have strong accountability systems in place, in exchange for meeting student performance improvement targets. This sort of accountability for performance does not exist in current law: states must improve achievement to participate in Straight A's. And if they let their scores go down for the first three years, they can get kicked out before the five year term is up. Nothing happens to States that decline for three years in current law.

States do not even have to report overall performance gains or demonstrate that all groups of students are making progress.

Straight A's frees States to target all of their federal dollars on disadvantaged students and narrowing achievement gaps, which could mean an additional $5 billion for needy children if all states participated. Under current law, States couldn't target more federal dollars for this purpose. This legislation also rewards those States that significantly narrow achievement gaps with a five percent reward, an incentive that does not exist in current law.

When we pass Straight A's, all students, especially the disadvantaged students who were the focus of Federal legislation in 1965, may finally receive effective instruction and be held to high standards.

For too long States and schools have been able to hide behind average test scores, and to show that they are helping disadvantaged children merely by spending money in the right places. That must come to an end when states participate in Straight A's. States and school districts must now focus on the most effective way of improving achievement, not on just complying with how the federal government says they have to spend their money.

Schools should be free to focus on improving teacher quality, implement research-based instruction, and operate effective after-school programs. Federal process requirements have created huge amounts of paperwork for people at the local level, and distract from improving student learning.

I would encourage everyone to listen carefully when people talk about accountability: Are they talking about accountability for process—making sure States and districts meet federal guidelines and priorities, the ''check-off'' system, or are they talking about accountability for real gains in academic achievement? Will achievement gaps close as a result, or will States just have to fill out a lot of paperwork about numbers of children served without any mention of performance improvements.

I know that most of you from the other side of the aisle are poised to shoot down this opportunity to advance effective education reform in the States and local school districts. I hope I can encourage you to have an open mind—to think outside the box—and consider this important piece of legislation. Listen to the people who are turning around low performing schools and districts. They want Straight A's.

Let's give the States that choose to do so the opportunity to build on their successes and improve the achievement of all of their students. The federal government can lend a helping hand rather than a strangle hold.

Mr. PAUL. Mr. Chairman, those who wish to diminish federal control over education should cast an unenthusiastic yes vote for the Academic Achievement for All Students Freedom and Accountability Act (STRAIGHT ''A's''). While this bill does increase the ability of state and local governments to educate children free from federal mandates and regulations, and is thus a marginal improvement over existing federal law, STRAIGHT ''A's'' fails to challenge the federal government's unconstitutional control of education. In fact, under STRAIGHT ''A's'' states and local school districts will still be treated as administrative subdivisions of the federal education bureaucracy. Furthermore, this bill does not remove the myriad requirements imposed on states and local school districts by federal bureaucrats in the name of promoting ''civil rights.'' Thus, a school district participating in STRAIGHT ''A's'' will still have to place children in failed bilingual education programs or face the wrath of the Department of Education's misnamed Office of Civil Rights.

The fact that this bill increases, however marginally, the ability of states and localities to control education, is a step forward. As long as the federal government continues to levy oppressive taxes on the American people, and then funnel that money back to the states to use for education programs, defenders of the Constitution should support all efforts to reduce the hoops through which states must jump in order to reclaim some of the people's tax monies.

However, there are a number of both practical and philosophical concerns regarding this bill. While the additional flexibility granted under this bill will be welcomed by the ten states allowed by the federal overseers to participate in the program, there is no justification to deny this flexibility to the remaining forty states. After all, federal education money represents the return of funds illegitimately taken from the American taxpayers to their states and communities. It is the pinnacle of arrogance for Congress to pick and choose which states are worthy of relief from federal strings in how they use what is, after all, the people's money.

The primary objection to STRAIGHT ''A's'' from a constitutional viewpoint, is embedded in the very mantra of ''accountability'' stressed by the drafters of the bill. Talk of accountability begs the question: accountable to whom? Under this bill, schools remain accountable to federal bureaucrats and those who develop the state tests upon which a participating school's performance is judged. Should the schools not live up to their bureaucratically-determined ''performance goals,'' they will lose the flexibility granted to them under this act. So federal and state bureaucrats will determine if the schools are to be allowed to participate in the STRAIGHT ''A's'' programs and bureaucrats will judge whether the states are living up to the standards set in the state's five-year education plan—yet this is supposed to debureaucratize and decentralize education!

Under the United States Constitution, the federal government has no authority to hold states ''accountable'' for their education performance. In the free society envisioned by the founders, schools are held accountable to parents, not federal bureaucrats. However, the current system of leveling oppressive taxes on America's families and using those taxes to fund federal education programs denies parental control of education by denying them control over the education dollar. Because ''he who pays the piper calls the tune,'' when the federal government controls the education dollar schools will obey the dictates of federal ''educrats'' while ignoring the wishes of the parents.

In order to provide parents with the means to hold schools accountable, I have introduced the Family Education Freedom Act (H.R. 935). The Family Education Freedom Act restores parental control over the classroom by providing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principal of a truly free economy to America's education system: what the great economist Ludwig von Mises called ''consumer sovereignty.'' Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the

means by which the free society maximizes human happiness.

When parents control the education dollar, schools must be responsive to parental demands that their children receive first-class educations, otherwise, parents will find alternative means to educate their children. Furthermore, parents whose children are in public schools may use their credit to improve their schools by helping to finance the purchase of educational tools such as computers or extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services for their children.

It is the Family Education Freedom Act, not STRAIGHT ''A's'', which represents the education policy best suited for a constitutional republic and a free society. The Family Education Freedom Act ensures that schools are accountable to parents, whereas STRAIGHT ''A's'' continues to hold schools accountable to bureaucrats.

Since the STRAIGHT ''A's'' bill does give states an opportunity to break free of some federal mandates, supporters of returning the federal government to its constitutional limits should support it. However, they should keep in mind that this bill represents a minuscule step forward as it fails to directly challenge the federal government's usurpation of control over education. Instead, this bill merely gives states greater flexibility to fulfill federally-defined goals. Therefore, Congress should continue to work to restore constitutional government and parental control of education by defunding all unconstitutional federal programs and returning the money to America's parents so that they may once again control the education of their children.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in strong opposition to H.R. 2300, the so-called ''Academic Achievement for All Act.'' With this bill, the Republican majority takes a step backward by eliminating our federal commitment to education and washing the federal government's hands of its responsibility to our nation's students.

H.R. 2300 would establish a pilot program to allow ten states to use federal funds designated for programs like Safe and Drug Free Schools, Literacy Challenge Fund, and Title I funds, for virtually anything they deem ''educationally relevant.'' This essentially amounts to the block granting of Title I funds, which are critically important to the disadvantaged students in my district.

Title I of ESEA has done more for our nation's poor children than any other program. The possibility that this money may never reach our neediest students could have a devastating and lasting effect on their future. H.R. 2300, however, would allow states to give away federal funds specifically targeted for schools and students with the greatest need and give them to more affluent and wealthier school districts. This is just plan wrong.

The proponents of H.R. 2300 claim that state flexibility from federal requirements will focus more funding and attention on the needs of low-income and minority students. But the track record of most states, in the use of their own dollars suggests that low-income students lose, not gain, when states are not directed to do so. A 1998 GAO report which focused on state and federal efforts to target poor students found that, in 45 of the 47 states studied, federal funds were more targeted at low-income students than were state funds. The report further found that combining federal and state funds as proposed by this bill, would decrease the likelihood that the funding would reach the neediest students.

Mr. Chairman, no one is arguing against promoting high academic standards for all children. But in order to accomplish this we need to target limited resources to children with the greatest need. The truth is that only a strong federal role in reduction will assure that all children have equal access to a quality education.

Instead of weakening educational progress by promoting legislation such as H.R. 2300, I hope that my colleagues will work in a bipartisan way to strengthen accountability provisions to ensure that states are held responsible for the achievement of all their students, regardless of their income.

I urge my colleagues to vote against this ill-conceived and counterproductive bill.

Mr. WU. Mr. Chairman. I rise today in strong opposition to H.R. 2300, the so-called Academic Achievement for all Act (Straight A's Act).

For the past two days, Members from both sides of the aisle have worked together on the House floor to pass H.R. 2, the Student results Act. This bill strengthens Title I of the Elementary and Secondary Education Act. We were able to pass a bi-partisan bill that is good for our nation's children. Before the ink is even dry, the Majority party is seeking to overturn the improvements that we joined together to pass.

The Straight A's Act is plain and simple, a blank check without safeguards. The bill would block grant nearly ¾ of federal education programs including Title I, Eisenhower Professional Development for Teachers, and the Class-Size Initiative. I shudder to imagine how many students will fall through the cracks.

Under this scheme, gone would be the focus on specific national concerns of federal education programs that have evolved over thirty-five years with strong bipartisan support. Gone would be the targeting of funds based on identified need which now helps assure services for students who need them.

I agree with the proponents of the legislation that we need to provide more control and flexibility to the local level, which is why I worked to secure passage of the Education Flexibility Act. Ed Flex lifts burdensome and unneeded federal regulations to provide local schools flexibility and the opportunity for innovation. Let us continue on the path of passing common-sense legislation that meets these goals without cheating our nation's school children. H.R. 2300 is not the answer. I urge Members to vote against the bill.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong opposition to H.R. 2300, the Academic Achievement for All Act. This legislation is nothing less than a block grant program that gives states a ''blank check'' for billions of dollars, without accountability or protection of our most disadvantaged students.

I cannot support legislation that attempts to educate our children on the backs of poor students.

H.R. 2300 would allow states to convert part of all Federal aid into private school vouchers; and it would allow states to take funding for poor schools and give it to the most affluent students; and it would allow states to take funds appropriated specifically for special needs students, and use it for the general student population.

H.R. 2300 guts the very core of Title I, the nation's $8 billion flagship program for our poorest students, by allowing States to distribute funds in a way that the governors and State legislatures decide, instead of by need and poverty-based allocation procedures.

And this bill would eviscerate other federal programs targeted at disadvantaged students. For instance, class size reduction allocations are based largely on the number of poor children in each district. Similarly, criteria for State allocation of Safe and Drug-Free Schools funds to local education agencies include ''high-need factors'' such as high rates of drug use or student violence.

Most Federal education programs were created specifically to serve disadvantaged groups, after Congress found that States and localities were not meeting the needs of those groups on their own. Today, the GAO still finds that State funding formulas are significantly less targeted on high-need districts and children than are Federal formulas. We must not give these States the opportunity to take money away from their poorest children.

I am also concerned that H.R. 2300 will strike our national priorities, despite overwhelming public support for these area. For example, national leadership by Congress to reduce class size in the early grades, tackle youth and drug alcohol abuse, provide professional development for teachers, and enhance technology in the schools have already reaped rewards. H.R. 2300 would allow the States to ignore these important priorities.

Moreover, I find it ludicrous that the Republican Majority would pass this Super-flex bill after a four day mark-up H.R. 2. H.R. 2, as amended by the Committee, maintains targeting requirements to serve poorest schools, first, increase funding for Title I schools, requires parent report cards to help parents hold schools accountable, requires all teachers to become fully accountable, prohibits use of Title I funds for private vouchers, requires all states to have rigorous standards and assessments, and makes permanent the comprehensive, research based educational school reform program that helps communities overhaul struggling schools.

H.R. 2300 eviscerates these reforms.

The Republicans have attempted to pass bock grants before, most recently with its Dollars to the Classroom legislation. However, their Block grants have failed because they lack accountability and they lead to decreased funding.

For example, in 1981, Congress consolidated 26 programs into a single block grant (now Title VI of ESEA). Since then, funding for Title VI has dwindled, falling 63 percent in real terms since 1981. Today, the program has no accountability, no focus, and can demonstrate no success in improving educational achievement. And the Republicans want to do it all over again with H.R. 2300.

The Republican Majority's emphasis on block granting, eliminating oversight and accountability, and eliminating targeting, flies in the face of the ''Academic Achievement for All'' that the Majority purport to want. Only a strong federal role in education will assure that all children have equal access and equal opportunity to quality education.

While Super-flex may be a bonanza for governors, it excludes local school district participation. The Council of Great City Schools,

which represents the country's largest and most diverse public schools, strongly opposes H.R. 2300:

> The bill repeals from current law virtually all critical local decision-making authority regarding the use and focus of the super flex funding, allowing the States to dictate local uses of funds based upon their political judgment at the moment . . . [It allows] . . . the State's chosen priority, to the exclusion of local school district priorities such as reading, math, science, or special needs children. A state could decide to use all these federal funds for private school vouchers, if allowed under State law.

The public wants us to improve education. They want us to promote high academic standards for all children, reduce class size, target resources to children with the greatest need, and enhance public accountability and oversight.

This bill shamefully abandons these standards and our commitment to education, and leaves disadvantaged schools and school children to fend for themselves.

I urge all of my colleagues to vote against H.R. 2300.

Mr. MORAN of Virginia. Mr. Chairman, I rise in strong opposition to this legislation. This bill is the very height of hypocrisy.

This legislation comes from a party who tried to eliminate the U.S. Department of Education in 1995.

This is the same party who is proposing $1.3 billion in cuts to priority education funding for this fiscal year.

These are the same people who have a two tiered agenda for federal education programs: to block grant programs and then cut the block grants. They may offer these proposals under the guise of education reform, and reducing federal oversight of education, but don't be fooled.

This bill represents a fundamental lack of understanding the purpose of the important federal role in education. The federal role is not at all what the proponents of the so called Academic Achievement for All Act would have you believe.

The federal role is not to dictate specific standards or some sinister plot to take over our local schools. The U.S. Department of Education doesn't want control over our local schools as some members would have you believe.

The federal role in education is to meet needs and build capacity in areas that are not met by state and local funding. Their role is an important one to recognize these areas of unmet needs from their unique national perspective. The Department is able to take a small investment and target it effectively to these areas of need where the funds can truly make a difference.

Proponents of the Academic Achievement for All Act would eviscerate states and localities from their responsibility to target funds to our most needy young students; and they plan to do this without meaningful accountability measures.

The Academic Achievement for All Act is a misguided attempt to hand virtually all funding for federal education programs over to the states to decide how to spend this money.

Historically, I am sorry to say, states and localities have often not stepped up to the plate in their responsibility to address funding disparities for schools in disadvantaged communities.

In short, this legislation is a thinly veiled step in the Republican party's assault on our public education system. I urge my colleagues to support all children's rights to quality public education regardless of their economic means by opposing this very bad bill.

Mr. PACKARD. Mr. Chairman, I would like to encourage my colleagues to support H.R. 2300, the Academic Achievement for All Act (Straight A's). I believe that the era of one-size-fits-all federal education regulations is a relic of the past. Across America we see success stories in schools that have been empowered to make their own decisions without federal interference. Educating children does not work with a ''one-size-fits-all'' approach. Teachers in local classrooms understand children better than anyone in Washington.

Straight A's would allow schools to spend federal education dollars on the things that will most improve America's education programs, rather than leaving these decisions up to a Washington bureaucrats. With this legislation schools can establish accountability, hire new teachers, and provide better facilities—all under local control.

Mr. Chairman, I support accountability and local control in education. Let's give parents and educators more control over our children's future. I urge my colleagues to support the Academic Achievement for All Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill, modified by the amendments printed in part A of House Report 106–408, is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute, as modified, is as follows:

H.R. 2300

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 ''Academic Achievement for All Act (Straight A's Act)''.

SEC. 2. PURPOSE.

The purpose of this Act is to create options for States and communities—

(1) to improve the academic achievement of all students, and to focus the resources of the Federal Government upon such achievement;

(2) to improve teacher quality and subject matter mastery, especially in math, reading, and science;

(3) to empower parents and schools to effectively address the needs of their children and students;

(4) to give States and communities maximum freedom in determining how to boost academic achievement and implement education reforms;

(5) to eliminate Federal barriers to implementing effective State and local education programs;

(6) to hold States and communities accountable for boosting the academic achievement of all students, especially disadvantaged children; and

(7) to narrow achievement gaps between the lowest and highest performing groups of students so that no child is left behind.

SEC. 3. PERFORMANCE AGREEMENT.

(a) PROGRAM AUTHORIZED.—Not more than 10 States may, at their option, execute a performance agreement with the Secretary under which the provisions of law described in section 4(a) shall not apply to such State except as otherwise provided in this Act.''.

(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and districts notice and opportunity to comment on any proposed performance agreement prior to submission to the Secretary as provided under general State law notice and comment provisions.

(c) APPROVAL OF PERFORMANCE AGREEMENT.—A performance agreement submitted to the Secretary under this section shall be considered as approved by the Secretary within 60 days after receipt of the performance agreement unless the Secretary provides a written determination to the State that the performance agreement fails to satisfy the requirements of this Act before the expiration of the 60-day period.

(d) TERMS OF PERFORMANCE AGREEMENT.—Each performance agreement executed pursuant to this Act shall include the following provisions:

(1) TERM.—A statement that the term of the performance agreement shall be 5 years.

(2) APPLICATION OF PROGRAM REQUIREMENTS.—A statement that no program requirements of any program included by the State in the performance agreement shall apply, except as otherwise provided in this Act.

(3) LIST.—A list provided by the State of the programs that it wishes to include in the performance agreement.

(4) USE OF FUNDS TO IMPROVE STUDENT ACHIEVEMENT.—A 5-year plan describing how the State intends to combine and use the funds from programs included in the performance agreement to advance the education priorities of the State, improve student achievement, and narrow achievement gaps between students.

(5) ACCOUNTABILITY REQUIREMENTS.—If a State includes any part of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall include a certification that the State has done the following:

(A)(i) developed and implemented the challenging State content standards, challenging State student performance standards, and aligned assessments described in section 1111(b) of the Elementary and Secondary Education Act of 1965; or

(ii) developed and implemented a system to measure the degree of change from one school year to the next in student performance;

(B) developed and is implementing a statewide accountability system that has been or is reasonably expected to be effective in substantially increasing the numbers and percentages of all students who meet the State's proficient and advanced levels of performance;

(C) established a system under which assessment information may be disaggregated within each State, local educational agency, and school by each major racial and ethnic group, gender, English proficiency status, migrant status, and by economically disadvantaged students as compared to students who are not economically disadvantaged (except that such disaggregation shall not be required in cases in which the number of students in any such group is insufficient to yield statistically reliable information or would reveal the identity of an individual student);

(D) established specific, measurable, numerical performance objectives for student achievement, including a definition of performance considered to be proficient by the State on the academic assessment instruments described under subparagraph (A);

(E) developed and implemented a statewide system for holding its local educational agencies and schools accountable for student performance that includes—

(i) a procedure for identifying local educational agencies and schools in need of improvement, using the assessments described under subparagraph (A);

(ii) assisting and building capacity in local educational agencies and schools identified as in need of improvement to improve teaching and learning; and

(iii) implementing corrective actions after no more than 3 years if the assistance and capacity building under clause (ii) is not effective.

(6) PERFORMANCE GOALS.—

(A) STUDENT ACADEMIC ACHIEVEMENT.—Each State shall establish annual student performance goals for the 5-year term of the performance agreement that, at a minimum—

(i) establish a single high standard of performance for all students;

(ii) take into account the progress of students from every local educational agency and school in the State;

(iii) are based primarily on the State's challenging content and student performance standards and assessments described under paragraph (5)(A);

(iv) include specific annual improvement goals in each subject and grade included in the State assessment system, which must include, at a minimum, reading or language arts and math;

(v) compares the proportions of students at the ''basic'', ''proficient'', and ''advanced'' levels of performance (as defined by the State) with the proportions of students at each of the 3 levels in the same grade in the previous school year;

(vi) includes annual numerical goals for improving the performance of each group specified in paragraph (5)(C) and narrowing gaps in performance between the highest and lowest performing students in accordance with section 10(b); and

(vii) requires all students in the State to make substantial gains in achievement.

(B) ADDITIONAL INDICATORS OF PERFORMANCE.—A State may identify in the performance agreement any additional indicators of performance such as graduation, dropout, or attendance rates.

(C) CONSISTENCY OF PERFORMANCE MEASURES.—A State shall maintain, at a minimum, the same level of challenging State student performance standards and assessments throughout the term of the performance agreement.

(7) FISCAL RESPONSIBILITIES.—An assurance that the State will use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the State under this Act.

(8) CIVIL RIGHTS.—An assurance that the State will meet the requirements of applicable Federal civil rights laws.

(9) PRIVATE SCHOOL PARTICIPATION.—

(A) EQUITABLE PARTICIPATION.—An assurance that the State will provide for the equitable participation of students and professional staff in private schools.

(B) APPLICATION OF BYPASS.—An assurance that sections 14504, 14505, and 14506 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8894, 8895, and 8896) shall apply to all services and assistance provided under this Act in the same manner as they apply to services and assistance provided in accordance with section 14503 of such Act.

(10) STATE FINANCIAL PARTICIPATION.—An assurance that the State will not reduce the level of spending of State funds for elementary and secondary education during the term of the performance agreement.

(11) ANNUAL REPORT.—An assurance that not later than 1 year after the execution of the performance agreement, and annually thereafter, each State shall disseminate widely to parents and the general public, submit to the Secretary, distribute to print and broadcast media, and post on the Internet, a report that includes—

(A) student academic performance data, disaggregated as provided in paragraph (5)(C); and

(B) a detailed description of how the State has used Federal funds to improve student academic performance and reduce achievement gaps to meet the terms of the performance agreement.

(e) SPECIAL RULE.—If a State does not include any part of title I of the Elementary and Secondary Education Act of 1965 in its performance agreement, the State shall—

(1) certify that it has developed a system to measure the academic performance of all students; and

(2) establish challenging academic performance goals for such other programs using academic assessment data described in paragraph (5).

(f) AMENDMENT TO PERFORMANCE AGREEMENT.—A State may submit an amendment to the performance agreement to the Secretary under the following circumstances:

(1) REDUCE SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend the performance agreement through a request to withdraw a program from such agreement. If the Secretary approves the amendment, the requirements of existing law shall apply for any program withdrawn from the performance agreement.

(2) EXPAND SCOPE OF PERFORMANCE AGREEMENT.—Not later than 1 year after the execution of the performance agreement, a State may amend its performance agreement to include additional programs and performance indicators for which it will be held accountable.

(3) APPROVAL OF AMENDMENT.—An amendment submitted to the Secretary under this subsection shall be considered as approved by the Secretary within 60 days after receipt of the amendment unless the Secretary provides a written determination to the State that the performance agreement if amended by the amendment would fail to satisfy the requirements of this Act, before the expiration of the 60-day period.

SEC. 4. ELIGIBLE PROGRAMS.

(a) ELIGIBLE PROGRAMS.—The provisions of law referred to in section 3(a) except as otherwise provided in subsection (b), are as follows:

(1) Part A of title I of the Elementary and Secondary Education Act of 1965.

(2) Part B of title I of the Elementary and Secondary Education Act of 1965.

(3) Part C of title I of the Elementary and Secondary Education Act of 1965.

(4) Part D of title I of the Elementary and Secondary Education Act of 1965.

(5) Part B of title II of the Elementary and Secondary Education Act of 1965.

(6) Section 3132 of title III of the Elementary and Secondary Education Act of 1965.

(7) Title IV of the Elementary and Secondary Education Act of 1965.

(8) Title VI of the Elementary and Secondary Education Act of 1965.

(9) Section 307 of the Department of Education Appropriation Act of 1999.

(10) Comprehensive school reform programs as authorized under section 1502 of the Elementary and Secondary Education Act of 1965 and described on pages 96–99 of the Joint Explanatory Statement of the Committee of Conference included in House Report 105–390 (Conference Report on the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1998).

(11) Part C of title VII of the Elementary and Secondary Education Act of 1965.

(12) Title III of the Goals 2000: Educate America Act.

(13) Sections 115 and 116, and parts B and C of title I of the Carl D. Perkins Vocational Technical Education Act.

(14) Subtitle B of title VII of the Stewart B. McKinney Homeless Assistance Act.

(b) ALLOCATIONS TO STATES.—A State may choose to consolidate funds from any or all of the programs described in subsection (a) without regard to the program requirements of the provisions referred to in such subsection, except that the proportion of funds made available for national programs and allocations to each State for State and local use, under such provisions, shall remain in effect unless otherwise provided.

(c) USES OF FUNDS.—Funds made available under this Act to a State shall be used for any elementary and secondary educational purposes permitted by State law of the participating State.

SEC. 5. WITHIN-STATE DISTRIBUTION OF FUNDS.

(a) IN GENERAL.—The distribution of funds from programs included in a performance agreement from a State to a local educational agency within the State shall be determined by the Governor of the State and the State legislature. In a State in which the constitution or State law designates another individual, entity, or agency to be responsible for education, the allocation of funds from programs included in the performance agreement from a State to a local educational agency within the State shall be determined by that individual, entity, or agency, in consultation with the Governor and State Legislature. Nothing in this section shall be construed to supersede or modify any provision of a State constitution or State law.

(b) LOCAL INPUT.—States shall provide parents, teachers, and local schools and districts notice and opportunity to comment on the proposed allocation of funds as provided under general State law notice and comment provisions.

(c) LOCAL HOLD HARMLESS OF PART A TITLE 1 FUNDS.—

(1) IN GENERAL.—In the case of a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement, the agreement shall provide an assurance that each local educational agency shall receive under the performance agreement an amount equal to or greater than the amount such agency received under part A of title I of such Act in the fiscal year preceding the fiscal year in which the performance agreement is executed.

(2) PROPORTIONATE REDUCTION.—If the amount made available to the State from the Secretary for a fiscal year is insufficient to pay to each local educational agency the amount made available under part A of title I of the Elementary and Secondary Education Act of 1965 to such agency for the preceding fiscal year, the State shall reduce the amount each local educational agency receives by a uniform percentage.

SEC. 6. LOCAL PARTICIPATION.

(a) NONPARTICIPATING STATE.—

(1) IN GENERAL.—If a State chooses not to submit a performance agreement under this Act, any local educational agency in such State is eligible, at its option, to submit to the Secretary a performance agreement in accordance with this section.

(2) AGREEMENT.—The terms of a performance agreement between an eligible local educational agency and the Secretary shall specify the programs to be included in the performance agreement, as agreed upon by the State and the agency, from the list under section 4(a).

(b) STATE APPROVAL.—When submitting a performance agreement to the Secretary, an eligible local educational agency described in subsection (a) shall provide written documentation from the State in which such agency is located that it has no objection to the agency's proposal for a performance agreement.

(c) APPLICATION.—

(1) IN GENERAL.—Except as provided in this section, and to the extent applicable, the requirements of this Act shall apply to an eligible local educational agency that submits a performance agreement in the same manner as the requirements apply to a State.

(2) EXCEPTIONS.—The following provisions shall not apply to an eligible local educational agency:

(A) WITHIN STATE DISTRIBUTION FORMULA NOT APPLICABLE.—The formula for the allocation of funds under section 5 shall not apply.

(B) STATE SET ASIDE SHALL NOT APPLY.—The State set aside for administrative funds in section 7 shall not apply.

SEC. 7. LIMITATIONS ON STATE AND LOCAL EDUCATIONAL AGENCY ADMINISTRATIVE EXPENDITURES.

(a) IN GENERAL.—Except as otherwise provided under subsection (b), a State that includes part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 1 percent of such total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(b) EXCEPTION.—A State that does not include part A of title I of the Elementary and Secondary Education Act of 1965 in the performance agreement may use not more than 3 percent of the total amount of funds allocated to such State under the programs included in the performance agreement for administrative purposes.

(c) LOCAL EDUCATIONAL AGENCY.—A local educational agency participating in this Act under a performance agreement under section 6 may not use for administrative purposes more than 4 percent of the total amount of funds allocated to such agency under the programs included in the performance agreement.

SEC. 8. PERFORMANCE REVIEW.

(a) MID-TERM PERFORMANCE REVIEW.—If, during the 5 year term of the performance agreement, student achievement significantly declines for 3 consecutive years in the academic performance categories established in the performance agreement, the Secretary may, after notice and opportunity for a hearing, terminate the agreement

(b) FAILURE TO MEET TERMS.—If at the end of the 5-year term of the performance agreement a State has not substantially met the performance goals submitted in the performance agreement, the Secretary shall, after notice and an opportunity for a hearing, terminate the performance agreement and the State shall be required to comply with the program requirements, in effect at the time of termination, for each program included in the performance agreement.

(c) PENALTY FOR FAILURE TO IMPROVE STUDENT PERFORMANCE.—If a State has made no progress toward achieving its performance goals by the end of the term of the agreement, the Secretary may reduce funds for State administrative costs for each program included in the performance agreement by up to 50 percent for each year of the 2-year period following the end of the term of the performance agreement.

SEC. 9. RENEWAL OF PERFORMANCE AGREEMENT.

(a) NOTIFICATION.—A State that wishes to renew its performance agreement shall notify the Secretary of its renewal request not less than 6 months prior to the end of the term of the performance agreement.

(b) RENEWAL REQUIREMENTS.—A State that has met or has substantially met its performance goals submitted in the performance agreement at the end of the 5-year term may reapply to the Secretary to renew its performance agreement for an additional 5-year period. Upon the completion of the 5-year term of the performance agreement or as soon thereafter as the State submits data required under the agreement, the Secretary shall renew, for an additional 5-year term, the performance agreement of any State that has met or has substantially met its performance goals.

SEC. 10. ACHIEVEMENT GAP REDUCTION REWARDS.

(a) CLOSING THE GAP REWARD FUND.—

(1) IN GENERAL.—To reward States that make significant progress in eliminating achievement gaps by raising the achievement levels of the lowest performing students, the Secretary shall set aside sufficient funds from the Fund for the Improvement of Education under part A of title X of the Elementary and Secondary Education Act of 1965 to grant a reward to States that meet the conditions set forth in subsection (b) by the end of their 5-year performance agreement.

(2) REWARD AMOUNT.—The amount of the reward referred to in paragraph (1) shall be not less than 5 percent of funds allocated to the State during the first year of the performance agreement for programs included in the agreement.

(b) CONDITIONS OF PERFORMANCE REWARD.—Subject to paragraph (3), a State is eligible to receive a reward under this section as follows:

(1) A State is eligible for such an award if the State reduces by not less than 25 percent, over the 5-year term of the performance agreement, the difference between the percentage of highest and lowest performing groups of students that meet the State's definition of ''proficient'' as referenced in section 1111(b)(1)(D)(i)(II) of the Elementary and Secondary Education Act of 1965.

(2) A State is eligible for such an award if a State increases the proportion of 2 or more groups of students under section 3(d)(5)(C) that meet State proficiency standards by 25 percent.

(3) A State shall receive such an award if the following requirements are met:

(A) CONTENT AREAS.—The reduction in the achievement gap or approvement in achievement shall include not less than 2 content areas, one of which shall be mathematics or reading.

(B) GRADES TESTED.—The reduction in the achievement gap or improvement in achievement shall occur in at least 2 grade levels.

(c) RULE OF CONSTRUCTION.—Student achievement gaps shall not be considered to have been reduced in circumstances where the average academic performance of the highest performing quintile of students has decreased.

SEC. 11. STRAIGHT A'S PERFORMANCE REPORT.

The Secretary shall make the annual State reports described in section 3 available to the House Committee on Education and the Workforce and the Senate Committee on Health, Education, Labor and Pensions not later than 60 days after the Secretary receives the report.

SEC. 12. APPLICABILITY OF TITLE XIV OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

To the extent that provisions of title XIV of the Elementary and Secondary Education Act of 1965 are inconsistent with this Act, this Act shall be construed as superseding such provisions.

SEC. 13. APPLICABILITY OF GENERAL EDUCATION PROVISIONS ACT.

To the extent that the provisions of the General Education Provisions Act are inconsistent with this Act, this Act shall be construed as superseding such provisions, except where relating to civil rights, withholding of funds and enforcement authority, and family educational and privacy rights.

SEC. 14. APPLICABILITY TO HOME SCHOOLS.

Nothing in this Act shall be construed to affect home schools whether or not a home school is treated as a private school or home school under State law.

SEC. 15. GENERAL PROVISIONS REGARDING NON-RECIPIENT, NON-PUBLIC SCHOOLS.

Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law.

SEC. 16. DEFINITIONS.

For the purpose of this Act:

(1) ALL STUDENTS.—The term ''all students'' means all students attending public schools or charter schools that are participating in the State's accountability and assessment system.

(2) ALL SCHOOLS.—The term ''all schools'' means all schools that are participating in the State's accountability and assessment system.

(3) LOCAL EDUCATIONAL AGENCY.—The term ''local educational agency'' has the same meaning given such term in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Education.

(5) STATE.—The term ''State'' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and American Samoa.

SEC. 17. EFFECTIVE DATE.

This Act shall take effect with respect to funds appropriated for the fiscal year beginning October 1, 2000.

The CHAIRMAN. No amendment to that amendment shall be in order except those printed in part B of that report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

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.

The Chair understands that amendment No. 1 will not be offered.

It is now in order to consider amendment No. 2 printed in part B of House Report 106–408.

AMENDMENT NO. 2 OFFERED BY MR. FATTAH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FATTAH:

Page 22, line 20, redesignate section 16 as section 17 and insert after line 9 the following:

SEC. 16. EDUCATIONAL EQUITY.

(a) EDUCATIONAL EQUITY.—Notstanding any other provision of this Act, beginning 3 years after the date of enactment of this Act no State shall receive Federal funds for its performance agreement under programs specified in section 4 unless the State certifies annually to the Secretary that—

(1) per pupil expenditure in the local educational agencies in the State are substantially equal, taking into consideration the variation in cost of serving pupils with special needs and the local variation in cost of providing education services; or

(2) the achievement levels of students on reading and mathematics assessments, graduation rates, and rates of college-bound students in the local educational are substantially equal to those of the local educational agencies with the highest per pupil expenditures.

(b) GUIDELINES.—The Secretary, in consultation with the National Academy of Sciences, shall develop and publish guidelines not later than one year after the date of enactment of this Act to define the terms ''substantially equal'' and ''per pupil expenditures.''

The CHAIRMAN. Pursuant to House Resolution 338, the gentleman from

Pennsylvania (Mr. FATTAH) and a Member opposed each will control 10 minutes.

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

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

Mr. Chairman, I rise to offer an amendment that I will offer to every education bill that I have the opportunity to offer this amendment to, because I think that this is the fundamental issue that needs to be addressed in our country. If tomorrow the Federal Government did not put a penny into education or if we doubled our appropriations, we need State governments to provide an equal playing field for children in their States. There is no excuse in America today for us to be spending three times as much on one first grader in a public school 30 minutes away from a public school in which we are spending a third less.

We have that situation in my home State. We have it in 49 out of our 50 States. We have litigation going on in close to 40 States in our country, where literally almost a thousand school districts, mostly rural and urban districts, have been fighting in State courts, in some cases for decades, for relief. We have seen the Supreme Court of Ohio, we have seen action in the New Jersey court and in Kentucky, we have seen in Michigan courts rule these property tax-based school systems unconstitutional. We have seen the rulings in New Hampshire and in Vermont where they ruled them unconstitutional, where the Court has stepped in to say that children should be given a fair opportunity and that there is nothing so cosmically special about one child as another that we should be spending twice as much or three times as much on one kid's education than another.

I ask my colleagues to begin to consider a country in which we gave every young person an equal opportunity, where we eliminated this circumstance in which we have in many of our districts young people who are not given the books, nor the teachers, nor the technology. They are not offered the curriculum in order for them to achieve. Yet we come and we try to put a Band-Aid on it, either through Title I or through AAA. The 6 or 7 pennies out of every dollar that is spent by the Federal Government is never going to deal with the disparity that exists in our States, which ranges from a thousand dollars per pupil, to in many States $5,000 and $6,000; and in one of our States the disparity is $8,000 between what is being spent in the poorest school district per pupil and what is being spent in the wealthiest.

Now tonight, I am not sure that the votes will add up for this amendment that I offer, but I promise that this Congress will not be able to skirt this issue, because every single opportunity I am going to raise it. I think it is critical to the debate.

We talk class size. Well, class size is a function of money. If we are spending $70,000 more per classroom in a city district versus a suburban district, we can cut the class size in half in that city district.

We talk about school construction. Where are the school buildings falling apart? Are they falling apart in the districts where we are spending in some States, like in Texas, $20,000 per pupil, or are they falling apart in the State of Texas in the districts where we are spending $2,500 per pupil?

School construction, class size, technology in the classroom, all of these issues get back to the fundamental question, and that is, are States going to even the playing field?

Now, we can wait for State courts to act, and we can acknowledge even the action now that is starting to take hold in Federal court, when the State of Kansas, dozens of school districts got together in rural Kansas and filed a suit that the Justice Department or the Federal Government has just added its voice to as a party to that suit and said they are right; that the funding system in Kansas discriminates against poor children in rural Kansas.

Look at the situation in New York State where the disparity is a great one. We have now had the Justice Department add its voice to that suit. Or the Congress could act; not in forcing States to equalize their distribution of school aid but using as a carrot Federal aid to encourage States to move in that direction.

My amendment, simply put, states that States would have 3 years to move towards a substantially equal per-pupil expenditure. It would help rural districts. It would help urban districts. For the wealthiest districts in our States, I would say today it would help those districts because we cannot have a country where some of the children have everything in the world to look forward to and others have very little to look forward to. That is an explosive mix that, going into the next century, does not bode well.

We have books in the school libraries in Philadelphia, and this was played on ABC News Tonight and we should all be embarrassed because Philadelphia is the birthplace of this country of ours, that say that Gerald Ford is the last President of the United States. We have a book in one of our schools that says Nelson Mandela died in prison 15 years ago. We have books that do not represent any of the knowledge that is currently part of the educational system that we would want. We have a chemistry lab in Chicago in which there is no equipment at all, 30 minutes from a school that has everything we could ever want for our children.

We need to think about these disparities, think about giving young people a fair chance. If we want to give States more flexibility, if we think States have these rights, let us have States be more responsible. Let us have them take the dollars that they are now spending and give an equal playing field to the children that we represent and that they have a responsibility, a constitutional responsibility, to provide them an equitable education.

I want to thank the Chair. I want to thank the ranking member of my committee and the chairman of the full committee.

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

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. GOODLING) claim time in opposition?

Mr. GOODLING. Mr. Chairman, I do.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. MCINTOSH).

Mr. MCINTOSH. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GOODLING) for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment, although let me say I am in a great deal of sympathy to the author's intent. There are some problems that I am sure he would never intend in States like mine where actually because we have equalized or tried to equalize the formula in a declining population in some of our inner cities it could inadvertently actually take funds away from them. I know he did not intend that.

Let me speak for a few minutes on the importance of this bill, because I am worried that by putting this amendment into it it would put too much freight into what we are trying to accomplish, and I think the underlying goals of this bill are so critical for making our education system the best it can possibly be in this Nation.

For 3 decades, the Federal Government has been sending money to the States through scores of Washington-based programs; but all the studies, the evaluations, the reports, show little or no academic benefit. Straight A's would reverse this unfortunate situation by focusing on the Federal Government's efforts on academic results instead of rules and regulations.

I want to share with my colleagues a letter that I received from a principal in Delta Middle School in Muncie, near Muncie, Indiana, from Patrick Mapes. ''The monies given to schools have such strict guidelines that it cannot be used where it is needed most. The poverty, diversity in a corporation like ours has students participating in different title programs at the elementary grades and then they are left with no support once they come to the middle school, because our corporation on whole would not qualify. The first Federal regulation that hinders schools is the amount of restrictions on how to spend monies that you are qualified to receive. We know our needs and need the flexibility to fund and address these needs.''

Patrick Mapes is a dedicated principal. He wants to do what is right and what is best for the children in his school. Straight A's will give the States the option to implement initiatives that work according to what they need, as well as help raise the academic

standards, improve teacher quality, reduce class size, end social promotion, and put technology in the classroom.

I visited a school in inner-city Indianapolis, School 109, that 3 years ago had only 12 percent of its students passing the Indiana standard test on math and English. This last year they had 77 percent of their children pass. They were an inner-city school, just below the 50 percent poverty-wide threshold.

I went in and I asked, what happened? They told me the principal had given the teachers the flexibility to do what they needed in their classroom. He started by giving them keys to the school so they could come in after hours and work, or on Saturdays and work.

I about fell out of my chair when they told me the previous principal had not given them a key and from 3:00 to 8:00 they were in the building, and then they were locked out and could not come in and prepare for their students.

Then the principal backed them up and told the teachers when they get into problems with the parents, he will be there with them.

The teachers decided they wanted to pool their extra money and instead of getting two teachers aides which would have helped two of them, they pooled it together and got one more teacher, effectively reducing their class size.

This is a microcosm of how flexibility could work, backed up by good administration, backed up by senior teachers who were frankly embarrassed when only 12 percent of their students knew math and English at the third grade level, and they got the job done.

They still have the same mix. They have a lot of minority students. They have poor students, but they were able to transform that school and serve those children.

So I think this bill is critical in letting all of our States, we are going to start with a test of 10 but eventually I hope all of our States, participate in this flexibility, the Straight A's program. As I said at the beginning, I am very, very sympathetic to the author's intent of this amendment, but I think it would put too much freight into the bill, and so I reluctantly would rise in opposition to it.

Mr. FATTAH. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, in my 1½ minutes, I will say this: that one of the problems of the inequities in education is the disparity among the teaching faculty in the various schools.

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In California, over 30,000 teachers are not certified or are teaching out of their field. During field hearings that we had in North Carolina recently, I asked one of the educational officials of the State what percentage of teachers there in that State were not certified or were teaching out of their field. He replied, ''Too many, and most of them are concentrated in our poorest school districts.''

Mr. Chairman, our poorest school districts have the greatest concentration of bus stop teachers, ancient textbooks, and dilapidated buildings. As a matter of fact, I have been in school buildings where a Federal judge would not let us keep prisoners in that building. I know because we had to close down our jail in Flint, Michigan, because a Federal judge said it was unfit for human habitation. Yet, that jail is in much better shape than many of the school buildings that I have been in in our poor school districts.

We need some type of equalization. We have to try to address that and encourage the States to do that.

Mr. FATTAH. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I would like to praise the gentleman from Pennsylvania (Mr. FATTAH) for this amendment.

We have heard during the course of this argument today on this bill and other bills that we are throwing too much money at education, that it does not matter how much we spend per child, that there are other factors at play.

Well, this amendment really tests that theory. Because if it does not matter how much we spend on education, let us split it. Let us split it evenly. Then we do not have to argue who is getting too much.

What we hear time and time again is people sort of patting us on the shoulder, saying it does not matter how much one spends per child, there are other factors at play. But if we look at their school district, they are spending more money per child on their kids. If it does not matter how much one spends per student, then there should be no argument against equalizing the spending. The argument against equalization comes invariably from people who come from districts where they spend more on their children for learning.

Every child in this country is worth the same. Every child in this country should have the same level of education. I think the amendment of the gentleman from Pennsylvania (Mr. FATTAH) goes in that direction. It is a good amendment. It should be adopted by the House.

Mr. FATTAH. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Pennsylvania (Mr. FATTAH) has 1 minute remaining.

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

Mr. Chairman, let me try to conclude by saying that the public may have the impression that this is kind of like the golden arches at McDonald's where, all across the country, public schools are the same and the same inputs; and, therefore, any time there is a disparity of outputs, it has something to do with the individual children involved or their families or their community when, in reality, what we have is a system in which, in the poorest districts, in the most disadvantaged circumstances, in urban and rural America, the State governments, with the flexibility that they have, have decided that the poorest kids need to get the least amount of resources. Time after time, in 49 States, that is the story, not just in Democratic districts, but in Republican districts.

In Pennsylvania, 216 rural school districts filed suit years ago challenging our funding system. We have seen these suits in Kentucky and all across the land.

I am suggesting that the Congress use the carrot of Federal dollars to insist that States create a more equal playing field. I hope that my colleagues would support this amendment. I will guarantee to my colleagues this amendment will be before us again.

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

Mr. Chairman, first of all, I want to say that, in the State of Pennsylvania, we have the best equalization formula for the basic education grants that any State has had, and we have had it for years and years and years. Where the litigation is, and I agree with the gentleman from Pennsylvania (Mr. FATTAH) it should be, is in the special programs where their equalization is not proper, and that is where it is.

But I also want the City of Brotherly Love to step up to the plate. I hate to use that term after, I am assuming, that all of those people at that football game were from Maryland and from New Jersey and from Delaware who are clapping and cheering when someone is lying on the ground who may never ever walk again. So I am assuming they were not from Pennsylvania and certainly not from the City of Brotherly Love. But we do have the best equalization formula when it comes to basic grants.

But let me tell my colleagues some other things that are a problem. When I began teaching, that equalization formula said that the poor district that I taught in got 70 percent of all of their funds from the State. The next district where I was principal, they got 30 percent because they were a much more affluent district. Then when I went to the next school district, which is poorer, they got about 50 percent. So the equalization formula works out fine for the basic grant.

But look at the amendment. This really causes me all sorts of problems. It goes just the opposite direction of flexibility. It holds States hostage to have equal funding across all school districts or have equal test scores across all school districts.

Now, the gentleman from Pennsylvania (Mr. FATTAH) knows I do not care whether Upper Saint Claire has $9,000 per student or $5,000 per student. There are not many districts in my school district that are going to compete with Upper Saint Claire. Every parent has a

master's degree or a Ph.D. I am not that fortunate, and so it would not matter what I did. I am not going to be able to compete, I will guarantee my colleagues, with Upper Saint Claire.

But what the amendment does, it says it is okay to dumb down. The amendment says, under this amendment, one could potentially reward States that have all their school districts performing at a low level just as long as they are even. A low level. It is fine.

Well, certainly we do not want that. In fact, in Title I, we kept stressing over and over and over and over again we want every child to achieve way beyond what they are presently achieving and particularly the low-income children and the disadvantaged educationally.

So I would hope that all of our people in the Congress of the United States would understand that we cannot set an equalization formula from Washington, D.C.

I was a little worried. I heard someone say that they have some sympathy for it. Then I realized that one could be governor of a State sometime and one could have some sympathy and, all of a sudden, discover, hey, one cannot meet that equalization formula that we have set in Washington, D.C.

But under this amendment, as I said, one could potentially reward dumb downing, because all one has to do is make sure that they are performing at the same level. Now, no one says what that level is. That level could be the lowest level possible.

We want every student to achieve more. They can do more. We do not demand enough. We should insist that they do it. But let us not get into the business of trying to set an equalization formula from Washington, D.C. It cannot work. It should not work.

Therefore, I would hope that everyone would vote against the amendment.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. FATTAH).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

[Roll No. 530]

AYES—183

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Stabenow
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—235

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

NOT VOTING—15

Brady (TX)
Camp
Hall (OH)
Jackson-Lee (TX)
Jefferson
Lipinski
Markey
Mascara
McCarthy (MO)
McCarthy (NY)
Meehan
Scarborough
Shuster
Weldon (PA)
Young (FL)

□ 2214

Messrs. GREENWOOD, MOORE, MCHUGH, QUINN, BEREUTER, SPRATT and Mrs. THURMAN changed their vote from ''aye'' to ''no.''

Mr. CLEMENT changed his vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BRADY of Texas. Mr. Chairman, on roll-call No. 530, I was unavoidably detained. Had I been present, I would have voted ''no.''

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. PEASE, Chairman 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. 2300) to allow a State to combine certain funds to improve the academic achievement of all its students, pursuant to House Resolution 338, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

□ 2215

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

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

MOTION TO RECOMMIT OFFERED BY MR. CLAY

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

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CLAY. I am, Mr. Speaker, in its present form.

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

The Clerk read as follows:

Mr. CLAY moves to recommit the bill H.R. 2300 to the Committee on Education and the Workforce with instructions to promptly report the bill to the House, in a manner that addresses the need to help communities to reduce class size, to modernize our Nation's crumbling and overcrowded public schools, and to ensure that the teachers are highly qualified.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. CLAY) is recognized for 5 minutes in support of his motion to recommit.

Mr. CLAY. Mr. Speaker, this motion asks that we recommit this bill for the purpose of addressing the real education priorities of parents, of teachers, and of local communities. It calls for the House to scrap this ill-conceived and this misguided bill and pass legislation to reduce class sizes in the early grades, to repair crumbling and overcrowded schools, and to ensure all teachers are fully qualified.

Rather than gutting the hard work we accomplished today by passing increased accountability and targeting of funds to poor schools, we can build on H.R. 2 by addressing the priorities in this motion. Reducing class size is one of the most important investments we can make to improve student achievement.

Last year we made a down payment to hire 100,000 new teachers by passing the Clinton/Clay Class Size Reduction Act. Too many of our schools have 30 or more children pressed desk-to-desk in classrooms. This is unacceptable. We all know and studies confirm that children learn better in small early classes.

Today, over one-third of our public schools are dilapidated and in need of replacement or major modernization. For years Democrats have been demanding action on this urgent education priority, but the majority continues to block action.

It is a national shame, Mr. Speaker, that one of the most hallowed institutions in our Nation, the public schoolhouse, has been allowed to fall into such disrepair. We think our children deserve the right to attend schools in a safe, well-maintained building that is capable of using modern educational technology.

The Rangel school modernization bill helps communities address this urgent priority by allowing the issuance of interest-free bonds. We should act now to pass the Rangel school construction bill.

Mr. Speaker, I urge Members to support this motion to recommit.

Mr. GOODLING. Mr. Speaker, I rise in opposition to the motion to recommit offered by the gentleman from Missouri (Mr. CLAY).

Mr. Speaker, I would encourage everyone to read the bill. They do not have to send the bill back to committee because what the bill does is everything the gentleman asks us to do.

The bill says, as long as they can raise academic achievement, they can improve teacher quality, they can reduce class size, they can end social promotion, they can put technology in the classroom. Everything they are talking about the bill does. So it does not do any good to send it back to committee to do what we have already done in the bill.

What we are saying here is that every child deserves an opportunity to have a quality education.

I am proud that my side of the aisle has put an additional $340 million in education. I am proud that my side of the aisle has increased funding for special education, something we have tried to do for years so that we can relieve the pressure on local school districts so that they can modernize, so that they can reduce class size and do all of those things.

But all that we have to do in this bill is show that we can raise academic achievement for all children and we can do everything the gentleman wants us to do in this motion to recommit to send back to the committee.

So I encourage everybody to vote against the motion to recommit. We are doing exactly what he want us to do.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 16, as follows:

[Roll No. 531]

AYES—201

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—217

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle

Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)

NOT VOTING—16

Camp
Cannon
Hall (OH)
Istook
Jackson-Lee (TX)
Jefferson
Lipinski
Mascara
McCarthy (MO)
McCarthy (NY)
Meehan
Minge
Scarborough
Shuster
Weldon (PA)
Young (FL)

□ 2238

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. MINGE. Mr. Speaker, on Rollcall 531 I was in the Chamber with my voting card in the machine before the vote was called. I intended to vote ''no.''

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 208, not voting 13, as follows:

[Roll No. 532]

AYES—213

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

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Sweeney
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Camp
Hall (OH)
Jackson-Lee (TX)
Jefferson
Lipinski
Mascara
McCarthy (MO)
McCarthy (NY)
Meehan
Scarborough
Shuster
Weldon (PA)
Young (FL)

□ 2256

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY of Missouri. Mr. Speaker, during rollcall vote Nos. 520—Journal vote; 521—Armey Amendment; 522—Payne Amendment; 523—Roemer Amendment; 524—Petri Amendment; 525—Ehlers Amendment; 526—H.R. 2; 527—on the previous question; 528—Interior Conf. Rept.; 529—Rule H.R. 2300; 530—Fattah Amendment; 531—Recommit; 532—H.R. 2300 passage, I was unavoidably detained. Had I been present, I would have voted 520—''yes''; 521—''no''; 522—''yes''; 523—''yes''; 524—''no''; 525—''yes''; 526—''yes''; 527—''no''; 528—''no''; 529—''no''; 530—''yes''; 531—''yes''; 532—''no''.

LEGISLATIVE PROGRAM

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

Mr. OBEY. Mr. Speaker, I asked for 1 minute to inquire about next week's schedule.

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

Mr. OBEY. I yield to the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, I would like to announce that the previous vote on final passage of the Straight A's bill was our last vote for the week. We are continuing to meet on appropriations bills, but I do not expect that they will be ready for a vote by tomorrow. The House will, therefore, meet next Monday, October 25, at 12:30 p.m. for morning hour and 2 o'clock p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. On Monday we do not expect recorded votes until 6 o'clock p.m. On Tuesday, October 26, and the balance of the week the House will take up the following measures, all of which will be subject to rules:

H.R. 2260, the Pain Relief Promotion Act of 1999, H.R. 1987, the Fair Access to Indemnity and Reimbursement Act, and H.R. 3081, the Wage and Employment Growth Act.

Mr. Speaker, we have completed our work on 12 of the 13 appropriations bills. We expect to complete the Labor-HHS appropriations bill and consider the D.C. appropriations conference report sometime early next week.

Mr. Speaker, I wish all of my colleagues safe travel home tonight, and I thank the gentleman for yielding.

Mr. OBEY. Mr. Speaker, if I could ask the gentleman two additional questions. First of all, could the gentleman tell me whether or not he expects to take up the minimum wage bill next week.

Mr. ARMEY. I thank the gentleman for asking, Mr. Speaker.

Mr. Speaker, we do have that scheduled, but I must say it is tentatively scheduled. There have been a great many people working on that. We believe their work is coming together; and should it do so, we should expect to have it on the floor next week.

I would just say that my best predilection is that it will be there next week.

Mr. OBEY. Mr. Speaker, I thank the gentleman.

Could the gentleman also answer another question.

Which day does the gentleman expect the Labor Health conference report, which has never been voted on in the House, to be before the House for consideration?

Mr. ARMEY. I thank the gentleman for the inquiry, Mr. Speaker; and I do appreciate the gentleman's inquiry.

Mr. Speaker, of course, as we all know, we had a very good meeting at the White House the other night. We all agreed to try to complete this work as quickly as possible. The gentleman from Wisconsin (Mr. OBEY) certainly knows the Labor-HHS appropriations bill is one of the more difficult ones. They are continuing work on that; and as that progress continues, we will be able to give a more complete report.

I can only say that it is my expectation at this time on the basis of progress we see that it should be fairly early in the week next week.

Mr. OBEY. Mr. Speaker, if I could ask the gentleman further, and let me explain first why I ask the question.

We have been told for most of the evening that it was the expectation, and in fact I was told by the Chairman of the Committee on Rules earlier this evening that it was his expectation that the Committee on Rules would be filing tonight the District of Columbia new conference report to which they expected to see attached the Labor, Health, Education appropriation bill and that they expected to bring that up tonight. It is now not going to be up tonight.

The problem is that we are supposed to have negotiations tomorrow or at least preliminary discussions on a number of the outstanding bills that we still have to pass.

□ 2300

It is very difficult to discuss a bill that we do not know the contents of, and without going on any further on that, I would simply ask the gentleman, can the gentleman give us some idea of how much time we will have to examine that bill after it is filed so that everyone on both sides of the aisle is familiar with what they are voting on, since the House has never seen this legislation.

Mr. ARMEY. Mr. Speaker, I again thank the gentleman for his inquiry, and I appreciate the gentleman's reminder. Mr. Speaker, if the gentleman will continue to yield.

Mr. OBEY. Surely.

Mr. ARMEY. Mr. Speaker, I think it is appropriate that we advise the Committee on Rules that they will not have that meeting that the gentleman referred to tonight. The work is still in progress. The gentleman's schedule, as the ranking Democrat on the Committee on Appropriations I am sure will be communicated to him by the Chairman as the committee continues its work, and I expect that there will be work that will proceed tomorrow. I just have to tell the gentleman, frankly, I just do not know the committee's schedule. I wish I could tell the gentleman more.

Mr. OBEY. Mr. Speaker, let me simply urge the gentleman, those of us on the Committee on Appropriations, such as the gentleman from Florida (Mr. YOUNG) and myself, we will probably have at least a few minutes to review the bill before it is before us. But for the average Member who is not on the committee, I do not want them on either side of the aisle to be in a position where they do not know what the contents of that bill are, since it is the most important domestic appropriation bill that we will handle this year. So I would urge that there be enough time for your folks and ours to be able to review the contents before it is put to a vote.

Mr. ARMEY. Again, Mr. Speaker, if the gentleman will yield, let me say that I do again appreciate the point the gentleman has made. The point is made well, and I think the point is an important point. We certainly want to do exactly what the gentleman does, and that is to give everybody as much opportunity as we can to review the legislation. I am confident in my mind that the gentleman from Wisconsin will attend to that, and I will do my best to attend to it, and I expect that if the gentleman from Wisconsin is not satisfied that we have done the very best possible, he will let me know about it.

Mr. OBEY. Mr. Speaker, reclaiming my time, that is probably true, I would say. I guess I have no further questions. I would simply observe that I am sorry, but I do not wish the Dallas Cowboys well this weekend.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield for one last retort, we in Dallas, of course, have nothing but the highest regard for the Green Bay Packers, and we hope them the best of luck this weekend.

ADJOURNMENT TO MONDAY, OCTOBER 25, 1999

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

DECLARING DALLAS COWBOYS AMERICA'S TEAM

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that this body declare the Dallas Cowboys America's team.

Mr. GOODLING. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and include extraneous material on H.R. 2300.

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

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2300, ACADEMIC ACHIEVEMENT FOR ALL STUDENTS ACT

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2300, the Clerk be authorized to make technical corrections and conforming changes to the bill.

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

There was no objection.

PERSONAL EXPLANATION

Mr. ISAKSON. Mr. Speaker, due to attendance at a funeral in Atlanta this morning I missed two rollcall votes, rollcall No. 520 and 522. Had I been in attendance I would have voted ''yes'' on rollcall 520 and ''yes'' on rollcall 521.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TANCREDO). 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 Alabama (Mr. BACHUS) is recognized for 5 minutes.

(Mr. BACHUS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

U.S.-ARMENIA ECONOMIC RELATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise this evening to discuss some of the recent developments in the relationship between the United States and the Republic of Armenia in the economic sphere.

Mr. Speaker, the people of Armenia and their elected leaders recognize the importance of making the transition from direct aid from the United States and other donor countries to greater self-sufficiency and economic integration with their neighbors. Of course, for the latter to occur, the neighboring countries, including Turkey and Azerbaijan, have to move away from their policy of hostility, nonrecognition and blockades of Armenia. Indeed, Mr. Speaker, U.S. policy should be geared towards encouraging Turkey and Azerbaijan to enter into regional cooperative agreements with Armenia. The U.S. can also help Armenia achieve greater economic success by promoting greater bilateral trade and investments between our two countries.

Mr. Speaker, I was recently joined by four of my colleagues with whom I took part in the congressional delegation to Armenia last August in seeking support for a Commerce Department trade mission to Armenia. We are currently circulating a letter amongst our colleagues in the House urging Commerce Secretary William Daley to undertake the trade mission. During our bipartisan congressional delegation to Armenia which also included stops in Nagorno Karabagh and Azerbaijan, we had the opportunity to meet with American investors who are seeking to expand U.S.-Armenia trade and investment ties. We also saw firsthand the efforts that Armenia is making to privatize its economy.

The effort to promote investment and privatization in Armenia received a major boost earlier this month when the Overseas Private Investment Corporation, OPIC, approved an $18 million investment projection in Yerevan, Armenia's capital. The OPIC loan was made to investors from Massachusetts, California and Florida, who won a competitive bid for privatization of the Armenia hotel complex in Yerevan. The twin goals are both to promote positive local development effects in Armenia and to create U.S. exports and jobs.

In announcing the agreement which coincided with Armenia's Prime Minister Vazgen Sargsian's successful visit to Washington. OPIC President and CEO George Munoz noted that Armenia has established a market-oriented economy with liberal trade legislation. Mr. Speaker, projects like this which benefit both the U.S. and the host country are what OPIC was designed for.

Mr. Speaker, I also want to emphasize my strong support for the extension of Normal Trade Relations, NTR, between the United States and Armenia. Since NTR was first extended to Armenia effective April 7, 1992, it has continued in effect under annual presidential waivers based on the determination that the country is in compliance with the Jackson-Vanik law. Jackson-Vanik was adopted in 1974 as a means of getting the Soviet Union to comply with freedom of immigration criteria. Although Armenia is obviously an independent State now because it was formally under Soviet domination, it came under Jackson-Vanik and Jackson-Vanik still applies.

In 1997, the President determined that Armenia was in full compliance with Jackson-Vanik, removing the need for future waivers, although the trade status remains subject to the terms of the Jackson-Vanik amendment which must be certified by the President. This extension of NTR can also be subject to congressional approval.

Mr. Speaker, the administration has advised the Committee on Ways and Means that Armenia is among those countries, along with Georgia and Moldova, that may accede to the World Trade Organization in the future. To enhance trade and investment between Armenia and the United States, the extension of unconditional Normal Trade Relations between the two countries may require legislation stating that Jackson-Vanik should no longer apply to these countries.

Mr. Speaker, American investors representing a wide range of industries and services have begun establishing a relationship with counterparts in Armenia. Armenia has adopted or is in the process of developing laws to facilitate international investment and foreign ownership, as well as the legal and financial institutions to foster these types of relationships. The Armenian government has unveiled plans to further promote investment via the creation of the Armenian development agency, ADA.

□ 2310

The main mission of the ADA is to provide one-stop shopping services for potential investors.

Mr. Speaker, Armenia has another unique advantage: A large Diaspora community in the United States, over one million strong, eager to participate in the national rebirth of Armenia, is seeking opportunities to promote Armenia's economic development.

As the U.S. seeks to establish partnerships with emerging nations in strategically located regions, nations that share our values of political and economic freedom, Armenia stands out as an important country with which to develop close ties in the political, diplomatic and cultural areas and, as I have said tonight, also in the economic sphere.

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS, PURSUANT TO HOUSE REPORT 106–373, TO REFLECT ADDITIONAL NEW BUDGET AUTHORITY AND ADDITIONAL OUTLAYS FOR EMERGENCIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–373 to reflect $158,000,00 in additional new budget authority and $39,000,000 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $564,472,000,000 in budget authority and $597,571,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,454,921,000,000 in budget authority and $1,434,708,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2466, the conference report accompanying the bill making appropriations for the Department of Interior and Related Agencies for fiscal year 2000, includes $158,000,000 in budget authority and $39,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

(Mr. TOWNS 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 Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

(Mr. NETHERCUTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THE NEWLY MINTED SACAJAWEA ONE-DOLLAR COIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, the other night I spoke about the success of the new 50 States Commemorative Quarter program the U.S. Mint has instituted from legislation by Congress. The quarter program, under the supervision of Director Phillip Deel at the Mint, has been nothing short of extremely successful. The program, over a period of 10 years, will dedicate 5 States per year to have a State symbol of their choice minted on the back of the quarter dollar coin.

Mr. Speaker, the taxpayers need to understand that coins actually are an incredible revenue money-maker for the Treasury. The reason is simple. All coins have a face value upon their creation, but the cost to the Mint to mint the coin is obviously far less than the face value of the coin.

For instance, the quarter costs the Mint about 5 cents to manufacture. Simple math says there is a 20 cent differential. This differential is called seigniorage, and at the end of every year the Treasury adds this differential to the budget. That is, it helps to pay for the spending that is necessary by the government.

Last year, the total made by all seigniorage made by the Treasury was a little over $1 billion; yes, $1 billion with a ''B.'' Just think, last year the demand for quarters was a little over one billion quarters. This year it is estimated that the Mint will make over 5 billion quarters. From the quarter program alone, the Treasury stands to bring in an extra billion dollars per year, which will help lower the debt of our Nation.

Tonight I want to speak about another coin program. I met with representatives of the U.S. Mint today. The Mint will start production in March of 2000 on the new Sacajawea one-dollar coin. If we remember, the Susan B. Anthony dollar was not a huge success. The main criticism was that its appearance was too much like a quarter. The new coin will be gold in color, with a smooth edge, and on the face of the coin will be a picture of Sacajawea, the Native American woman who is remembered for many qualities, especially for her help to the Lewis and Clark expedition.

As I said earlier, the profit to the taxpayers on each quarter is around 20 cents but the profit on the new Sacajawea dollar coin will be almost 90 cents. Did the taxpayers hear that? Ninety cents seigniorage on every coin.

The Mint estimates about 700 million new dollar coins will be made in the year 2000. That means that in its first year, the new dollar coin will return to the Treasury about $600 million. This is one of the soundest reasons to maintain our coins and to understand the importance of increasing demand. Whether new designs or commemorative programs, the increase in demand means more revenue for the Treasury and less money taxpayers have to pay for government. It also will help battle our national debt, which still looms at over $5 trillion.

As I talk on coins, new kinds of money systems are looming on the horizon with the advent of new technology. Whether they come in the form of smart cards, cyber cash, debit cards or electronic money wallets, remember one thing, when another medium of exchange is accepted, someone else, besides the U.S. Treasury, is getting the profit, and the taxpayers are not reaping the profit.

So here is to the new dollar. I believe it will be accepted by the public as a convenience, especially as the dollar coin machines come more into use.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 5 minutes.

(Mrs. CHRISTENSEN addressed the House. Her remarks will appear hereafter in the Extensions of Remakrs.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. DIAZ-BALART) is recognized for 5 minutes.

(Mr. DIAZ-BALART 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 Texas (Mr. GONZALEZ) is recognized for 5 minutes.

(Mr. GONZALEZ 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 Texas (Mr. PAUL) is recognized for 5 minutes.

(Mr. PAUL addressed the House. His remarks will appear hereafter in the Extension of Remarks.)

PUT YOUR MONEY WHERE YOUR MOUTH IS AND SAVE SOCIAL SECURITY

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, before I begin I want it to be clear that I do not want to be associated with the remarks of the gentlemen on the other side of the aisle pertaining to education and I want to be clear I am talking about the Republicans. Let us not forget that in 1995 the Republicans repealed many of the educational programs that we were discussing here today. They voted to deny Pell grants to thousands of students. They voted to slash the safe and drug-free drug program. They voted to cut Head Start, deny thousands of children an early childhood education. They even voted to cut school lunch programs and they voted to cut food stamps for 14 million children.

My constituents do not understand how a program is saved by cutting it. They knew that when they sent me here that I would never understand that concept, either.

I come to the floor today to discuss another issue that is vital to the welfare of the citizens of the State of Florida. Currently, over 3 million Floridians are receiving Social Security benefits, including over 100,000 in my district. Ever since the Democrats, and let me repeat that, ever since the Democrats created Social Security in 1935, let me repeat that again, the Democrats created Social Security in 1935, not only has it been the centerpiece around which Americans planned their retirement but it has provided peace of mind and benefits to both the disabled workers and the children and sponsors of deceased beneficiaries.

This peace of mind is something few private insurance plans offer. Social Security is especially important to the millions of women who rely on Social Security to keep them out of poverty. Elderly women, including widows, get over 50 percent of their income from Social Security. Women tend to live longer and tend to have lower lifetime earnings than men. They spend an average of 11.5 years out of their careers to care for the family and are more likely to work part time than full-time, and when they do work full-time they earn an average of 70 cents of every dollar men earn. These women are either mothers, wives and daughters and we must save Social Security for them.

I am glad to see that after years of demonizing the Social Security program, Republicans are starting to realize how important this program is. Unfortunately for the American people, my Republican colleagues talk the talk but they do not walk the walk. While the President and the Democrats in Congress want to use the budget surplus to secure the Social Security program, Republicans want to give special interests and the wealthy a huge tax cut, over $700 billion the last time I checked.

I recently had several young children visiting me here in Washington participating in the Voices Against Violence program. One of the first questions they asked me was whether or not Social Security would be there for them. I told them it would be there if we took this opportunity we now have to secure the program.

So I ask my colleagues to do the right thing for the kids and the thousands of children throughout the

United States who are wondering the same thing. Put your money where your mouth is and save Social Security.

□ 2320

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half the time until midnight as the designee of the majority leader.

Mr. MICA. Mr. Speaker, I come to the floor late tonight to talk about a subject I often talk about, normally on Tuesday nights in a special order, but did not get that opportunity this week, so I am here tonight to talk about what I consider to be one of the most important social problems facing not only the Congress but the American people in almost every community and almost every family across our land, and that is the problem of illegal narcotics.

In the House of Representatives, I have the honor and privilege of chairing the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform. And in that subcommittee we have done our best to try to bring together every possible resource of the Congress and of the American government in an effort to combat illegal narcotics.

The ravages of illegal narcotics and its impact on our population I have spoken to many times on the floor of the House. I just mentioned last week that we now exceed 15,200 individuals who died last year, in 1998, from dug-induced deaths. This is up some nearly 8 percent over the previous year.

I have also talked on the floor of the House of Representatives and to my colleagues about some of the policies that were passed by the Clinton administration in 1993, when they controlled both the House of Representatives, the Senate, and the White House, all three bodies, and fairly large voting margins in the House of Representatives. So, basically, they could do whatever they wanted to do. Unfortunately, as is now history, they took a wrong turn in the effort to combat illegal narcotics.

They began by closing down the drug czar's office from some nearly 120 employees in that office to about two dozen employees in that office. They dismissed nearly all of the drug czar's staff. With the Republican Congress, and through the efforts of the former chairman of the oversight committee of drug policy, the gentleman from Illinois (Mr. HASTERT), who is now Speaker of the House of Representatives, we have restored those cuts. We have manpower now in that office of nearly 150 individuals under the supervision of our drug czar, General Barry McCaffrey.

Under the Clinton administration, the source country programs to stop illegal narcotics at their source were stopped in 1993. They were slashed some 50 percent plus. This took the military out of the interdiction effort, which closed down much of the interdiction effort and having the Coast Guard work to secure some of our borders and our maritime areas. Those efforts were dramatically slashed. And, additionally, other cuts were made.

Changes in policy were made that were quite dramatic. The surgeon general, chief health officer of the United States, appointed by the President, was then Joycelyn Elders, and that individual sent the wrong message: Just say maybe. So we had the highest leadership in the land and we had the highest health officer developing a different policy, a policy that really failed us.

I have some dramatic charts here tonight that show exactly what happened. I had our subcommittee staff put these together to show the long-term trend and lifetime prevalence of drug use. We can see during the Reagan and Bush administration that the long-term trend in lifetime drug use was on a decline. And I have talked about this and sort of illustrated it by hand, but we have graphically detailed this from 1980, when President Reagan took office, on down to where President Clinton took office. I do not think there is anything that I have shown on the floor that can more dramatically illustrate the direct effects of that change in policy. And that policy, as we can see, had illegal narcotics going up.

What is interesting is we see a slight change here, and that is after the Republicans took control of the House of Representatives and the United States Senate and started to put, as I say, Humpty Dumpty back together again. Because we basically had no drug war here. If we want to call it a drug war, we have actually almost doubled the amount of money for treatment.

Now, just putting money on treatment of those afflicted by illegal narcotics, not having the equipment, the resources, the interdiction, the source country programs, is like conducting a war and just treating the wounded. Someone told me it is sort of like having a MASH unit and not giving the soldiers any ammunition or the ability to fight or conduct the war. And this is so dramatically revealed in this chart.

What is interesting, if we look at some other charts of specific narcotics, we see sort of a steady up-and-down trend, and a good trend down during the Bush administration in the long-term, lifetime prevalence in the use of heroin. In the Clinton administration, it practically shoots off the chart. And again, when we restarted our war on drugs, through the leadership of the gentleman from Illinois (Mr. HASTERT), who chaired the subcommittee with this responsibility before me, and in this Republican-controlled Congress, there was a renewed emphasis, a change in policy, employing a multifaceted approach which again began attacking drugs at their source, again employing interdiction, again trying to utilize every resource that we have in this effort. And it is a national responsibility to stop illegal narcotics at their source. And now here we see graphically displayed what has happened with heroin use.

What is absolutely startling is that some of this usage in this area, these dramatic increases, we had an 875 percent increase in teen use of heroin in that period of time that we see here with the Clinton administration. Eight hundred seventy-five percent. And we are experiencing dozens and dozens of deaths in my central Florida community from this heroin, because it is not the same heroin that was on the streets in the 1980s or the 1970s that had a purity of 6 and 7 percent. This is 80 and 90 percent pure. These young people take it and they die. And there are more and more of them using it.

But we have managed to begin to turn this around through the efforts, again, of a Republican-led Congress. And this shows, again, some dramatic change in usage. This is another absolutely startling chart that our staff has prepared. We traced the long-term trend in the prevalence of cocaine use. In the Reagan administration, we see here where we had a problem. And I remember as a staffer working with Senator Hawkins, who led some of the effort in the United States Senate back in the early 1980s, that they began the downturn. In the Bush administration, incredible progress was made. Back in the Clinton administration, we see again a rise of cocaine use and drug abuse. And this is basically where they closed down the war on drugs.

□ 2330

Now, what is very interesting is we are at a very important juncture here in the House of Representatives. We need 13 appropriations measures to fund the Government. And among the 13 appropriations measures, one of those is to fund and assist with the finance and operations of the District of Columbia.

Many people do not pay much attention to this. Some of the Members pay little attention to this. But I think that the situation with the District of Columbia is very important to talk about tonight as it relates to changes in drug policy.

We have to remember that one of the major issues of contention here between the Republican Congress and between the Democrat side of the aisle is a liberalization of drug policy. That manifests itself in two ways.

First, there is support on the other side of the aisle for a needle exchange program in the District. There is also an effort here to allow the medical use of marijuana and liberalization of some of the marijuana laws here, two policies with a liberal slant.

Now, let me say something about the liberal policies that have been tried. And I have used this chart before. Let me take this chart and put it up here.

This is the policy of Baltimore which Baltimore adopted some 10 years ago. Baltimore has a needle exchange program. That needle exchange program has resulted in 1996 in 38,900, according to DEA at that time, drug addicts.

So they started a needle exchange program, they lost population, and they gained dramatic increase in drug addiction, particularly heroin addiction.

Now, this is the chart from 1996. I have a Time Magazine article from September 6, and it says, and this is not my quote, it is a quote from this article, it says one in every 10 citizens is a drug addict. And that is more to what the representative from Maryland in that particular area has told me.

However, listen to this: Government officials dispute the last claim. Here is a quote, and it is not my quote. ''It is more like one in eight,'' says veteran City Councilwoman Rikki Spector, ''and we have probably lost count.''

So a liberal policy that this House of Representatives' Democrat representation wants for Washington, that this President wants for Washington has been tried in Baltimore. This is the result.

I also will illustrate what has taken place in New York City with the murder decline. In New York City, you have Mayor Rudy Giuliani who has adopted a zero tolerance, no-nonsense, get tough and the opposite of a liberal policy but a tough policy. From the 2000 mark, they are down to the 600 level. In other words, in Baltimore, Baltimore in 1997, and I checked the figures, had 312 murders. In 1998, they had 312 murders. No decline, static, and with a liberal policy.

Here is a tough policy, and we see a dramatic decrease. It is almost a 70-percent decrease in murders. I think if you look at these murders in both of these cities you will find that they are drug and illegal narcotics related.

So the question before the Congress and the question before us tonight is really do we adopt a liberal policy?

Now, we have been there, and we have done that. I came to this Congress in 1992 and watched how with the other side controlling the House, the Senate, and the White House what they did. They had 40 years of control of this body and over policy of the District of Columbia. We have had a little more than 4 years. This is what we inherited. We inherited almost three-quarters of a billion dollar deficit that they were running here.

Here are some of the statistics about what had happened in Washington, and I will read these from The Washington Post and some other articles. They are not my quotes or statements. But the facts are, although the District of Columbia was 19th in size among American cities, its full-time employee population then was 48,000. We have got it down to some 33,000 kicking and screaming. It was only exceeded by New York and Los Angeles when we inherited that responsibility.

So we had a liberal policy which gave us one of the highest debts of any local government in the Nation, one of the highest number of employees. And the question was, was enough revenue coming in.

D.C. also had revenues per capita of $7,289, which at that time was the highest in the Nation. We have managed in a little over 4 years to balance the budget in this budget that is being presented, that is being vetoed and the D.C. appropriations measure, that is being vetoed has been vetoed by the President.

The debt that the average citizen had was one of the highest figures in the United States at $6,354. And that is what we inherited here. The other side is always concerned about how policies affect people. The Republicans inherited the District of Columbia. This is an article from 1995 when we inherited it of the impending cutbacks at D.C. General, this is the hospital, make it apparently inevitable that Washington's own public hospital will close its trauma center. And who would be hurt the hardest? This article says that thousands of poor and expensive-to-treat patients would be those who were hurt. This is what we inherited.

Now we have gotten this in order, and the question is do we want to go back to those liberal policies and high-spending, high-taxing policies?

Here is a great story. Talk about helping children. After 6 months in the District bureaucratic trenches, this is a woman who came from Guam and was a welfare specialist and this is quoted from 1995 in The Washington Post. This lady quit. Saddened and shocked, she said, by a foster care system so bad that it actually compounds the problems of neglected children and their families.

She said she came here from Guam, she worked in Guam, and she said then to come here and see one of the worst situations, it is depressing. This is what the Republican majority inherited, and this is what the other side would like to go back to with again their liberal policies, their tax policies.

Here is an article that I saved from 1996. ''Ghost payrolls ought to determine dead retirees in District getting pensions.'' Again, a system out of control. Again, the question of responsibility and education. This is what we inherited in 1995. Currently, we have 20 condemned boilers in the schools, 103 of 230 buses are non-operational because of the budget crisis. And at that time again they were spending three-quarters of a billion over their budget.

And very sadly, I recall and I saved this article. It says, ''With past due, St. Elizabeth skimps on children's meals.''

They want to go back to those wonderful days of yesteryear when they controlled the District of Columbia for some 40 years. This is what they did for those people that they supposedly care about after taxing them nearly to death, running business, running population out.

□ 2340

This is a quote:

''Some mentally ill children at the District's St. Elizabeths Hospital have been fed little more than rice, jello and chicken for the last month after some suppliers refused to make deliveries because they haven't been paid.'' And they had not been paid even with running a supplement from the taxpayers across the United States of three-quarters of a billion dollars running in debt.

The housing program in the District of Columbia, again to return to those wonderful days of yesteryear when they controlled the House of Representatives, the Senate and the White House, this is 1995. According to a U.S. Department of Housing and Urban Development rating system, the District subsidized housing program achieved the lowest ranking of any urban public housing agency in the Nation. On a scale where a score below 60 places an agency in the troubled category, the District's rating plunged from 37 in 1991 to 19 in 1993. They ran it into the ground and now they want to do it again.

What is interesting is, I had another chart here that I wanted to show, but I will not have time tonight. I will try to get back to it next Tuesday when we continue our effort to show why we should not go to a liberal policy on narcotics, on spending, on taxation that is being proposed by the other side of the aisle.

Mr. Speaker, do I have any time remaining?

The SPEAKER pro tempore (Mr. TANCREDO). There being no designee of the minority leader, the gentleman may proceed until midnight.

Mr. MICA. In that case, Mr. Speaker, I would like to continue tonight rather than wait until next Tuesday night, again with some information that I think is very important.

I talked about the situation with Baltimore and with Washington and the inclination of the other side of the aisle to go now to a liberal drug policy with needle exchange. Many people say, well, if you adopt a needle exchange, it will help cut down on HIV infections, it will help drug users. Let me just quote a program that was tried, a needle exchange program report that was given to our subcommittee, and tell a little bit about what took place with that particular needle exchange program which now I believe the President and the other side of the aisle would like to protect with the President's veto of the D.C. appropriations measure.

A 1997, Vancouver study reported that when their needle exchange program started in 1988, HIV prevalence in IV drug addicts was only 1 to 2 percent. It is now 23 percent.

We see that when they started out with a needle exchange program, at the very beginning they only had 1 to 2 percent infection rate. Now it jumped to 23 percent. The study found that 40 percent of HIV-positive addicts had

lent their used syringe in the previous 6 months. So the very intent of not having needles being exchanged and spreading HIV was actually increased by giving out these free needles. Again, this is the results of a needle exchange program study in Vancouver in 1998.

Additionally, the study found that 39 percent of the HIV negative addicts had borrowed a used syringe in the previous 6 months.

A Montreal study showed that HIV addicts who used needle exchange programs were more than twice likely to become infected with HIV as HIV addicts who did not use the needle exchange program. That is another study in Montreal.

The American Journal of Epidemiology in 1990 reported on a study that was entitled ''Syringe Exchange and Risk of Infection With Hepatitis B and C Viruses.'' In this study there was no indication of a protective effect of syringe exchange against HBV or HCV infection. Indeed, the highest incidence of infection occurred among current users in the needle exchange program.

If it was not more conflicting than anything to have the administration, the President, veto the D.C. measure and also again the liberal side of the aisle here encourage and fight over adoption of a more liberal drug policy and a needle exchange policy, even the administration's own head of the Office of Drug Policy, General Barry McCaffrey, who is respected on both sides of the aisle has said, and let me quote from him, ''By handing out needles, we encourage drug use. Such a message would be inconsistent with the tenor of our national youth-oriented antidrug campaign.'' That is again a quote by General McCaffrey.

So we have a choice of really going back to, as I said, the days of yesteryear when we had the housing programs in the District of Columbia in default, we had the emergency medical services and the hospitals closing down or not able to operate. I have cited before on the House floor a story that I read in the Washington Post back again with the other side controlling the District budget, with the other side letting the funding of the District budget run amuck, with the other side letting a liberal policy of spending and taxation prevail in the District, I cited this report in the Washington Post where in fact it was said by a reporter that at that time you could dial 911 for emergency services or you could dial for a pizza to be delivered and you would get the pizza sometimes quicker than you could get the emergency medical services.

Again, the other side had 40 years to run this body and also to oversee the operations under the Constitution, and it is a specific constitutional mandate that the Congress do conduct oversight and is responsible for the District of Columbia. The question again before us is whether we want to return to the liberal policies and the failed policies of the past.

In addition to some of the areas that I cited that we inherited in the District for responsibility were also the prisons. The other side spent a fortune on the prisons. We ended up with inheriting a prison system that was basically out of control. In fact, it was so bad we basically had to close down the Lorton prison. The prisoners had taken over the prison.

Another story that was reported here in the Washington Post was the water system. Sometimes you could not drink the water in the District and basically the system was broken down and had to be renovated. The District office building, which was the seat of government, basically looked like a third world country capital headquarters. Air conditioners were falling out of the windows. I ask anyone to drive by the District office building now and see the refurbishing that is going on. It would make you very proud of the District of Columbia. That again is something we have been able to do in a little over 4 years, and they let go into default in some 40 years of their stewardship.

So do we want to return to that time of high spending, high taxes, of liberal policies? When I came to the District of Columbia some 7 years ago, the murder rate and most of the murders here are black-on-black murders and young males between the ages of 14 and 40, and we still have horrendous deaths here, but even in the District of Columbia through oversight of this new Republican majority, I think we have been able to bring down some of those deaths, to straighten out the law enforcement activities in the District which also were hurt tremendously by the liberal policies of spending and taxation that almost ruined our Nation's capital.

So we had a capital that was hemorrhaging, a capital that indeed had so many problems, I could probably spend the rest of the night citing article after article about the waste and abuse that we inherited here.

□ 2350

Again we are at a critical juncture in this appropriations process. The question is: Do we return again to those spending tendencies, and just because they spent more did not mean people got less. You heard what happened to the critically ill, you heard what happened to those children who were cares and wards of the city and the District of Columbia, you heard those who relied on public housing had a defunct public housing, the water system, the prison system.

So this is a real challenge, and it really magnifies what is going on with the rest of these appropriations bills, whether it is education that we discussed here today. Education system, and again in Washington they were spending more per capita and their students were performing at lower levels. Spend more; get a lower result, and regulate and administer in a very expensive fashion.

That is similar to some of the conflict that we face in these spending and appropriation bills. I call it the RAD approach, Regulate, Administer and Dictate, and that is what has happened in Washington, and that is what we are trying to fight as we try to pass 13 appropriations measures.

The real easy thing for the new majority, although we took a tremendous amount of guff for it, and people called us names and said that the sliced bread, as we know it, would no longer exist, and accused of all kind of things. We did bring our Nation's finances into order just as we brought the District of Columbia's finances into order, and it was a fairly simple thing. What you do is limit your expenditures. We did not have huge increases in these programs. Just like I cited the District of Columbia, we did not have huge increases. We moderated the increases. We were able to balance the budget.

Sometimes I think that was the easy part, even though we got a lot of grief for it.

The tough part is now in trying to take these programs like education that we have brought power and authority and programs to Washington so that a teacher cannot teach, so that there is not authority at the local level, so that there is not discipline in the classroom, so that the emphasis, again, is on creating regulations from Washington, administering from Washington and keeping the power in Washington as opposed to out there.

So now we are engaged, and even today we have been spending incredible amounts of money for young people and their education, and yet they have not performed well, and particularly those young people who are the most disadvantaged in our society and our schools and communities. So, programs like title I that are so important, we need to revisit; Head Start programs, we need to revisit; not eliminate, not destroy, not cut out, but make them work so that every dollar is effectively applied and that those young people have the best opportunity ever.

So this is what the debate is about, 13 appropriations measures. The President has vetoed the District bill and several other bills. He is holding several bills hostage. We have passed several this afternoon. We passed an Interior appropriations measure, and we must fund the government.

The hard work, as I said, is taking each of these programs together, whether it is Department of Interior, Education, Commerce, defense bills and making them work. My responsibility is a small responsibility, and that is trying to take the drug war that was closed down in 1993 by the Clinton administration, the drug policy which destroyed our ability to stop drugs cost effectively at their source or interdict them before they got to their borders. Once they get past our borders, it becomes almost an impossible task for our law enforcement, local communities and families to deal with that.

So we have seen an incredible increase in the supply of hard narcotics coming in with our guard let down with a doubling, in fact, of the money on treatment, and I have no problem with spending two or three times what we are spending on treatment as long as it is effective. But it must also be part of a multi-faceted program, a program of interdiction, eradication at source countries, a strong program of enforcement.

As I cited, the New York experience, zero tolerance does work. The liberal policy they tried in Baltimore and some other communities does not work. We could take Los Angeles and other communities that have had tough crack-down policies, and these figures and statistics from zero tolerance and tough enforcement are so dramatic they have affected our national crime rate.

And then of course education, and under the leadership of the gentleman from Illinois (Mr. HASTERT) who chaired this responsibility before me we initiated and launched the largest effort, a media campaign effort, ever by, I think, any government in probably the history of America or any government in getting an anti-narcotics message, a billion-dollars campaign over 5 years. We are now a little over a year into it. Last week our subcommittee held a hearing on where we are, how that money has been spent, is it being spent effectively.

So that is another part of this puzzle that we need to put back together, a part that really was not even there even in the Bush and Reagan administration and even through the Clinton administration. That money, that billion dollars we put up in taxpayer money, is matched by an equal or an amount in excess of that Federal contribution by a donation, so we think we are seeing again, and I will be glad to put the charts up again, see the beginning of a downturn. But it takes all of those efforts, not closing down the War on Drugs, and there was not a War on Drugs after 1993 to 1995, and it has taken us several years to get that back on track, to put, as I say Humpty Dumpty back together again.

So we have learned some lessons. Liberal policies, they just do not work.

The District is a very, a very, very exact case, and we can cite it agency after agency. We look at our federal bureaucracy, and we have the same thing, big spending, spend more get less. That is not the answer. But we need to make these programs less. If we need to spend more, I do not think there are folks here on our side of the aisle that would not adequately fund programs, but we want to see results. We do not want to return to a destroyed District of Columbia with the high spending, with the high taxes, with the agency after agency defunct with people who need help and people who need government to work, have it actually work against them, as it did here in the District of Columbia and now does in some programs which we have not been able to change because of opposition, because of name calling and trying to hold on to the vestiges of the liberal past policies that do not work.

So tonight is not a full hour, and we will return next week with more information about our efforts to get our drug policy back on track and to make some of these programs work, but we certainly will stay here, will endure vetoes by the President and slings and arrows from the other side, but we are going to make these things work, and we are going to make them work effectively and stay on track even though it is a difficult path.

So, with those comments, Mr. Speaker, and almost at the appointed hour of recess I am pleased to yield back.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today after 8:00 p.m. on account of medical reasons.

Ms. MCCARTHY of Missouri (at the request of Mr. GEPHARDT) for today on account of attending a funeral.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of family matters.

Mr. CAMP (at the request of Mr. ARMEY) for today on account of the birth of his daughter.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

(The following Members (at the request of Mr. HILLEARY) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. DIAZ-BALART, for 5 minutes, today.

Mr. RAMSTAD, for 5 minutes, today and October 22.

Mr. PAUL, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

H.R. 1663. To recognize National Medal of Honor sites in California, Indiana, and South Carolina.

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 for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), under its previous order, the House adjourned until Monday, October 25, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4863. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 99–033–2] received October 19, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4864. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card [DFARS Case 99–D002] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4865. A letter from the Secretary of Defense, transmitting the retirement and advancement to the grade of lieutenant general of Lieutenant General William J. Bolt; to the Committee on Armed Services.

4866. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Introduction to FHA Programs—received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4867. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Moderate Rehabilitation Program; Executing or Terminating Leases on Moderate

Rehabilitation Units When the Remaining Term of the Housing Assistance Payments (HAP) Contract is for Less Than One Year [Docket No. FR–4472–I–01] (RIN: 2577–AB98) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4868. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Single Family Mortgage Insurance; Clarification of Floodplain Requirements Applicable to New Construction [Docket No. FR–4323–F–02] (RIN: 2502–AH16) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4869. A letter from the Assistant General Counsel for Regulation, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors, Fiscal Year 2000 [Docket No. FR–4528–N–01] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4870. A letter from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting the Department's final rule—Fair Market Rents for the Section 8 Housing Assistance Payments Program—Fiscal Year 2000 [Docket No. FR–4496–N–02] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4871. A letter from the Assistant General Counsel for Regulations, Office of the Assistant Secretary for Housing, Department of Housing and Urban Development, transmitting the Department's final rule—Introduction to FHA Programs—received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4872. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—General and Plastic Surgery Devices; Classification of the Nonresorbable Gauze/Sponge for External Use, the Hydrophilic Wound Dressing, the Occlusive Wound Dressing, and the Hydrogel Wound Dressing [Docket No. 78N–2646] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4873. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Gastroenterology and Urology Devices; Classification of the Electrogastrography System [Docket No. 99N–4027] received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4874. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Washington: Final Authorization of State Hazardous Waste Management Program Revision [FRL–6449–8] received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4875. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standard for Hazardous Air Pollutants; National Emission Standards for Radon Emissions From Phosphogypsum Stacks [FRL–6443–7] (RIN: 2060–AF04) received September 29, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4876. 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: Approval of Revisions to the North Carolina State Implementation Plan [NC–087–1–9939a; FRL–6463–6] received October 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4877. A letter from the Attorney, Office of the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Collaborative Procedures for Energy Facility Applications [Docket No. RM98–16–000; Order No. 608] received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4878. A letter from the Secretary of Health and Human Services, transmitting the Biennial Report of the Director, National Institutes of Health, 1997–1998; to the Committee on Commerce.

4879. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4880. A letter from the Deputy Associate Administrator, Office of Acquisition Policy Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Small Entity Compliance Guide [FAC 97–14] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4881. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Technical Amendments [FAC 97–14; Item XVI] received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4882. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Cost Accounting Standards Post-Award Notification [FAC 97–14; FAR Case 98–003; Item XV] (RIN: 9000–AI23) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4883. A letter from the Deputy Associate Administrator, Office of Acquisition Policy Office of Governmentwide Policy, Department of Defense, General Services transmitting the Department's final rule—Federal Acquisition Regulation; Cost Accounting Standards Post-Award Notification [FAC 97–14; FAR Case 98–003; Item XV] (RIN: 9000–AI23) received September 21, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4884. A letter from the Director, Executive Office of the President, Office of Management and Budget, transmitting the annual inventory of commercial activities performed by Federal Government employees; to the Committee on Government Reform.

4885. A letter from the Director, Office of Management and Budget, transmitting a copy of the report, ''Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995,'' pursuant to 2 U.S.C. 1538; to the Committee on Government Reform.

4886. A letter from the Director, Indian Health Service, transmitting Study and inventory of open dumps on Indian lands, pursuant to 25 U.S.C. 3903; to the Committee on Resources.

4887. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna [I.D. 091599A] received October 20, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4888. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Fire Protection Measures for Towing Vessels [USCG–1998–4445] (RIN: 2115–AF66) received October 15, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4889. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Thames River, CT [CGD01–99–178] (RIN: 2115–AE47) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4890. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards; Establishment of Numeric Criteria for Priority Toxic Pollutants; States' Compliance-Revision of Polychlorinated Biphenyls (PCBs) Criteria [FRL–6450–5] (RIN: 2040–AD27) received September 28, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4891. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Rules of Practice in Permit Proceedings; Technical Amendments [T.D. ATF–414] (RIN: 1512–AB91) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4892. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Delegation of Authority (99R–159P) [T.D. ATF–416] (RIN: 1512–AB94) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4893. A letter from the Writer-Editor, Bureau of Alcohol, Tobacco, and Firearms, transmitting the Bureau's final rule—Technical Amendments [T.D. ATF–413] (RIN: 1512–AC00) received October 18, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEE ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and references to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 339. Resolution providing for consideration of the bill (H.R. 2260) to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. 106–409). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2005. A bill to establish a statute of

repose for durable goods used in a trade or business, with an amendment; referred to the Committee on Commerce for a period ending not later than October 22, 1999, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f), rule X. (Rept. 106–410, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS:

H.R. 3120. A bill to amend the Internal Revenue Code of 1986 to provide additional tax incentives for education; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 3121. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act; to the Committee on Education and the Workforce.

By Mr. THOMAS (for himself, Mr. NEY, Mr. HOYER, Mr. EHLERS, Mr. EWING, and Mr. FATTAH):

H.R. 3122. A bill to permit the enrollment in the House of Representatives Child Care Center of children of Federal employees who are not employees of the legislative branch; to the Committee on House Administration.

By Mr. WICKER:

H.R. 3123. A bill to ensure that members of the Armed Forces who are married and have minor dependents are eligible for military family housing containing more than two bedrooms; to the Committee on Armed Services.

By Mr. PAUL:

H.R. 3124. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for police officers and professional firefighters, and to exclude from income certain benefits received by public safety volunteers; to the Committee on Ways and Means.

By Mr. GOODLATTE (for himself, Mr. LOBIONDO, Mr. WOLF, Mr. BOUCHER, Mr. GIBBONS, and Mr. GOODE):

H.R. 3125. A bill to prohibit Internet gambling, and for other purposes; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 3126. A bill to amend title 10, United States Code, to provide that consensual sexual activity between adults shall not be a violation of the Uniform Code of Military Justice; to the Committee on Armed Services.

By Mr. MOORE:

H.R. 3127. A bill to amend the Internal Revenue Code of 1986 to eliminate the complexities of the estate tax deduction for family-owned business and farm interests by increasing the unified estate and gift tax credit to $3,000,000 for all taxpayers; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 3128. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Ms. PRYCE of Ohio:

H.R. 3129. A bill to amend title 18, United States Code, to prohibit strength increasing equipment in Federal prisons and to prevent Federal prisoners from engaging in activities designed to increase fighting ability while in prison; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 3130. A bill to amend the Tennessee Valley Authority Act of 1933, to ensure that the Tennessee Valley Authority does not place the United States Treasury at risk for its financial instability, and for other purposes; to the Committee on Transportation and Infrastructure, 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. BARR of Georgia:

H.R. 3131. A bill to permit congressional review of certain Presidential orders; to the Committee on the Judiciary.

By Mr. CAPUANO (for himself, Mr. SHAYS, Mr. CONYERS, Mr. HASTINGS of Florida, Mr. LATOURETTE, Mr. FRANK of Massachusetts, Mrs. MCCARTHY of New York, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. LEWIS of Georgia, Mr. BALDACCI, Mr. OLVER, Mr. HOLT, Mr. EVANS, Mr. MASCARA, Mr. MARKEY, Ms. DELAURO, Mrs. MEEK of Florida, Mr. LARSON, Mr. OWENS, Mrs. MINK of Hawaii, Mr. REYES, Mr. CROWLEY, Mr. BONIOR, Mr. ROTHMAN, Mr. BROWN of Ohio, Mr. GONZALEZ, Ms. HOOLEY of Oregon, Mr. JACKSON of Illinois, Mr. MEEHAN, Mr. WEINER, Mrs. LOWEY, Ms. KILPATRICK, Ms. JACKSON-LEE of Texas, Ms. WATERS, Mr. MENENDEZ, Ms. WOOLSEY, Mr. SHOWS, Mr. DEFAZIO, Mr. NEAL of Massachusetts, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. DELAHUNT, Mr. PASCRELL, Mr. HOEFFEL, Ms. LEE, Mr. TIERNEY, and Mr. MALONEY of Connecticut):

H.R. 3132. A bill to provide grants to assist State and local prosecutors and law enforcement agencies with implementing juvenile and young adults witness assistance programs that minimize additional trauma to the witness and improve the chances of successful criminal prosecution or legal action; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA (for himself, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Mr. DEUTSCH, Mr. ROMERO-BARCELÓ, and Mr. UNDERWOOD):

H.R. 3133. A bill to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SAXTON:

H.R. 3134. A bill to ban the provision of Federal funds to the International Monetary Fund unless it pays remuneration to the United States on 100 percent of the reserve position of the United States in the International Monetary Fund; to the Committee on Banking and Financial Services.

By Mr. SABO:

H. Con. Res. 203. Concurrent resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999; to the Committee on Government Reform.

By Mr. SMITH of New Jersey (for himself, Mr. HOYER, and Mr. FORBES):

H. Con. Res. 204. Concurrent resolution voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Res. 340. A resolution expressing the appreciation of the House of Representatives to the King of Jordan for his efforts to support the Middle East peace process and to condemn efforts within Jordan to further hostility between Jordanians and Israelis by ostracizing and boycotting those individuals who have had any contact with Israel or Israeli citizens; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETRI introduced a bill (H.R. 3135) for the relief of Thomas McDermott, Sr.; which was referred to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolution as follows:

H.R. 50: Mr. GOODE.

H.R. 72: Ms. VELZQUEZ and Ms. SÁNCHEZ.

H.R. 136: Ms. PRYCE of Ohio.

H.R. 170: Mr. HALL of Ohio.

H.R. 274: Mr. COOKSEY, Mr. CLYBURN, Mr. FOSSELLA, Ms. MCKINNEY, and Mr. BATEMAN.

H.R. 371: Mr. PETERSON of Minnesota.

H.R. 403: Mr. WAXMAN and Mr. MARTINEZ.

H.R. 405: Mr. KANJORSKI and Mr. WELDON of Florida.

H.R. 406: Mr. KANJORSKI.

H.R. 566: Ms. NORTON.

H.R. 600: Mr. ISAKSON.

H.R. 623: Mr. EWING.

H.R. 714: Mr. PASTOR and Mr. ABERCROMBIE.

H.R. 721: Mr. COMBEST.

H.R. 728: Mr. EVANS.

H.R. 731: Mr. SISISKY and Ms. LEE.

H.R. 804: Mrs. LOWEY.

H.R. 960: Mr. TOWNS and Ms. BERKLEY.

H.R. 1071: Mr. BONIOR, Ms. NORTON and Mr. SAWYER.

H.R. 1080: Mr. BAIRD.

H.R. 1102: Mr. SCHAFFER, Mrs. CAPPS, and Mr. LAMPSON.

H.R. 1193: Mr. SMITH of Texas.

H.R. 1196: Mr. VENTO.

H.R. 1221: Ms. DELAURO.

H.R. 1228: Mr. NEAL of Masssachusetts, Mr. WEXLER, Mr. OLVER, Mr. RODRIGUEZ, and Mr. ROTHMAN.

H.R. 1260: Mr. VISCLOSKY.

H.R. 1304: Mr. KUYKENDALL and Mr. DIXON.

H.R. 1325: Mr. STRICKLAND.

H.R. 1344: Mr. PASTOR.

H.R. 1356: Mr. SCHAFFER.

H.R. 1518: Mr. CUMMINGS.

H.R. 1591: Mr. CUMMINGS.

H.R. 1592: Mr. SHIMKUS.

H.R. 1644: Ms. DEGETTE.

H.R. 1657: Mr. LIPINSKI.

H.R. 1686: Mr. WELDON of Pennsylvania.

H.R. 1775: Mr. KUYKENDALL, Mr. WOLF, Mr. COOKSEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. LEWIS of California, Mr. HOEFFEL, Mr. HUNTER, and Mr. TANCREDO.

H.R. 1837: Mr. HOYER, Mr. SANDERS, Ms. LEE, and Mr. TURNER.

H.R. 1838: Mr. VENTO.

H.R. 1926: Mr. BARRETT of Wisconsin.

H.R. 1977: Mr. SHERMAN.

H.R. 2059: Mr. GILMAN and Mr. THOMPSON of Mississippi.

H.R. 2100: Mr. LATHAM, Mr. ROTHMAN, and Mr. GIBBONS.

H.R. 2162: Mr. BILBRAY.

H.R. 2171: Mr. MOORE.

H.R. 2341: Mrs. WILSON, Ms. ESHOO, Ms. BERKLEY, Ms. PELOSI, Mr. KLINK, Mrs. CAPPS, Mr. UPTON, Mr. WATT of North Carolina, Mr. NADLER, Mr. KUYKENDALL, Mr. FILNER, Mr. LARSON and Ms. DEGETTE.

H.R. 2369: Mr. DEFAZIO.
H.R. 2376: Mr. RILEY and Mr. HASTINGS of Washington.
H.R. 2382: Mr. WELDON of Pennsylvania and Mr. BARR of Georgia.
H.R. 2405: Mr. CUMMINGS and Mr. HINOJOSA.
H.R. 2420: Ms. CARSON, Mr. WELDON of Pennsylvania, Mr. MURTHA, and Mr. OWENS.
H.R. 2544: Mr. NETHERCUTT.
H.R. 2554: Ms. PRYCE of Ohio.
H.R. 2558: Mrs. BONO.
H.R. 2569: Mr. CAMPBELL and Mr. WAXMAN.
H.R. 2628: Mr. HUTCHINSON, Mr. GREEN of Wisconsin, and Mr. HALL of Texas.
H.R. 2727: Mr. BISHOP, Mr. GREENWOOD, Mr. SAXTON, Mr. COOKSEY, and Mr. LIPINSKI.
H.R. 2749: Mr. MCINNIS, Mr. PICKETT, and Mr. SESSIONS.
H.R. 2776: Mr. GILMAN.
H.R. 2785: Mr. ROGAN, Mr. ENGEL, and Mr. FORD.
H.R. 2882: Mr. KUCINICH and Mr. THOMPSON of Mississippi.
H.R. 2888: Mr. DAVIS of Illinois.
H.R. 2902: Ms. KAPTUR, Mr. PASTOR, Mr. NADLER, Mr. GUTIERREZ, Mr. TIERNEY, and Mr. ABERCROMBIE.
H.R. 2906: Mr. TIERNEY.
H.R. 2925: Mr. SKEEN, Mr. SMITH of Texas, Mr. UPTON, and Mr. MCHUGH.
H.R. 2969: Mr. SMITH of New Jersey.
H.R. 2985: Mr. GOODE.
H.R. 2987: Mr. MORAN of Kansas and Mr. FORBES.
H.R. 2991: Mr. HALL of Texas, Mr. BENTSEN, Mr. ETHERIDGE, Mr. FLETCHER, Mr. ABERCROMBIE, Mr. THUNE, Mr. SKEEN, Mr. BARRETT of Nebraska, Mr. RILEY, and Mr. PHELPS.
H.R. 3012: Mr. GARY MILLER of California.
H.R. 3039: Mr. GILCREST, Mr. BARTLETT of Maryland, Mr. PICKETT, Mr. BORSKI, Mr. SISISKY, Mr. EHRLICH, Mr. BLILEY, Mr. WELDON of Pennsylvania, Mr. HOYER, Mr. CARDIN, Mr. HOLDEN, and Mr. MORAN of Virginia.
H.R. 3075: Mr. ADERHOLT and Mr. RADANOVICH.
H.R. 3087: Mrs. MINK of Hawaii.
H.R. 3110: Ms. PRYCE of Ohio and Mr. BILBRAY.
H.R. 3113: Mr. UDALL of New Mexico and Mr. WYNN.
H.J. Res. 39: Mr. LEWIS of Georgia, and Mr. THOMPSON of Mississippi.
H.J. Res. 70: Mr. BLILEY.
H.J. Res. 72: Mr. WATKINS, Mr. HALL of Texas, and Mr. LUCAS of Oklahoma.
H. Con. Res. 190: Mr. METCALF and Ms. LOFGREN.
H. Con. Res. 199: Mr. TURNER.
H. Res. 169: Mr. DEUTSCH, Mr. GREEN of Wisconsin, Mr. BORSKI, Mr. WAXMAN, and Mr. UNDERWOOD.
H. Res. 325: Mr. UPTON, Mr. MURTHA, Mr. ROMERO-BARCELÓ, Mr. SANDERS, Mr. SANDLIN, and Mr. WATT of North Carolina.
H. Res. 332: Mr. ROGAN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1598: Mr. THOMPSON of California.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, October 5, 1999, by Mr. BONIOR on House Resolution 301 has been signed by the following Members: Peter Deutsch.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, OCTOBER 21, 1999 No. 144

Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by our guest Chaplain, Father Daniel L. Ochs, St. Pius X Church, Reynoldsburg, OH.

PRAYER

The guest Chaplain, Father Daniel L. Ochs, offered the following prayer:

Lord God, we call to mind Your presence and ask that we may be mindful of Your will for us. In Your bountiful goodness, You have made us a great nation subject to You.

May we serve You in humble gratitude and be faithful in our responsibility to work for the fulfillment of Your kingdom on Earth, a kingdom of justice, peace, and love. Stirred up by Your Holy Spirit, may we replace hate with love, mistrust with understanding, and indifference with interdependence. Bless our Senators so that with open minds and hearts they may become peacemakers in our world. May the Earth be filled with Your glory. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MIKE CRAPO, a Senator from the State of Idaho, 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. CRAPO). The Senator from Florida is recognized.

FATHER DAN OCHS

Mr. MACK. Mr. President, I extend a warm welcome to Father Dan this morning. He is our guest Chaplain this morning from Reynoldsburg, OH. I had the pleasure of meeting him a few moments ago, but in a sense I have known him for at least a number of years because my brother, Andrew McGillicuddy, is a member of his parish—Andy and Chris—and as a result of their request, Father Dan was able to join us this morning. He is the pastor of a church of 2,400 families, a great responsibility. We are delighted he is with us this morning.

SCHEDULE

Mr. MACK. Mr. President, today the Senate will resume consideration of the pending Harkin amendment to the partial-birth abortion ban bill. By previous consent, there are 2 hours of debate on the amendment. Therefore, Senators can anticipate a vote at approximately 11:30 a.m., unless the time is yielded back on the amendment. Senators should be aware future roll-call votes are expected in an attempt to complete action on the bill prior to adjournment today.

Following the completion of the partial-birth abortion ban bill, the Senate may begin consideration of any legislative items on the calendar or any conference reports available for action.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999

The PRESIDING OFFICER. The Senate will now resume consideration of S. 1692, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 1692) to amend title 18, United States Code, to ban partial-birth abortions.

Pending:

Boxer amendment No. 2320 (to the text of the language proposed to be stricken by amendment No. 2319), to express the Sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

Harkin amendment No. 2321 (to amendment No. 2320), to express the Sense of Congress in support of the Supreme Court's decision in Roe v. Wade.

The PRESIDING OFFICER. Under the previous order, there will now be 2 hours of debate equally divided prior to the vote on amendment No. 2321.

The Senator from California.

Mrs. BOXER. I thank the Chair.

I also want to say something about the prayer which I found to be quite beautiful. I think talking about making sure we have no hate in our heart is really important. It is so important to all of us as we debate this legislation, to understand that we have great differences but to try to reach for that part of ourselves that brings us all together.

I thank the guest Chaplain as well.

This morning I am very pleased to be here. I know that while Democratic Senators were attending a dinner last evening, the debate into the late hours was rather one-sided. So I really do appreciate the fact we have a little time this morning to set the record straight.

I am very pleased the Senator from Iowa, who is on his way here, was able to place his amendment before the Senate so we could bring back this debate on a woman's right to choose, the fundamental right women won in this country in 1973 when the Court decided that, in fact, a woman in the earlier stages of her pregnancy has a right to choose freely, with her doctor and her husband and her family, as to how to handle their situation. I think it was a very important, landmark decision.

The decision went on to say that in the later term, which we are talking about a great deal, the State has the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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right to regulate it. So what Roe did was to balance the rights of the woman, if you will, with the child she is carrying. It says in the late term and in the midterm, the States can regulate the procedure, and that is very important, but the woman's life and the woman's health must always be paramount. This is important.

What we have in the underlying bill is just the opposite. The underlying bill makes no exception for a woman's health. Now, the Senator from Pennsylvania says there doesn't need to be that exception. I didn't know he had a medical degree. I would prefer to listen to the obstetricians and gynecologists. He cites 600 doctors. There are 40,000 strong. I prefer to listen to the nurses, to the women who have chosen to go into the health professions. All those letters were put into the RECORD.

And so I believe very strongly that we must always protect the life and health of a woman while we grapple with the obvious religious, moral, and ethical questions as to what type of restrictions ought to be placed on abortion in the later term.

I was very discouraged and saddened by the debate yesterday because I thought what came out on this floor were words that were full of hate. To call a doctor an executioner is wrong; to talk about killing babies is wrong; and I don't think it brings this Nation closer together on this issue. I do not think it sets an atmosphere in which we can try to work together. But this morning I think we are debating something different. We are debating a very fundamental Court decision. The Harkin amendment simply says that Court decision should not be overturned. I look forward to an overwhelming vote, and I hope it will be overwhelming, not to overturn Roe. Because I think if we do that, and that amendment is attached to the underlying bill, it will give the President even more reason to veto the underlying bill because we will affirm that this Senate stands in favor of a woman's right to choose, and of Roe. Remember, Roe says that at every stage of a pregnancy the woman's health must be protected. The underlying bill makes no such exception.

When you talk about abortion, you are really talking about choice. Should the Government, this Government, this Senate, tell women and families what to do in an emergency tragic health situation? That is what we are talking about in the underlying bill. The Senator from Pennsylvania says, yes, the Government should tell families what to do. Unfortunately, in his argument, in my view—and it is shared by many—he demeans women; he demeans families; and he demeans doctors. Worse than that, far worse than that, he demonizes women, demonizes families who do not agree with him. He demonizes doctors, doctors who bring babies into this world, doctors who help save lives, who protect our health, who protect a woman's fertility. He does that only if these women and these families and these doctors do not agree with his views.

I guess perhaps the biggest insult and the biggest injury that was done yesterday on this floor was when the Senator from Pennsylvania dismissed heartfelt stories of women and their families who have struggled through the biggest tragedy, almost, that anyone can imagine—of having to terminate a pregnancy at the final stages because something has gone horribly wrong and the baby, if born, would suffer and the mother would suffer adverse health consequences, irreversible; he called those stories anecdotes. Don't be blinded, he says, by the anecdotes of women. I want to say to my colleague from Pennsylvania, with no hate in my heart whatsoever, you call these stories anecdotes. I say these stories are these families' lives. It is what they have experienced. It is what they will forever have to live with. I think it is shameful to dismiss them in that fashion.

Many of these women are here in the Capitol. They are here with their families; they are here with their children; they are telling their stories. To dismiss it and say don't be blinded by a few anecdotes is, to me, very cruel, indeed.

I say to the Senator from Pennsylvania, and the Senators who support him, that I support his right to view this issue in any way he chooses. I support the right of his family to handle these health care emergencies in any way they decide with their doctor, with each other, with their God, with their priest, with their rabbi, with their minister. It is their right. I would no sooner tell the Senator from Pennsylvania's family how to handle this matter than anything I can imagine. I would never do that. I do not want the Senator from Pennsylvania telling my family and my rabbi and my children how to handle a health emergency. I resent that.

I have enough respect for my family that we would do what is right. I have enough respect for every family in America that they would do what is right. If the families in America did not agree with me, I would say God bless you; you handle this in any way you want.

That is where the differences lie between the philosophy of the Senator from Pennsylvania and the philosophy of those of us who consider ourselves pro-choice. We trust the women of America. We trust the families of America. We trust them to seek the appropriate counsel. We trust them to make this painful and difficult decision without Government telling them what to do.

When the women in this country have a health problem, they do not go to see their Senator. They don't go to see Dr. SANTORUM or Dr. BOXER or Dr. HELMS or Dr. MIKULSKI. They go to their physician. We should not play doctor. It is not appropriate, it is not right, and it is dangerous. It is very dangerous to the health of women. We will get into that when we talk about why the Roe v. Wade decision was so important. As long as the women in this country and the families in this country choose what is legal and available to them, we should respect that. The legalities have been settled since 1973. Make no mistake about it, the entire purpose of this underlying bill and other amendments that may come before us—I do not know what amendments they will be—are all about one thing: undermining this basic legal decision called Roe v. Wade.

At 11:30 this morning, the Senate will make an important vote as to whether or not they believe Roe v. Wade should be confirmed by this Senate. I want to read a quote that was put in the RECORD yesterday. I think it is very important to understand this statement is a statement of Supreme Court Justices O'Connor, Kennedy, and Souter. In a case called Planned Parenthood of Southeastern Pennsylvania v. Casey, listen to what these three Justices, all Republicans appointed by Republican Presidents, said about the basic issue we are talking about:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

''Compulsion of the State.'' What these Justices said, all appointed by Republican Presidents, was that the state should stay out of this crucial decision. It is something that exists in our hearts, in our souls, in our beings.

The ''meaning of the universe and the mystery of human life'' should not be dictated by the state, by Senator SANTORUM, by Senator BOXER, by any Senator. It is up to each individual.

When Roe was decided and it was reaffirmed by the Court, and hopefully it will be reaffirmed today by this Senate, it basically gave that liberty to the people of this country. I think it is very important to note it has been stated on this floor over and over again, the underlying bill has nothing to do with Roe v. Wade. I ask you, colleagues, to look at the 19 Court decisions that have contradicted that statement. In each and every case, the Court said the Santorum bill, the approach he has taken, contradicts Roe, because in each and every case they found the definition of this partial-birth abortion—of which there is no medical meaning, there is no medical term—is so vague that it could, in fact, apply to any procedure and, therefore, it essentially stops all abortion. Indeed, if you look at some of the States, in some of the States, before the Court overturned these statutes, there was no abortion being performed at any stage because of the vaguely worded law, the words of the Santorum bill.

In Alaska, the vagaries of the law are obvious, and Alaska overturned the Santorum bill.

In Florida, this statute ''may endanger the health of women''—they overturned the Santorum bill.

In Idaho, the act bans the safest and most common methods of abortion and they overturned—this is Idaho—the Santorum bill.

In Louisiana, the judge said this is truly a conceptual theory that has no relation to fact, law, or medicine, and they overturned this bill.

In Michigan, they said physicians simply cannot know with any degree of confidence what conduct may give rise to criminal prosecution and license revocation, and they overturned the bill.

And it goes on—Missouri, Montana. They say the problem here is that the legislation goes way beyond banning the type of abortion depicted in the illustrations.

Court after court has stated this bill overturns Roe, and that is why the Senator from Iowa was so correct to bring his amendment to the floor to reaffirm Roe.

I see the Senator from Washington is here, and I ask her how many minutes she would like to use on this amendment.

Mrs. MURRAY. Mr. President, if the Senator from California will yield me 5 minutes.

Mrs. BOXER. I so yield.

The PRESIDING OFFICER. The Senator from Washington is recognized for 5 minutes.

Mrs. MURRAY. Mr. President, first, I thank my colleague from California for her tremendous amount of work on the floor on a very emotional and difficult issue to show all of us what is really behind the bill that is before the Senate and to stand up for women across this country to make their own health care decisions, along with their family and their own faith, without the interference of those of us on this floor who are not medical doctors and who are not members of that family.

I thank the Senator from Iowa, Mr. HARKIN, for offering the amendment we are now debating because his amendment—and I want my colleagues to look at it very carefully—is really what this debate is about, and I think everyone here knows it.

The question is, Do we really stand for and behind Roe v. Wade? Do we really support a woman's right of choice? Are we going to allow women to make this incredibly important decision in consultation with their physician and their family and their faith or are we going to stand on the floor of the Senate and make that decision for her?

I have often heard many of my colleagues talk about being pro-choice simply because they do not support overturning Roe v. Wade. But over and over, when it comes time to provide access or services or to allow Federal employees access to these services, these same pro-choice Members vote to restrict a woman's right to choose.

I know the difference, as do the voters in my home State of Washington. In 1992, my State voted overwhelmingly in support of a woman's right of choice. The voters in Washington State recognized the importance of the landmark Supreme Court decision giving a woman the right to determine her own fate and make her own personal health and reproductive decisions.

Washington State voters have also spoken out on this particular effort—the underlying bill—which attempts to undermine Roe v. Wade by outlawing one abortion procedure after another.

In 1998, a year ago, the voters of my State overwhelmingly defeated a ballot initiative to ban the so-called partial-birth abortions. That initiative was almost identical to S. 1692.

I am really proud of Washington State voters who stood up to defend a woman's right to her own reproductive health and choice decisions. That initiative which was on our ballot a year ago was defeated because there was no exception, no consideration for the health of the woman. Her life and her health were made not just secondary concerns but of no concern at all. In my State, voters understood why this kind of ban was a threat to all women.

The Harkin amendment we are now debating gives us the opportunity to talk about the role of the woman in this decision. It will allow Members to stand up and say the Roe decision was an important one, one we stand behind. The Harkin amendment will send a message to women that we recognize the turning point in equality that followed the 1973 landmark ruling.

As the Senator from Iowa pointed out, there was a time in our country's history when a woman could not own property, could not vote, or could not have access to safe family planning services. There was a time when women were not allowed access to equal education. There was a time in our history when having a child meant being forced out of the workplace.

Those times have passed. Women made gains as those offensive policies were changed, banned, and overturned, and I will do everything I can to make sure votes such as the one we are talking about do not take us back to the dark days because the women of America are not going back.

The proponents of S. 1692 say their intent is to end late-term abortions. We are not going to be fooled. We know this is just another attempt to chip away at Roe v. Wade. This is just another attempt to undermine that decision and deny access to safe and legal abortion services. This is just another attempt to harass providers and generate hateful rhetoric. This is just another attempt to limit access.

The proponents are trying to achieve through public relations what they cannot do in the courts or in the legislatures. Their ultimate goal is to make the rights and health protections guaranteed in Roe worth nothing more than the paper on which it was written. The Harkin amendment calls them on this bluff and demands accountability.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. MURRAY. I ask the Senator from California for an additional 3 minutes.

Mrs. BOXER. Yes, 3 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. MURRAY. Mr. President, since 1995, we have had more than 110 anti-choice votes in Congress. More than 110 times, we have voted to restrict or deny access to safe and legal reproductive health care. More than 110 times we have voted to undermine and limit the constitutional guarantees that were provided in the Roe v. Wade decision.

The goal is clear: Little by little, the proponents of the underlying bill want to place so many barriers and obstacles in front of women and their physicians that abortions will only be available to a few wealthy women, just as it was before the Roe v. Wade decision. A woman who is a victim of rape or incest, a woman whose life is at stake, will not even be able to find a provider. In fact, I want my colleagues to know we are already seeing this. In some States, there are no doctors now who are willing to provide a legal health care procedure. We are going back to the dark days when women's health was at risk because of the laws of this land.

Let there be no confusion; the proponents of this bill want to outlaw abortions step by step since they know a majority of Americans will not give up their rights to make this decision on their own with their own family and their own faith.

If you support the Roe v. Wade decision, you have to support the Harkin amendment. If you support a woman's right to choose, you have to support the Harkin amendment. And a ''no'' vote will send a message that the Senate does not support Roe or recognize the importance that a woman has to make this decision on her own.

I urge my colleagues to vote for the Harkin amendment and put us on record where we ought to be: To allow women to have safe, legal reproductive choices that allow them to make this decision with their family and their faith. That is where this decision rests, not on the floor of the Senate.

I thank my colleague from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I yield 10 minutes to the Senator from Iowa, the author of this amendment.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 10 minutes.

Mr. HARKIN. Mr. President, I thank my colleague for yielding me this time, and I thank her for her strong support for women's rights and the constitutional right of women to make their own decisions in terms of reproductive health.

I thank the Senator from Washington, Mrs. MURRAY, for her strong support, and my friend and colleague

from Illinois who will be speaking shortly, Senator DURBIN.

It has been said by the proponent of the underlying bill that this amendment of mine has nothing to do with his underlying bill. I beg to differ and to disagree.

This amendment has everything to do with the underlying amendment because, really, what my friend from Pennsylvania is seeking to do is to begin the long process—which I am sure he would like to have a shorter process—to overturn Roe v. Wade, to take away the constitutional right that women have in our country today to decide their own reproductive health and procedures. That is really what this is about: A chipping away—one thing here, another thing there.

If anyone believes, by some fantasy dream, if the underlying bill of the Senator from Pennsylvania would ever become the law of the land, that this would be the end of it, that the Senator from Pennsylvania and those who believe and feel as he does would not feel the need to do anything else with regard to a woman's right to choose, is sadly mistaken. They will be back again with something else, and back again with something else, until Roe v. Wade is overturned. That is really what they are about.

So as far as I know, this will be the first time that the Senate of the United States has ever been able to speak; that is, to vote on how we feel and how we believe Roe v. Wade ought to be interpreted as the law of the land.

This is the first time, that I know of, that we have had the opportunity to vote up or down on whether or not we believe that Roe v. Wade should stand and should not be overturned and that it is, indeed, a good decision.

Again, I just read the ''Findings'' of my amendment. My amendment is very short. It just says:

Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade;

(3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.

(b) . . . It is the sense of the Congress that—

(1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

Very simple and very straightforward. It has everything to do with the underlying bill because what the underlying bill really seeks to do is overturn Roe v. Wade.

Why? Because Roe v. Wade leaves an exception in to protect the woman's life or health. The Court, in siding with Roe in the Texas case that was filed, struck down the Texas law. The Court recognized for the first time the constitutional right to privacy ''is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.''

The Court set some rules. It recognized that the right to privacy is not absolute, that a State has a valid interest in safeguarding maternal health, maintaining medical standards, and protecting potential life. A State's interest in ''potential life'' is ''not compelling,'' the Court said, until viability, the point in pregnancy at which there is a reasonable possibility for the sustained survival of the fetus outside the womb.

This is the important part: A State may, but is not required, to prohibit abortion after viability, except when it is necessary to protect a woman's life or health. That is what Mr. SANTORUM's underlying bill does; it strikes out those very important words ''or health.''

As we have repeated stories of women who have had this procedure, who, if they had not had this procedure, could have been injured permanently for life, been made sterile for life, not being able to hope to even raise a family after that, that has a lot to do with a woman's health.

I heard the Senator from Pennsylvania say something yesterday about we should not be guided by these anecdotes that people come and tell us. But what we do hear affects people's lives. These are not anecdotes.

I told the story yesterday of my friend, Kim Coster, and her husband. She had to go through this procedure twice. She still has hopes of raising a family—a very wrenching, painful decision for her and her husband. Is that an anecdote? No. It is a true-life story of what happens to individuals because of what we do here.

Let us always keep in mind that the votes we cast, the laws that we pass, affect real people in real-life situations. These are not anecdotes. These are not something to cloud and to fog our reasoning. I believe I paraphrased a little bit what the Senator from Pennsylvania said. I may not have said the words correctly, but that is sort of what he said.

No, we should use real-life stories to guide and direct us as to what we should do within the constitutional framework and what we should do to ensure that we do not trample on constitutional rights, and especially, here, the constitutional rights of women to control their own reproductive health.

So I would just say to my friend from Pennsylvania, this amendment, this sense-of-the-Congress resolution that is now pending, has everything to do with the underlying bill. It is the first time that we will be able to speak as to whether or not we believe Roe v. Wade should continue, should not be overturned, and was a wise decision.

I am certain the Senator from Pennsylvania will vote against my amendment. That is his right. I know he does not believe in Roe v. Wade. I know he believes that Roe v. Wade should be overturned. There are others who believe that. But I hope the vast majority of the Senate will vote, with a loud voice, that Roe v. Wade was a wise decision. It secured an important constitutional right for women. It should not be overturned.

I reserve the remainder of my time and yield the floor.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from California.

Mrs. BOXER. If there was any extra time, I hope we will keep it on our side. I discussed this with the Senator from Pennsylvania, and he has been gracious enough to agree, since our colleagues have time problems; what I would like to propound is that Senator DURBIN be given 5 minutes, followed by Senator FEINSTEIN for 12 minutes, and then we will reserve the remainder of our time for the closing debate. And the Senator from Pennsylvania will then have an hour left on his side.

The PRESIDING OFFICER. Is there an objection to the request?

Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 5 minutes.

Mr. DURBIN. I thank the Chair, and I thank the Senator from California for yielding me this time.

I am going to vote in favor of the Harkin amendment. The Senator from Iowa has put the question before the Senate, which is very straightforward: Do you support the 1973 decision of the U.S. Supreme Court which said that we will protect a woman's right to choose?

The decision of that Court said that the privacy of each of us, as individuals, has to be protected, and particularly the privacy of a woman when she is making a critical decision about her health.

I have, over the past day or so, been involved in a debate on this floor about this issue. And I thank all of my colleagues for participating in this debate. On an amendment I offered, there were some 38 votes last night. I wish there were more. Any Senator would. I am proud of those who stood with me and hope we have taken one small step toward finding common ground consensus, while conceding what the Senator from Iowa has made a point in his amendment; that is, first, we will keep abortion procedures safe and legal in America and, second, we will try to find reasonable restrictions within that decision. I believe that is what the debate was about yesterday.

The point I make this morning, in the brief time I have, goes to the heart of this issue. This amendment really tests us as to our feelings about the women of America, particularly those who are mothers, and the children of America. I am troubled by those who oppose the Roe v. Wade decision and

say they are doing it because they believe in the women of America. Then we look at their voting records and say, where are they?

For example, let's use one very basic issue. We on the Democratic side, with the help of Senator KENNEDY and others, have been fighting hard to increase the minimum wage. Our belief is that people who are going to work every day deserve a decent living wage. The minimum wage has been stuck at $5.15 an hour for too long. Who are the largest recipients of the minimum wage in America? Women, women who go to work, many with children, struggling to survive. If we believe in the dignity of women, we should be voting for an increase in the minimum wage.

Not too long ago, the Republican majority in the House suggested cutting back on a tax credit for lower-income working families, the earned-income tax credit. They said: This is the way we will balance the budget. Thank goodness even a Republican candidate for President came out against that idea.

It raises a question in my mind: Those who oppose the idea of Roe v. Wade and say they still stand up for the women of America, where are they on these other issues as well? Historically, the same people who are opposed to Roe v. Wade are opposed to increasing the minimum wage and want to cut the tax credit for working families, particularly single-parent families.

Let's take a look at the children's side of the equation. Many who oppose abortion procedures say these children should be born. The question is, Once they are born, will you help care for them? The record is not very encouraging. The same people who oppose the abortion procedures oppose an increase in the minimum wage, by and large. The same people who oppose Roe v. Wade are the folks who are leading the charge for cutting the earned-income tax credit, cutting the Head Start Program for the children, cutting education and health care and the basics of life.

If this is a question of commitment to life, take a look at this next roll call on the Harkin amendment, which I will support. Line up those Senators on both sides of the aisle and ask: If you say you want more children born in this world, are you willing to stand by and help the families raise them? Too many times, I think we will be sadly disappointed.

There was a study that came out a few days ago. It was from a woman at Claremont Graduate University in California who did a survey of all the States that have the strongest anti-abortion laws and found they are many times over more likely to have less assistance for families and children. Those who stand here and say, oppose Roe v. Wade, allow these children to be born, the obvious question of them is, Will you stand, then, for the programs to help these children? Time and time again, they do not.

I believe Roe v. Wade has in a way recognized the constitutional reality of privacy in this country. It is said a woman should have the right to choose. In that critical moment when she is making that decision with her doctor, with her husband, with her family, with her conscience, the Government should not be there making the decision for her.

Yes, there are restrictions in Roe v. Wade. Some people think they are too much; some, too little. Be that as it may, the basic constitutional principle is sound. Members of the Senate will have, in a very brief moment in time, a critical opportunity to decide whether or not they want to turn back the clock to back-alley abortions, to the days when abortions were not safe and legal in this country.

I hope we have a solid, strong majority vote in support of the Harkin amendment.

The PRESIDING OFFICER. The Senator from California is recognized for 12 minutes.

Mrs. FEINSTEIN. I thank the Chair.

I begin by thanking the Senator from California for her leadership on this issue. I have watched her on the floor. She has carried the message of this important issue in a very significant way. I thank her very much.

I want to speak today as a mother of a daughter, as a stepmother of three young women and a grandmother of one granddaughter. I speak as a woman who grew up in this country when abortion was illegal, who went to university at that time and saw things I wish I hadn't seen, like young women on the verge of suicide because of the predicament they were in. I want to speak about a time when I sat on the California Women's Parole Board in the 1960's, a board that sentenced doctors who performed abortions and women who had had abortions. Abortion carried a sentence of 6 months to 10 years. I remember their stories. I used to read the case histories of the patients and I saw the terrible morbidity and mortality that took place in California when abortion was illegal. I don't want to go back to those days and those stories of absolute desperation.

As I have listened to the debate, what I have heard has been a kind of moral sanctimony of people who think they know better than anyone else. They maintain that their lifestyle, their way of handling problems, is the way everybody should handle problems. In the real world, it doesn't work that way. Nobody knows anyone else's condition, circumstances, health, life or frailties.

Roe v. Wade came down in 1973 and established a trimester system for the Nation which took abortion out of the arena of politicians telling my four daughters what they could do or could not do with their reproductive systems.

Frankly, I find the discussion deeply humiliating and very distressing—the discussion of women's body parts in the Senate of the United States of America, as if we don't have sense enough to do with our bodies what we know is ethically and morally right.

The fact is, the overwhelming majority of women in this great Nation do know and they do what is right. They want to have children and they do deliver children. The beauty of Roe v. Wade was that it took the explosive issue of abortion out of the political arena and set a trimester system that made sense, both for the unborn child as well as for the woman herself.

I will quickly summarize what that is. Roe essentially said that for the stage prior to the end of the first trimester of pregnancy, the abortion decision must be left to the medical judgment of the pregnant woman and the woman's attending physician. For the stage approximately following the end of the first trimester, the State, in promoting its interest in the health of the mother, may, if it chooses, regulate the abortion procedure in ways that are reasonably related to maternal health.

Finally, for the stage following viability—that is, the time when the fetus can live outside of the womb—the State, in promoting its interests in the potentiality of human life, may, if it chooses, regulate and even ban abortion, except where it is necessary, in the appropriate medical judgment, for the preservation of the life or health of the mother.

That is Roe v. Wade. It took the debate off these legislative floors all across this great Nation. It set up a constitutional right so that women could protect themselves from the views of one person who got elected to public office or another person who got elected to public office, an imposition of their views on all of the women of America.

Roe v. Wade has stood the test of time. It should be supported, and we now have an opportunity to do so. Let me make a couple of comments on what we have before us.

Since 1992, there have been 120 votes that sought to infringe on Roe and sought to constrain a woman's right to control her own reproductive system; 113 of them have been successful. My colleague from California and I have watched the march to limit a woman's right to choose, to find ways to encroach on it, whether it is not allowing women on Medicaid to have abortions; whether it is not giving money to the District of Columbia if the District of Columbia uses Federal, or even its own dollars for abortion services for women; limiting the rights of women in the military, and on and on and on—a steady march to eliminate Roe v. Wade and a woman's right to choose. And now we have this issue of so-called partial-birth abortion before us.

I sit on the Judiciary Committee. I have attended all of the hearings on this subject. What has been interesting to me is, in the many years that we have discussed this, there has been no medical definition presented in the legislation describing what a partial-birth

abortion really is. No one has used what I think they aim at, which is something called intact D and X, which is in fact a specific medical procedure and which is known to physicians.

I ask unanimous consent to print in the RECORD a statement of policy by the American College of Obstetricians and Gynecologists.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC.

ACOG STATEMENT OF POLICY

STATEMENT ON INTACT DILATATION AND EXTRACTION

The debate regarding legislation to prohibit a method of abortion, such as the legislation banning ''partial birth abortion,'' and ''brain sucking abortions,'' has prompted questions regarding these procedures. It is difficult to respond to these questions because the descriptions are vague and do not delineate a specific procedure recognized in the medical literature. Moreover, the definitions could be interpreted to include elements of many recognized abortion and operative obstetric techniques.

The American College of Obstetricians and Gynecologists (ACOG) believes the intent of such legislative proposals is to prohibit a procedure referred to as ''Intact Dilatation and Extraction'' (Intact D & X). This procedure has been described as containing all of the following four elements:

1. deliberate dilatation of the cervix, usually over a sequence of days;
2. instrumental conversion of the fetus to a footling breech;
3. breech extraction of the body excepting the head; and
4. partial evacuation of the intracranial contents of a living fetus to effect vaginal delivery of a dead but otherwise intact fetus.

Because these elements are part of established obstetric techniques, it must be emphasized that unless all four elements are present in sequence, the procedure is not an intact D & X.

Abortion intends to terminate a pregnancy while preserving the life and health of the mother. When abortion is performed after 16 weeks, intact D & X is one method of terminating a pregnancy. The physician, in consultation with the patient, must choose the most appropriate method based upon the patient's individual circumstances.

According to the Centers for Disease Control and Prevention (CDC), only 5.3% of abortions performed in the United States in 1993, the most recent data available, were performed after the 16th week of pregnancy. A preliminary figure published by the CDC for 1994 is 5.6%. The CDC does not collect data on the specific method of abortion, so it is unknown how many of these were performed using intact D & X. Other data show that second trimester transvaginal instrumental abortion is a safe procedure.

Terminating a pregnancy is performed in some circumstances to save the life or preserve the health of the mother. Intact D & X is one of the methods available in some of these situations. A select panel convened by ACOG could identify no circumstances under which this procedure, as defined above, would be the only option to save the life or preserve the health of the woman. An intact D & X, however, may be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision. The potential exists that legislation prohibiting specific medical practices, such as intact D & X, may outlaw techniques that are critical to the lives and health of American women. The intervention of legislative bodies into medical decision making is inappropriate, ill advised, and dangerous.

Approved by the Executive Board, January 12, 1997.

Mrs. FEINSTEIN. Mr. President, instead of recognized medical language like that of the American College of Obstetrics and Gynecology, the language the underlying bill before us is vague.

Let me tell you why I say it is vague. It is vague because it not only affects third-trimester abortions, it affects second-trimester abortions; therefore, it is a continuation of the march to limit and constrict a woman's rights under Roe v. Wade.

Let me give you some examples of testimony that we had in our Judiciary Committee hearings. Doctors who testified before the Senate Judiciary Committee could not identify, with any degree of certainty or consistency, what medical procedure this legislation refers to. The vagueness meant that every doctor who performs even a second-trimester abortion could be vulnerable and face criminal prosecution.

The American College of Obstetrics and Gynecology has told us that ''the legislation could be interpreted to include, and thus outlaw, many other widely used, accepted, and safe abortion and operative obstetric techniques.''

Dr. Louis Seidman, Professor of Law from Georgetown University, told us:

> . . . as I read the language, in a second-trimester previability abortion, where the fetus will in any event die, if any portion of the fetus enters the birth canal prior to the technical death of the fetus, then the physician is guilty of a crime and goes to prison for two years.

That is what we are doing here. Dr. Seidman continued his testimony before our committee and said this:

> If I were a lawyer advising a physician who performed abortions, I would tell him to stop because there is just no way to tell whether the procedure will eventuate in some portion of the fetus entering the birth canal before the fetus is technically dead, much less being able to demonstrate that after the fact.

Dr. Courtland Richardson, an associate professor at Johns Hopkins University, testified in the House that:

> In any normal second trimester abortion procedure, by any method, you may have a point at which a part, a one-inch piece of [umbilical] cord, for example, of the fetus passes out of the cervical [opening] before fetal demise has occurred.

That would violate the so-called partial-birth abortion ban and subject a physician to 2 years in prison. That is the impact of this legislation. People can say what they want, but that is the impact, the medical impact.

Now let me give you the legal impact.

The legal impact is that courts throughout America have ruled that partial-birth abortion laws are unconstitutional. Most recently, the U.S. Court of Appeals for the Eighth Circuit unanimously ruled unconstitutional three State laws—in Arkansas, in Iowa, and in Nebraska—that mirror the Santorum bill. The Eighth Circuit is the first Federal appellate court to review the legal merits of partial-birth abortion bans. In ruling on the Iowa and Nebraska laws, which were nearly identical to S. 1692, the district court in both cases held that the language in the State laws was unconstitutional because it was overly vague, imposed an undue burden on pregnant women and did not adequately protect a woman's health and life. The Eighth Circuit Court of Appeals affirmed this ruling, noting that the State law's vague language would ban more than just partial-birth abortion; it would ban other abortion procedures protected by the landmark Roe v. Wade. Circuit Court Judge Richard Arnold wrote—and I quote this because it is important:

> The difficulty is that the statute covers a great deal more. It would also prohibit, in many circumstances, the most common method of second trimester abortion, called a dilation and evacuation (D and E).

This is the circuit court writing.

D and E is a recognized medical procedure, dilation and evacuation. Judge Arnold continued:

> Under the controlling precedents laid down by the Supreme Court, such a prohibition places an undue burden on the right of women to choose whether to have an abortion. It is therefore our duty to declare the statute invalid.

In 20 out of 21 States, partial-birth abortion laws have been blocked or severely limited; 18 State partial-birth abortion laws have been blocked by a Federal or State court; 6 out of 9 States that passed partial-birth abortion laws using the language as found in S. 1692 have had their laws enjoined, including Idaho, Iowa, Kentucky, Nebraska, New Jersey, and West Virginia. One court limited the enforcement of Georgia's partial-birth abortion ban to redefine partial-birth abortion in medical terms, to limit its application to postviability abortion. That is the point.

If proponents of this bill are really serious, they should use a medical procedure and prohibit that procedure in postviability abortions.

And the court stated that Georgia's law was invalid because it created an exception in the law to allow abortions in cases necessary to protect the health of the woman. Six States, where the laws have been blocked, used identical language to H.R. 1122, vetoed by President Clinton in 1997.

Mr. President, courts across the country have made it all too clear that legislation like S. 1692 does not do what the proponents of the bill say it does. The bill does not limit State bans on abortion to postviability procedures. It does not protect a woman's

health. For these reasons, this bill violates the basic constitutional rights of women provided by Roe v. Wade in 1972, and other Supreme Court decisions. Simply stated, the main bill before us today is unconstitutional on its face and will be struck down.

I urge this body to support the Harkin resolution and to defeat the underlying Santorum bill.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, let me respond to the comments of the Senator from California, Mrs. BOXER, about the constitutionality. The central point is that most of the cases have focused around the definition. I think she accurately described the concern some of the courts have, and the issue on vagueness, and that this procedure being outlined, partial-birth abortion, is not adequately defined so as not to outlaw other abortions at that time.

The interesting part of the argument is that you presume with the argument that it outlaws more than this. I think you can make the logical assumption that the courts might accurately only include this procedure, and that it would be constitutional, but what makes it unconstitutional is that it applies to more than this procedure.

In a sense, arguing for the unconstitutionality of this, if we were able to better define what a partial-birth abortion is in this legislation, we would make it clear that it does not ban any other type of abortion. Then the presumption I hear from the Court's own reasoning is that it would be constitutional. I think we need to look at that very carefully.

In a sense, in making their argument, they leave open the possibility that banning a particular procedure—as long as it doesn't ban all procedures or more than one procedure—the courts would be receptive to the constitutionality of such a piece of legislation. We are working right now with other Members to see if we can come up with a better definition, a more clear definition, one which would clearly pass constitutional muster with respect to vagueness.

I am encouraged. I think it is helpful that the Senator from California put the reasoning in the RECORD, because I think the reasoning clearly points to the fact the procedure itself could, in fact, be banned under Roe v. Wade. But the fact that the procedure is being defined in such a vague manner as to include other procedures is the reason they are finding it unconstitutional.

I think it creates an opportunity for us to craft in the eyes of the courts that have reviewed this to date a constitutional piece of legislation that does not create an undue burden on women because it only bans one particular procedure and not others. I see this as an opportunity.

I thank the Senator from California for laying that out. I think that is an important point of debate. We will get to that later in this debate as we get down to the end when we provide what I hope to be some technical amendments to correct this problem.

I find it interesting—I talked about it yesterday—what we are talking about now is Roe v. Wade. While I and others have stood up here time and time again and have said this is not about Roe v. Wade, one of the reasons we are bringing this bill to the floor is because we believe this is outside of the scope of Roe v. Wade's restrictions on Congress' right to limit abortion. I can go through the long list of that.

One, obviously, is the Texas Roe v. Wade case itself. It was brought before the Supreme Court. In that decision, part of the appeal was to strike a Texas law that prohibited killing a child in the process of being born. It is a Texas statute that was under review by the Supreme Court in the Roe v. Wade decision. The Supreme Court let stand the Texas law that prohibited the killing of a child in the process of being born. That is exactly what we are attempting to prohibit in the partial-birth abortion amendment.

To make the argument we are trampling on Roe v. Wade with this bill, when the case itself upheld a law that said you couldn't do that, in other words, kill a child in the process of being born, I think is stretching Roe v. Wade far beyond its own face of what it actually did.

Again, it is a distortion that is not surprising. I understand why if you don't think you have the arguments on the merits you try to change the subject. That is what this vote is about today. It changes the subject. They want to turn this into a debate on abortion. This is not a debate on abortion. This is a debate on infanticide. This is why people on both sides of the abortion issue in both Chambers support this ban—because it is less about abortion and very much about infanticide.

I am not going to say much about the underlying amendment we are talking about—the Harkin amendment—but have a couple of comments about Roe v. Wade. You hear so much about first trimester, second trimester, third trimester, the State has an interest, and the State can do this.

I remind you that Senators who are talking about these restrictions and about the second- and third-trimester have never in their lives voted for any of those restrictions. Roe v. Wade is the law of the land today. For all the rhetoric that is around, it is there. You can have an abortion at any time, anywhere, and any place as long as you can find an abortionist to do it. Period. There are no restrictions. In reality, there are no restrictions. All you have to do is find an abortionist who will say the health of the mother is at stake and you can have an abortion.

I had a chart up here yesterday. We can get it. I will put it back up. Warren Hern wrote the definitive textbook on abortion and said, I will certify that with every pregnancy there is a risk of grievous serious physical health to the mother; injury to the mother.

What you have is, in fact, no restriction. In fact, that is what occurs today. There are no limits on abortion in America. That is why one in four children conceived in America die through abortion. One in four. One in four.

So your chances of surviving in the womb are 75 percent once you are conceived. Once you are born, your chances of surviving the first 5 years are 99.9 percent. If you can make it through to be born, you are probably going to be OK. But the biggest risk to children's health in America is abortion.

Roe v. Wade promised a lot of things. When people came up and argued about Roe v. Wade, they promised a lot of wonderful things would happen to women and to women's health and to children and to child abuse. The promises were made. Look at the debate.

There would be a reduction in child abuse because there would be less unwanted pregnancies. I don't think we have to look up a whole lot of record to see that child abuse has not been reduced since Roe v. Wade. In fact, it is over double since Roe v. Wade.

There would be a reduction in divorce. I don't think that needs any comment. Obviously, it did not happen.

There would be a reduction in spousal abuse. Obviously, that did not happen.

We would lower poverty among children. Obviously, that did not happen—all the promises that this would be a better world if we just got rid of these children who weren't wanted, that life would be better.

What we found as a result of Roe v. Wade is a desensitizing of our appreciation for life, and all the promises have turned into disasters. Now we are faced with a world where we have reached the point in America that a child who is 3 inches away from being protected by Roe v. Wade, being protected by the Constitution can be executed—executed, brutally executed by a partial-birth abortion.

The reason this is an issue I feel so passionately about is not because I believe we will reduce the number of abortions in America. We will not. I will say that categorically. This bill will probably not reduce the number of abortions in America with its passage. Hopefully, in the debate we will touch some hearts but in its passage we will not.

This is not an attempt to infringe on a woman's right. This is not an attempt to change or overturn Roe v. Wade. That is why I reject the Senator's amendment as irrelevant.

This bill attempts to draw a bright line between what is and is not protected. At least we should be able to draw the line so when a child is in the process of being born, it is too late to have an abortion. It is too late.

I asked the Senator from California this question: You allow an abortion if

the child's head is inside the mother? You can then kill the baby? I said: What if the baby came out head first and the child's foot was inside the mother. Would you still be allowed to kill the baby? She said: Absolutely not.

A pretty clear line, isn't it, depending on which way the baby is born as to whether you can kill the baby. We get to the slippery slope, and this is what concerns me for our culture—if we can kill a baby that is moving, one can see the baby, the abortionist is holding the baby in his or her hands, the baby is moving, and then they take a pair of scissors at the base of the skull and jam it into the back of the baby's head and suction the brains out.

This is where humanity has arrived in the United States in 1999. In the greatest deliberative body in the world, we can stand here and debate this is a proper procedure in America; this is legal in America; this is ethical in America; this is moral in America. This is not a debate about abortion. This is a debate about who we are as a society.

I know the abortion sides have lined up and want to make this an abortion line, where we draw the line in protecting humanity. If we don't draw it here, the next logical step is easy. From the New Yorker magazine last month, the September issue, an article by Peter Singer. Peter Singer is a philosopher —pop philosopher, I guess—who was just hired at Princeton University.

What does Peter Singer say? I will read part of the article. Viewers will say that guy is a whacko, this guy is out there on the fringe; he is at Princeton University, but he is out there on the fringe. No one can make this credible argument in America today. I argue that 40 years ago no one could make this credible argument that this procedure would be legal. But here we are. Put on your seatbelts, ladies and gentlemen. We are in for a ride, and the roller coaster is going down. I don't see the bottom yet. Let me describe how far down the roller coaster we can go when it comes to civility in America, when it comes to respect for life in America.

Peter Singer:

> Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.

I remind everybody of these anecdotes I have talked about that have offended so many. What are the stories about? The backbone for the defense of this procedure given by the Senator from California, the Senator from Iowa, the Senator from Illinois. What is the subject of these tragic stories? In every instance, in every instance, these were pregnancies that had gone awry, where, in the course of fetal development, the infant became disabled, a problem developed—whether it was trisomy, hydrocephaly, some abnormality occurred, some disability occurred in the baby.

Is there an argument on any of these cases that the health or the life of the mother was endangered by carrying the baby itself? The answer is no. In none of these cases is the issue brought up that the health of the mother was jeopardized by carrying the baby. In all of these cases the point was made, the baby is going to die anyway or the quality of the baby's life is not going to be good; killing a disabled infant is not morally equivalent to killing a person.

We see how the slope gets slippery. We don't hear from the other side in defending partial-birth abortion—the cases of healthy mothers and healthy women. They are not used to defending this procedure. However, 90 percent of the partial-birth abortions are healthy mothers and healthy babies. They don't use those as an example because they are not sympathetic examples to those who are within the sound of my voice. People won't sympathize with a healthy mother and healthy baby—aborting a baby late in pregnancy, killing her healthy baby. People don't see a rationale for someone to do that.

The folks here know when people hear about a deformed baby being killed, they are OK with that. Think about what they are doing by bringing these cases up. Think about what they are presuming people are thinking when they use disabled children as a legitimate reason to be killed under this procedure. They are assuming that America doesn't care as much; they assume they are not as worthy as a normal, healthy baby.

Do you know what. They are right. Absorb that, America. They won't use healthy mothers and healthy babies to defend this procedure because people will have no sympathy for that, people have no tolerance for that. Throw up a disabled child as the object of this execution, and then it is OK; then there is sympathy.

What a slippery slope when killing a disabled infant is not morally equivalent to killing a person. And you say that is outrageous. They are using it now to justify this position. It is not outrageous; it is today in America. It is the reason for this procedure to be kept legal. Open your eyes and see what they are doing. Open your eyes and see where we are headed.

Dr. Peter Singer:

> When the death of a disabled infant will lead to a birth of another infant with better prospects of a happy life, the total amount of happiness will be greater if the disabled infant is killed. The loss of happy life for the first infant is outweighed by the gain of a happier life for the second. Therefore, if killing a hemophiliac infant had no adverse effect on others, it would, according to the total view, be right to kill him.

We will see family pictures of a mother and father who had a partial-birth abortion now being shown with another new baby. They will say, see, it is OK because this other baby is happy.

This is not craziness that is going to happen in the future. This is the roller coaster, folks, we are headed down. This debate should point Americans in the direction as clear as my finger is pointing to Senator VOINOVICH that we are headed toward Peter Singer's world.

Two or three Senators have quoted the oft-quoted paragraph out of Planned Parenthood v. Casey. They use that to legitimize what they are doing. Let me read something for you. I want you to think about the logic behind what they are saying here. Listen, America. This is an abortion case.

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life.

I am going to paraphrase that. I am going to use the words of somebody who all of you know because of some things that he did in the last year. I am going to use the words of Eric Harris, who wrote before he killed 13 children at Columbine:

> When I say something, it goes. I am the law.

What this says is very simple: You are the law. What you say goes. You have the right to define, again ''one's own concept of existence,'' one's own concept of the ''meaning of the universe and of the mystery of life.'' What I say goes.

Fredrich Neitzsche would be proud of us all for this debate. Peter Singer is proud, I am sure, of this debate today being put forward in defense of something that he supports, the killing of little children if they are not perfect like you and me. Remember, you will not hear one word, you have not heard one word in three debates, in 5 years—you have not heard one word about the normal, healthy baby being killed by this procedure. You have not heard one word about a normal, healthy mother having one of these abortions. They will not use that case even though over 90 percent of the abortions that occur with partial birth are those cases.

They use the ones that tug at your heartstrings. Having lost a baby, they tug at mine. I know the pain of what these men and women who suffered through pregnancies that went awry—I know what they suffered through. I do not demean them when I talk about their cases. They are real and they suffered. But to use—and I emphasize the word ''use''—these cases to justify the killing of a baby, to use abnormal children—abnormal to whom, I might add? Disabled to whom? Imperfect to whom? Not to me. My son who died was not perfect in the eyes of this world, but he was perfect to me. He was perfect to my wife. Most important, he was perfect in God's eyes.

To abuse these cases, to pull at your heartstrings, to legitimize killing children 3 inches away from being born is beneath the dignity of the Senate and feeds into Peter Singer's view that ''killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.''

Peter Singer takes it even further. I said he supports this procedure. I am sure he does, but he thinks this is probably not the best way to go. Here is

what he thinks. You say this is absurd, Senator? Listen:

> If a pregnant woman has inconclusive results from amniocentesis, Singer doesn't see why she shouldn't carry the fetus to term. Then, if the baby is severely disabled and the parents prefer to kill it, they should be allowed to. That way, there would be fewer needless abortions and more healthy babies.

In defense we almost do that with partial-birth abortion, don't we? We deliver the baby, get a chance to see the baby, and then we kill the baby. We have case after case now, several cases, of botched partial-birth abortions where babies who were to be aborted ended up being born before the doctor could kill the baby. There are three cases I am aware of, two in the last few months, where little children were born; not fetuses, not products of conception—which I think is another term that is used to dehumanize what is a living human being. Is there anybody in the Senate or within the sound of my voice, any Senator, who would disagree that a fetus or baby inside the mother is a living human being? I do not think there is any question that is a living human being. But we try to dehumanize it by using ''fetus,'' ''products of conception.''

In the case of a partial-birth abortion, you are talking about at least a 20-week-old living human being that is delivered feet first outside of the mother except for the head and then killed. The justification, the stories, the ''cases,'' all involve disabled children—never healthy children.

Let me tell you about some healthy children who were to be aborted using a partial-birth abortion. The first known survivor was a girl born in Phoenix, June 30, 1998, known as Baby Phoenix. The little girl was accidentally born as a result of a botched partial-birth abortion. How does a partial-birth abortion work? How could it be botched?

You present yourself to the abortionist. The abortionist says you are past 20 weeks.

By the way, when you are past 20 weeks and you deliver a child, the baby will be born alive, so we are talking about the delivery of a living baby. That baby may not survive for a variety of reasons, but the baby will be born alive, this little baby. This baby's mother did not want this baby to be born alive, so she went to an abortionist after 20 weeks and the abortionist said: Fine, we are going to do a partial-birth abortion.

Were there health concerns with this baby? Was the mother in physical problems? Was the baby physically deformed? The answer in both cases: No. Could she get an abortion after 20 weeks? The answer was yes.

Let me tell you how much after 20 weeks you can get an abortion in this country. Based on the sonogram performed at the abortion clinic, Dr. Biskind believed baby Phoenix to be 23 weeks, at least that is what he says. During the actual abortion procedure, the doctor realized the child was much older. He stopped the partial-birth abortion and delivered a 6-pound, 2-ounce baby girl. Baby Phoenix was actually 37 weeks. Both the 17-year-old biological mother and child were healthy. This was an elective abortion.

You don't hear the other side talk about elective abortions and healthy mothers and healthy babies, do you? Do you? There is no sympathy for them. Oh, but it is OK, it is all right. We have sympathy if the baby is not perfect—in our eyes. In our eyes.

Following delivery, Baby Phoenix was sent to a hospital across the street for treatment. She suffered from a fractured skull and cuts on her face as a result of the attempted abortion. Amazingly, there was no apparent brain damage. In October of 1997, by the way, the year before this happened, a Federal court struck down Arizona's law that would have prevented this brutality in the first place.

(Mr. ALLARD assumed the Chair.)

Mr. SANTORUM. Today, Baby Phoenix lives in Texas with her adopted parents. The doctor who performed this abortion has since lost his license.

That was not the last victim of partial-birth abortions. Baby Hope, the second known survivor, survived an abortion attempt which began in the clinic of Dr. Martin Haskell who has been up here and has testified, who is one of the inventors of the procedure, who, in fact, testified in court cases. By the way, when he testified in those court cases and was asked the question, Is partial-birth abortion ever used to protect the life of the mother? The answer was no—from the inventor of the procedure. Is partial-birth abortion ever necessary or is it the only option available to protect the health of the mother? The answer by Dr. Haskell: No.

Baby Hope's biological mother underwent a dilation phase of a partial-birth abortion. What happens is: You present yourself to the doctor. The doctor gives you pills to dilate your cervix. In 3 days, you come back to the abortion clinic. Your cervix is dilated, and they can perform the abortion.

She dilated too quickly. She went to a hospital and was admitted for abdominal pain. The woman gave birth as she was being prepared for an examination. This was the point at which the hospital personnel first learned she was in the dilation phase of a partial-birth abortion.

On April 7, Baby Hope was born in the emergency room. She was 22 weeks old. An emergency room technician who was asked to remove the baby from the room noticed she was alive. Neonatal staff were called to examine her, and doctors did not believe the child's lungs were developed enough to resuscitate her, so they did not put her on life support. Hospital staff wrapped the baby in a blanket. The ER technician named the baby Hope and then rocked and sang to the little girl for 3 hours 8 minutes of her life. Hope's death certificate lists the cause of death as extreme prematurity secondary to induced abortion.

Ironically, the manner of death listed on the death certificate is ''natural.'' They do not talk about these cases.

The 22-week-old baby girl died tragically, but she touched the hearts of the people whom she touched in her life. If this partial-birth abortion procedure had been performed, she would have died a violent, barbaric, painful death.

A third case, Baby Grace. Four months after Baby Hope's death, another baby survived a botched abortion, again at Dr. Haskell's abortion clinic in Dayton, OH. Baby Grace was born August 4, 1999—just a couple of months ago.

Once again, the child's biological mother went into premature labor as a result of the dilation phase of the partial-birth abortion. As in the case of Baby Hope, the mother went to the hospital and delivered the baby. In this case, the child was between 25 and 26 weeks old. Baby Grace is still alive. She is being cared for at a hospital as a premature baby. The Montgomery County, Ohio, Children Services Board has temporary custody of her and plans to put her up for adoption.

Baby Grace is living proof of the horror of partial-birth abortion. She is not a footnote in case law. She is a real baby who would have died. You do not hear anyone talking about those cases.

What this amendment does has nothing to do with the underlying bill. The underlying bill is about banning a barbaric procedure that crosses the line of civility in America; at least I hope so. Let me assure you, if we do not draw that line, we will be having debates here, I hope with all my heart, when I am not here, about whether killing children is OK if they are not perfect in our eyes. We are 3 inches from having that debate right now. It is only a matter of time before those inches fade away. It is irrelevant, really, isn't it, whether it is 3 inches or not. God bless America.

The Senator from Ohio, I understand, wants to be recognized. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 22 minutes 54 seconds.

Mr. SANTORUM. I yield 10 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise in support of the Partial-Birth Abortion Ban Act. I am grateful to the Senator from Pennsylvania for his courageous fight to ban this barbaric procedure. Any of us who has listened to him today and last night cannot help but be moved by his eloquence in regard to the importance of banning this procedure.

It is difficult even to talk about it because it is so gruesome, but we need to remind Members of the Senate that this is a procedure that is not done on an emergency basis. First, the woman

goes through 2 days of doctor visits to get dilated. On the third day, the baby is positioned for delivery in the birth canal. The fetus is turned so that it is delivered feet first, leaving only its head in the womb. An incision is then made in the base of the skull. Finally, with a suction device, the baby's brain matter is suctioned out. The skull collapses, enabling delivery of the dead baby.

I cannot understand how anyone can support this procedure or can support it being legal. There are some I have heard in this debate who say it is hard to believe we are even talking about this question on the floor of the Senate. When I think of other things that have been discussed on the floor of the Senate—for example, endangered species or animal rights—for anyone to say we ought not to be talking about this procedure on the floor of the Senate is hard for me to believe.

The subject of partial-birth abortion is not a new one for me. Four years ago, in 1995, Ohio was the first State to pass a partial-birth abortion ban. The bill prohibited doctors from performing abortions after the 24th week of pregnancy and banned completely the dilation and extraction procedure which we call the partial-birth procedure in this bill. The bill allowed late-term abortions to save the life of the mother. The women seeking abortions after the 21st week of pregnancy were required to undergo tests to determine the viability of the fetus. If the fetus was deemed to be viable, the abortion would be illegal.

The Ohio Senate passed that bill 28–4. The Ohio House passed it 82–15. These were overwhelming vote majorities which included Democrats and Republicans, pro-life and pro-choice legislators. This is not an issue today of Roe v. Wade or pro-life or pro-choice. If it were, the vote in the Ohio Senate and Ohio House would not have been so overwhelming to ban this procedure.

The truth is that most of these abortions are elective. According to Dr. Martin Haskell, to whom the Senator from Pennsylvania has referred, who happens to be from Dayton, OH, about 80 percent are elective. We are talking about 80 percent being elective. We are talking about 80 percent are healthy mothers and healthy babies.

We can all quote different statistics, but the bottom line is that there is no need for this procedure. It is never medically necessary. If a mother really needs an abortion, she has alternatives available to her that are not as torturous as partial-birth abortion.

One of the other main reasons we do not need these late-term abortions is, thanks to technology available today, we can identify problems really early in pregnancy so abortions can take place earlier. We do not need to have that type of procedure. Women today are being encouraged to come in early on, in the first trimester, for the various tests they need, so that if abortion is acceptable to them, they can have an early abortion while the baby is not viable.

The Senator from California earlier today talked about the OB/GYN doctors who have expressed opposition to this legislation. I think the significant thing about her statement today is the fact that she verified that there are other procedures available besides dilation and extraction. In fact, the Senator indicated doctors were worried about the possibility that these other procedures might be banned by the language in this bill.

So I want to make it clear to those who believe in abortion and have that tremendous decision in terms of whether or not they are going to deliver the baby that there are other procedures available to them. In fact, dilation and extraction are not even taught in medical school.

These babies are humans. They can feel pain. When partial-birth abortions are performed, as the Senator from Pennsylvania said, they are just 3 inches away from life and, for that matter, seconds away.

I urge all of my colleagues in the Senate to stand up against what I refer to as human infanticide. This is not a vote on Roe v. Wade. This is a vote about eliminating a horrible procedure that should be outlawed in this country. I urge my colleagues to vote to ban partial-birth abortion in the United States of America.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Sixteen minutes and about 30 seconds.

Mr. SANTORUM. I yield 8 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I thank the Senator from Pennsylvania. And I will not use all that time because just since I have been down here, many of the things I was going to say have already been said.

I think the Senator from Ohio was very specific when he talked about the fact that 80 percent of those abortions using this barbaric, torturous, painful procedure are elective. I could also quote from the American Medical News transcript of 1993 and others, but I think that point has been well made.

I wish everyone could have watched last night, as I did, Senator BILL FRIST, Dr. BILL FRIST, when he talked about it from a medical perspective. I do not think anyone could have watched that and not been very supportive of Senator SANTORUM and everything he is trying to do.

One of the things I do not think has really been answered appropriately is the fact that we keep hearing from the other side that both the National Abortion Federation and the National Abortion Rights Action League, all of these pro-abortion organizations which claim that the anesthesia that is administered to the mother prior to a partial-birth abortion kills the child and, therefore, the child feels no pain. Norig Ellison, the president of the American Society of Anesthesiologists, unequivocally stated that those claims had ''absolutely no basis in scientific fact.''

In fact, I think the whole idea of pain really needs to be discussed more. Dr. Robert White, a neurosurgeon at Case Western Reserve University School of Medicine said:

> The neuroanatomical pathways which carry the pain impulses are present in fetuses by the 20th week of gestation.
>
> Also, the neurosystems which would modulate and suppress these pain impulses are either not present or immature during this stage of fetal development.

What this means is, if you stop and think how painful this procedure of going into the back of your head and opening the scissors and sucking the brains out would be to you—to anyone who is here on this floor—it could be more painful to the baby because those systems that modulate and suppress the pain are not developed at that stage.

So I look at this in terms of human life. Almost all these faces that are standing up here supporting this technique, if you were to inflict that type of pain on a dog or a cat, they would be protesting in front of your offices.

A minute ago, the Senator from Ohio made some reference to the fact that it is infanticide. I hope the pro-choice people, a lot of people out there who are pro-choice who believe abortion should be an alternative, will listen to the words of Senator PATRICK MOYNIHAN, who is pro-choice. He said: I am pro-choice, but this isn't abortion, this is infanticide.

Lastly, let me just mention to you, I have this picture. This is Jase Rapert. He lives in Arkansas. I have seven grandchildren. He is No. 4. I can remember, and some of you older people can remember, back when our wives had babies, they would not even let you in the hospital, let alone in the delivery room.

When my little Molly, who is now a professor at the University of Arkansas, called me up and said: Daddy, delivery time is here; do you want to come in the delivery room? I did. I was in there for all three of her children. This is a picture of the first one, Jase.

What registered to me at that time was, we have heard a lot of talk about maybe a baby isn't perfect or something. I do not think perfection exists anyway. But in every sense of the word, that is a perfect baby.

If they had made that decision, if my Molly or her husband had made that decision at the time while I was in that room they were delivering this beautiful baby, they could have murdered Baby Jase. That is what is going on in America now. You have to put it in a personal context that we understand, that this can happen to someone we love very much.

Mr. SANTORUM. I yield 8 minutes to the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Pennsylvania, Mr. SANTORUM, for his continuing work on this important issue.

I express my strong support for legislation that would ban this unconscionable form of infanticide known as partial-birth abortion. Abortion is a moral and governmental issue of unsurpassed importance. It strikes at the very core of who we are as a people and a nation. It hits our deepest notions of liberty and questions our most fundamental assumptions about life.

For decades, my home State of Missouri has been at the forefront of the abortion debate, and for the last several years, the discourse there has been focused on the procedure being discussed here today—partial-birth abortion, infanticide. While the specific language of S. 1692 is different from the Missouri legislation, the question posed is the same: Are we willing to end a procedure that is so barbaric and extreme as to defy rational, reasoned support? Both Democrat and Republican legislators in Missouri answered, ''Yes, we are willing to ban that procedure.''

I had the privilege of serving as Missouri Governor. Regrettably, the legislature did not deliver a ban on this barbaric procedure to my desk when I was Governor. Had they done so, I would have signed it enthusiastically. Had that happened, the legislature could now be focused on other pressing problems, such as failing schools in Kansas City or St. Louis or the methamphetamine drug plague in Missouri.

Most Missourians see, as I do, the effort to ban partial-birth abortion as part of a larger commonsense approach, restricting late-term abortions, ending taxpayer funding, and requiring parental consent. These sensible ideas are not about the right of choice. They are about the right of Missouri and America to act in a manner befitting humanity. We are talking about a barbaric procedure that is inhumane. It is not befitting humanity.

Tragically, the Missouri partial-birth infanticide bill was vetoed, despite its overwhelming passage by the bipartisan Missouri General Assembly. Fortunately, both the Democrats and Republicans who fought for the original bill led a successful veto override effort in Missouri. It is an incredible accomplishment that represents only the seventh veto override in Missouri history, the third override this century, the first veto override since 1980.

Banning partial-birth abortion, which is the destruction of a partially born child, requires a historic bipartisan effort here, as it did in Missouri. America must rise above this morally indefensible, cruel procedure. It is cruel to society's most vulnerable members. Missouri's Democrat and Republican legislators got past the obfuscation, the confusion, and the deceptions. It is time for the Senate to do the same.

The defenders of the indefensible are already fast at work. They tell us that the procedure is necessary to save the life of the mother. The simple truth is, this procedure is never necessary to save and preserve the health of an unborn child's mother. Four specialists in OB/GYN and fetal medicine representing the Physicians' Ad Hoc Coalition for Truth have written:

> Contrary to what abortion activists would have us believe, partial-birth abortion is never medically indicated to protect a woman's health or her fertility. In fact, the opposite is true: The procedure can pose a significant and immediate threat to both the pregnant woman's health and fertility.

That quote was from the Wall Street Journal, September 19, 1996.

Nor should we accept the myth that this procedure is rarely utilized. According to interviews conducted by The Record of Bergen County, NJ, physicians in New Jersey alone claim to perform at least 1,500 partial-birth abortions every year—three times the number the National Abortion Federation claimed occurred in the entire country.

Once we have established that the procedure is neither rare nor medically necessary, we will hear from the other side that our law would be unconstitutional. This is just another falsehood. A legislative ban on partial-birth abortions is constitutional. Indeed, allowing this life-taking procedure to continue would be inconsistent with our obligation under the Constitution to protect life.

Although opponents will point to decisions in which activist Federal judges invalidated State-passed bans, language nearly identical to that which is in this bill has also been upheld in the Federal courts. These bans' requirements that the abortionist deliberately and intentionally deliver a living fetus that is then killed implicates the partial-birth procedure. This is not a generalized ban. Judges who have deemed the ban unconstitutionally vague ignored this text and instead have substituted their views in place of the views clearly expressed by the various State legislatures.

I also want to share a word of caution with those claiming that a ban on partial-birth abortions is unconstitutional. If they truly believe that outlawing this procedure is impermissibly vague, the inevitable conclusion people will draw is that infanticide and abortion are indistinguishable. This argument provides little solace to the defenders of this gruesome procedure.

On January 20 of last year, I chaired a committee meeting of the Constitution Subcommittee on the 25th anniversary of Roe v. Wade. In that hearing, we learned much that is relevant to the debate over partial-birth abortion. We looked at how the Supreme Court's decision failed to provide a framework for sound constitutional interpretation or to reflect the reality of modern medical practice. This latter failure is not surprising, since the Court had neither the capacity to evaluate the accuracy of the medical data nor a way to foresee the remarkable advances in medical science that would make the then-current data obsolete.

From Dr. Jean Wright of the Egleston Children's Hospital at Emory University, we learned at the hearing that the age of viability has been pushed back from 28 weeks to 23 and fewer weeks since Roe v. Wade was decided.

The PRESIDING OFFICER. The Senator's 8 minutes have expired. The Senator is recognized for 2 more minutes.

Mr. ASHCROFT. Surgical advances now allow surgeons to partially remove an unborn child through an incision in the womb, to repair the congenital defect, and slip the previable infant back into the womb. However, I think the most interesting thing we learned at the hearing was that unborn babies can sense pain in just the seventh week of life. These facts should help inform this debate.

For instance, if we know the unborn can feel pain at 7 weeks, why is it such a struggle to convince Senators that stabbing a 6-month, fully developed and partially delivered baby with forceps, and extracting his or her brain is painfully wrong. It should be very easy to convince people that it is painful and that it is wrong.

I realize, however, that not everyone agrees with my view on abortion. Indeed, I recognize the American people remain divided on this issue. Where there is a consensus, we need to move forward to protect life. The measure being discussed today to end the cruel, brutal practice of partial-birth abortion presents such an opportunity where consensus exists. The American people agree that a procedure which takes an unborn child, one able to survive outside the womb, removes it substantially from the womb and then painfully kills it is so cruel, so inhumane, so barbaric as to be intolerable and that it should be illegal. Legislatures in more than 20 States have followed Congress' lead and passed laws outlawing this procedure. Two-thirds of the House of Representatives voted to overturn the President's second veto last year. When this Chamber voted, more than a dozen Democrat Senators joined us in attempting to override the veto. A consensus has formed.

Americans want this gruesome procedure eliminated. They should not be thwarted by the twisted science and moral confusion that has been argued in this Chamber.

The PRESIDING OFFICER. The Senator is recognized for 1 more minute.

Mr. ASHCROFT. Now more than ever we need to pass this legislation to make it clear that human life is too precious to permit legally sanctioned infanticide. As we as a nation confront the terrible violence in our schools, we in Congress need to embrace a culture that celebrates life, not a culture that celebrates convenience. The values at issue are too important to be lost in the legislative shuffle.

We will pass this legislation again this year. If, again, the President vetoes it, despite the debunking of the so-called medical evidence that he used to justify that action in the past, we will continue to vote on this issue of life and death until the voice of the American people is heard and the lives of these unborn children, who are painfully destroyed while they are substantially born, are respected.

I thank the Senator from Pennsylvania.

Mr. SCHUMER. Mr. President, I rise today in support of Senator HARKIN's Sense of the Senate amendment to the partial birth abortion ban. The reason why this amendment is so important is that it really gets to the heart of this debate on the so-called partial birth abortion. The battle is really about chipping away Roe v. Wade. Let's not pretend any longer. It's about ultimately denying a woman the right to an abortion, maybe even the right to contraception.

This Sense of the Senate is a ''put your money where your mouth is'' vote. It calls the Senate on their true motives. This is the beginning of a step by step process to find an abortion procedure that seems awful, to make an inaccurate portrayal about how and why it is used, to draw a ridiculous cartoon and put it on the Senate floor, and to then outlaw the procedure and make doctors into criminals and women into murderers. In fact, the term partial birth abortion is a political slogan, not a medical procedure.

So who knows what the next term will be used to outlaw another type of abortion procedure. Let's be thankful that we have the courts. This legislation has been consistently found unconstitutional by the courts. In 19 different cases, including federal courts, the definition of partial birth abortion used in this bill has been found to be too vague, and to apply to pre and post viability abortions. As a result, this legislation violates the terms of Roe v. Wade, the cornerstone of a woman's right to choose in this country. This bill is also unconstitutional because it lacks an exception to protect a woman's health.

The Supreme Court has concluded that woman's health is the physician's paramount concern, and that a physician's discretion to determine the course of treatment must be preserved. But Congress is hardly concerned with physician authority these days. In fact, this bill tries to turn lawmakers into doctors. It would take medical decisions out of the hands of women and their doctors and give it to politicians.

My colleague's amendment underscores our commitment to the terms of Roe v. Wade, and emphasizes the right of women to choose will continue to be upheld. If you really believe that the problem is the so-called partial birth abortion, and you are truly sincere that this is not the camel's nose under the tent of undoing Roe v. Wade, vote yes on the Harkin amendment. If this is instead the first step toward making all abortion illegal—as I believe it is—then vote no.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from California has 6 minutes remaining, and the Senator from Pennsylvania has 1 minute.

Mrs. BOXER. We would like to close the debate. If the Senator will take the minute, we appreciate it.

Mr. SANTORUM. Mr. President, I yield back the remainder of my time.

Mrs. BOXER. I yield the Senator from Iowa 3 minutes.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my friend and colleague from California, Senator BOXER, for her tremendous leadership on this issue that is so important to women of this country.

I ask unanimous consent that Senator ROBB be added as a cosponsor of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, once again, the Senator from Pennsylvania said that my amendment is about changing the subject. He also made the point that this bill has nothing to do with Roe v. Wade.

Most respectfully, I disagree with my friend from Pennsylvania. Nothing could be further from the truth.

This law does not provide for any protection of a woman's health. Of course, they keep using the term ''partial-birth abortion.'' That is nowhere found in the medical lexicon. That is not a medical term. That is a political pejorative term used to excite and inflame passions. That is all it is. Let's be honest about that. I think if the other side was sincere in wanting to end late-term abortions, they could have supported Senator DURBIN's amendment yesterday, which would have accomplished that.

Finally, in States where they have passed legislation such as the Santorum bill—the underlying bill here—doctors in those States stopped performing all abortions because it was so unclear as to the timeframe. There is no timeframe in this at all. That is why the circuit courts, in all these instances, have struck these laws down as being unconstitutional. A recent case in our circuit upheld a case in Iowa on this law.

So, really, what this vote is about is whether or not the Senate wants to turn back the clock and move back to the pre-Roe v. Wade days of back-alley abortions, the days when women committed suicide when they were faced with a desperate choice, the days of women dying or being permanently disfigured from illegal abortions, when women became sterile and could not have children because they had illegally botched abortions.

This vote about to occur is whether the Senate believes that in the most personal and heart-wrenching decisions the politicians should know what is best, and not the women, their families, and their doctors, and according to their own religious beliefs and faiths. That is what this vote is about. It is about whether or not we believe Roe v. Wade was a wise decision and whether or not ought to have their rights to decide their own reproductive health. It has everything to do with the underlying bill.

Mrs. BOXER. Mr. President, I yield myself the remainder of the time.

I thank the Senator from Iowa for his insight in offering this important amendment. I am very hopeful the Senate will go on record as supporting Roe v. Wade. I think it may well do just that. That would send a wonderful signal to the families of America that we trust them to make the most personal, private decisions that perhaps they will ever be called on to make.

Once again, I have to say I think some of the language used on the other side of the aisle in this debate has been offensive. I think it has been wrong. I think it has been inflammatory. The Senator from Pennsylvania continues to say those of us who disagree with him, in essence, want to kill children. We are mothers. We have bore children. We are grandmothers. We love the children. So it is highly offensive to hear those words used on the Senate floor.

My colleague says he feels the pain of the families who went through this horrible experience; yet he demeans them. He basically says they don't know what they are talking about when they beg us not to pass this legislation, when they beg us to turn away from this legislation, which makes no exception for the health of a woman.

Again, we are not doctors. We are Senators. When the women of this country need help—and serious help—they don't turn to us. They turn to us for other things, but they don't turn to us to get the help they need. They turn to a physician they trust; they turn to their God, to their families, to their closest friends, and they turn to their conscience. So I hope we will reaffirm Roe v. Wade because that is what Roe v. Wade says—trust the women, respect them, respect their privacy.

I want to put into the RECORD a statement sent to us by an award-winning actress, Polly Bergen, who came forward to talk about her illegal abortion in the 1940s. She said:

> Someone gave me the phone number of a person who did abortions. . . . I borrowed about $300 from my roommate and went alone to a dirty, run-down bungalow in a dangerous neighborhood in east L.A. A . . . man came to the floor and asked for the money. . . . He told me to take off all of my clothes except for my blouse. . . . I got up on a cold metal kitchen table. He performed a procedure, using something sharp. He didn't give me anything for the pain—he just did it. He said . . . I would be fine.

Well, Polly Bergen was rendered infertile.

Vote for the Harkin amendment. Vote no on the underlying bill.

Mr. SANTORUM. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. SANTORUM. Mr. President, I move to table amendment No. 2321 and 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.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 2321. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 336 Leg.]

YEAS—48

Abraham	Fitzgerald	Mack
Allard	Frist	McConnell
Ashcroft	Gorton	Murkowski
Bennett	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Gregg	Roth
Bunning	Hagel	Santorum
Burns	Hatch	Sessions
Cochran	Helms	Shelby
Coverdell	Hutchinson	Smith (NH)
Craig	Hutchison	Smith (OR)
Crapo	Inhofe	Thomas
DeWine	Kyl	Thompson
Domenici	Lott	Thurmond
Enzi	Lugar	Voinovich

NAYS—51

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NOT VOTING—1

McCain

The motion was rejected.

Mr. BYRD. Mr. President, earlier today I voted against tabling a sense of the Congress amendment proposed by Senator HARKIN regarding the Supreme Court's 1973 decision in the case of Roe v. Wade. Because that vote was, to the best of my recollection, the first time the Senate has directly and specifically addressed the issue of the Court's ruling, I wish to take a few moments to explain my position for the benefit of my constituents in West Virginia.

First, despite the fact that I supported the Harkin amendment, I reiterate that I am, as I always have been, personally opposed to abortion, with few exceptions—such as when the life of the woman would be endangered, or in cases of incest or rape, when promptly reported.

However, the reality of the situation is that the decision of the Supreme Court in Roe v. Wade is the law of the land. No matter what I think personally of the procedure in question, I accept the fact that the Court, in a 7-to-2 ruling, has definitively spoken on this matter. Accordingly, I felt it was appropriate to support the language of the Harkin amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask unanimous consent there be a vote on the Harkin amendment at 2 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

WORK INCENTIVES IMPROVEMENT ACT OF 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 1180, the work incentives bill. I further ask consent that all after the enacting clause be stricken and the text of S. 331, as passed by the Senate, be inserted in lieu thereof. I further ask the bill be read a third time and passed, the motion to reconsider be laid upon the table, the Senate then insist upon its amendment, and request a conference with the House.

I further ask consent that nothing in this agreement shall alter the provisions of the consent agreement on June 14, 1999, relating to S. 331.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1180), as amended, was read the third time and passed.

(The text of S. 331 is printed in the CONGRESSIONAL RECORD of June 16, 1999.)

Mr. SANTORUM. Mr. President, I ask unanimous consent the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. Reserving the right to object. I reserve the right to object, Mr. President.

The PRESIDING OFFICER. The Senator reserves the right to object.

Mr. KENNEDY. If the Senator from Pennsylvania is the acting leader, could he give us some indication of when we will go to conference on that legislation? It is the most important piece of legislation affecting the disabled in this country. We have passed the legislation 99–0. It has been in the House of Representatives for several months. I hope at the time we are announcing we are going to appoint conferees, we would have at least some indication from the leadership as to when we are going to get to conference. I know millions of disabled Americans across this country will want to know what the intention of the leadership is on this legislation.

Can the Senator give us some idea?

Mr. SANTORUM. I say to the Senator from Massachusetts, first, I think this bill we are considering right now has a far greater impact on people with disabilities to come than this piece of legislation. But that being said, I am just doing this on behalf of the leader. I have not conferred with the leader as to what his plans are, so I am unable to answer the Senator's question.

Mr. KENNEDY. Further reserving the right to object, and I will not at this time, I think this legislation is of enormous importance. We are very hopeful we will get an early conference on it and we will get a favorable resolution. This has passed 99–0 in our body. It is a good bill that came out of the House. It is legislation we ought to complete before we adjourn.

I have no objection.

There being no objection, the Presiding Officer (Mr. HAGEL) appointed Mr. ROTH, Mr. LOTT, and Mr. MOYNIHAN conferees on the part of the Senate.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

Mr. BROWNBACK. Mr. President, I submit for the RECORD a speech given by Mother Teresa. I think it is quite germane to this debate we are having on partial-birth abortion. It is piercing in its view of the truth. It is piercing in its view of the issue of abortion. It is quite clear. I think it is full of great wisdom.

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THIS GIFT OF PEACE—SMILE AT EACH OTHER

(By Mother Teresa)

As we have gathered here together to thank God for the Nobel Peace Prize, I think it will be beautiful that we pray the prayer of St. Francis of Assisi which always surprises me very much—we pray this prayer every day after Holy Communion, because it is very fitting for each one of us, and I always wonder that 4–500 years ago as St. Francis of Assisi composed this prayer that they had the same difficulties that we have today, as we compose this prayer that fits very nicely for us also. I think some of you already have got it—so we will pray together.

Let us thank God for the opportunity that we all have together today, for this gift of peace that reminds us that we have been created to live that peace, and Jesus became man to bring that good news to the poor. He being God became man in all things like us except sin, and he proclaimed very clearly that he had come to give the good news. The

news was peace to all of good will and this is something that we all want—the peace of heart—and God loved the world so much that he gave his son—it was a giving—it is as much as if to say it hurt God to give, because he loved the world so much that he gave his son, and he gave him to Virgin Mary, and what did she do with him?

As soon as he came in her life—immediately she went in haste to give that good news, and as she came into the house of her cousin, the child—the unborn child—the child in the womb of Elizabeth, lit with joy. He was that little unborn child, was the first messenger of peace. He recognized the Prince of Peace, he recognized that Christ has come to bring the good news for you and for me. And as if that was not enough—it was not enough to become a man—he died on the cross to show that greater love, and he died for you and for me and for that leper and for that man dying of hunger and that naked person lying in the street not only of Calcutta, but of Africa, and New York, and London, and Oslo—and insisted that we love one another as he loves each one of us. And we read that in the Gospel very clearly—love as I have loved you—as I love you—as the Father has loved me, I love you—and the harder the Father loved him, he gave him to us, and how much we love one another, we, too, must give each other until it hurts. It is not enough for us to say: I love God, but I do not love my neighbour. St. John says you are a liar if you say you love God and you don't love your neighbour. How can you love God whom you do not see, if you do not love your neighbour whom you see, whom you touch, with whom you live. And so this is very important for us to realize that love, to be true, has to hurt. It hurt Jesus to love us, it hurt him. And to make sure we remember his great love he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one—the naked one—the homeless one—the sick one—the one in prison—the lonely one—the unwanted one—and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find, it may be in our own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking toward the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people they have everything here, why are they all looking toward the door, why are they not smiling? I am so used to see the smile on our people, even the dying ones smile, and she said: This is nearly every day, they are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten, and see—this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there, are we there to receive them, is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs, and I tried to find out why—why is it like that, and the answer was: Because there is no one in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace, but I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing—direct murder by the mother herself. And we read in the Scripture, for God says very clearly. Even if a mother could forget her child—I will not forget you—I have curved you in the palm of my hand. We are curved in the palm of His hand so close to Him that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother could forget something impossible—but even if she could forget—I will not forget your. And today the greatest means—the greatest destroyer of peace is abortion. And we who are standing here—our parents wanted us. We would not be here if our parents would do that to us. Our children, we want them, we love them, but what of the millions. Many people are very, very concerned with the children in India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child—what is left for me to kill you and you to kill me—there is nothing between. And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year, have we really made the children wanted? I will give you something terrifying. We are fighting abortion by adoption, we have saved thousands of lives, we have sent words to all the clinics, to the hospitals, police stations—please don't destroy the child, we will take the child. So every hour of the day and night it is always somebody, we have quite a number of unwedded mothers—tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful—we are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years—it is all in Calcutta—we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter which is very beautiful, very simple, and our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby whenever we want. So clear—these people in the street, those beggars—and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us. The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank and said: You people who have evolved chastity you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people. The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition—and I told the sisters: You take care of the other three, I take of this one that looked worse. So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: Thank you—and she died.

I could not help but examine my conscience before her, and I asked what would I say if I was in her place. And my answer was very simple. I would have tried to draw a little attention to myself, I would have said I am hungry, that I am dying, I am cold, I am in pain, or something, but she gave me much more—she gave me her grateful love. And she died with a smile on her face. As that man whom we picked up from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without cursing anybody, without comparing anything. Like an angel—this is the greatness of our people. And that is why we believe what Jesus has said: I was hungry—I was naked—I was homeless—I was unwanted, unloved, uncared for—and you did it to me. I believe that we are not real social workers. We may be doing social work in the eyes of the people, but we are really contemplatives in the heart of the world. For we are touching the body of Christ 24 hours. We have 24 hours in this presence, and so you and I. You too try to bring that presence of God in your family, for the family that prays together stays together. And I think that we in our family we don't need bombs and guns, to destroy to bring peace—just get together, love one another, bring that peace, that joy, that strength of presence of each other in the home. And we will be able to overcome all the evil that is in the world. There is so much suffering, so much hatred, so much misery, and we with our prayer, with our sacrifice are beginning at home. Love begins at home, and it is not how much we do, but how much love we put in the action that we do. It is to God Almighty—how much we do it does not matter, because He is infinite, but how much love we put in that action. How much we do to Him in the person that we are serving. Some time ago in Calcutta we had great difficulty in getting sugar, and I don't know how the word got around to the children, and a little boy of four years old, Hindu boy, went home and told his parents: I will not eat sugar for three days, I will give my sugar to Mother Teresa for her children. After three days his father and mother brought him to our house. I had never met them before, and this little one could scarcely pronounce my name, but he knew exactly what he had come to do. He knew that he wanted to share his love. And this is why I have received such a lot of love from you all. From the time that I have come here I have simply been surrounded with love, and with real, real understanding love. It could feel as if everyone in India, everyone in Africa is somebody very special to you. And I felt quite at home I was telling Sister today. I feel in the Convent with the Sisters as if I am in Calcutta with my own Sisters. So completely at home here, right here. And so here I am talking with you—I want you to find the poor here, right in your own home first. And begin love there. Be that good news to your own people. And find out about your next-door neighbor—do you know who they are? I had the most extraordinary experience with a Hindu family who had eight children. A gentleman came to our house and said: Mother Teresa, there is a family with eight children, they had not eaten for so

long—do something. So I took some rice and I went there immediately. And I saw the children—their eyes shining with hunger—I don't know if you have ever seen hunger. But I have seen it very often. And she took the rice, and divided the rice, and she went out. When she came back I asked her—where did you go, what did you do? And she gave me a very simple answer: They are hungry also. What struck me most was that she knew—and who are they, a Muslim family—and she knew. I didn't bring more rice that evening because I wanted them to enjoy the joy of sharing. But there was those children, radiating joy, sharing the joy with their mother because she had the love to give. And you see this is where love begins—at home. And I want you—and I am very grateful for what I have received. It has been a tremendous experience and I go back to India—I will be back by next week, the 15th I hope—and I will be able to bring your love.

And I know well that you have not given from your abundance, but you have given until it hurts you. Today the little children they gave—I was so surprised—there is so much joy for the children that are hungry. That the children like themselves will need love and care and tenderness, like they get so much from their parents. So let us thank God that we have had this opportunity to come to know each other, and this knowledge of each other has brought us very close. And we will be able to help not only the children of India and Africa, but will be able to help the children of the whole world, because as you know our Sisters are all over the world. And with this Prize that I have received as a Prize of Peace, I am going to try to make the home for many people that have no home. Because I believe that love begins at home, and if we can create a home for the poor—I think that more and more love will spread. And we will be able through this understanding love to bring peace, be the good news to the poor. The poor in our own family first, in our country and in the world. To be able to do this, our Sisters, our lives have to be woven with prayer. They have to be woven with Christ to be able to understand, to be able to share. Because today there is so much suffering—and I feel that the passion of Christ is being relived all over again—are we there to share that passion, to share that suffering of people. Around the world, not only in the poor countries, but I found the poverty of the West so much more difficult to remove. When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread, I have satisfied. I have removed that hunger. But a person that is shut out, that feels unwanted, unloved, terrified, the person that has been thrown out from society—that poverty is so hurtable and so much, and I find that very difficult. Our Sisters are working amongst that kind of people in the West. So you must pray for us that we may be able to be that good news, but we cannot do that without you, you have to do that here in your country. You must come to know the poor, maybe our people here have material things, everything, but I think that if we all look into our own homes, how difficult we find it sometimes to smile at each other, and that the smile is the beginning of love. And so let us always meet each other with a smile, for the smile is the beginning of love, and once we begin to love each other naturally we want to do something. So you pray for our Sisters and for me and for our Brothers, and for our co-workers that are around the world. That we may remain faithful to the gift of God, to love Him and serve Him in the poor together with you. What we have done we would not have been able to do if you did not share with your prayers, with your gifts, this continual giving. But I don't want you to give me from your abundance, I want that you give me until it hurts. The other day I received 15 dollars from a man who has been on his back for twenty years, and the only part that he can move is his right hand. And the only companion that he enjoys is smoking. And he said to me: I do not smoke for one week, and I send you this money. It must have been a terrible sacrifice for him, but see how beautiful, how he shared, and with that money I bought bread and I gave to those who are hungry with a joy on both sides, he was giving and the poor were receiving. This is something that you and I—it is a gift of God to us to be able to share our love with others. And let it be as it was for Jesus. Let us love one another as he loved us. Let us love Him with undivided love. And the joy of loving Him and each other—let us give now—that Christmas is coming so close. Let us keep that joy of loving Jesus in our hearts. And share that joy with all that we come in touch with. And that radiating joy is real, for we have no reason not to be happy because we have Christ with us. Christ in our hearts, Christ in the poor that we meet, Christ in the smile that we give and the smile that we receive. Let us make that one point: That no child will be unwanted, and also that we meet each other always with a smile, especially when it is difficult to smile.

I never forget some time ago about 14 professors came from the United States from different universities. And they came to Calcutta to our house. Then we were talking about home for the dying in Calcutta, where we have picked up more than 36,000 people only from the streets of Calcutta, and out of that big number more than 18,000 have died a beautiful death. They have just gone home to God; and they came to our house and we talked of love, of compassion, and then one of them asked me: Say, Mother, please tell us something that we will remember, and I said to them: Smile at each other, make time for each other in your family. Smile at each other. And then another one asked me: Are you married, and I said: Yes, and I find it sometimes very difficult to smile at Jesus because he can be very demanding sometimes. This is really something true, and there is where love comes—when it is demanding, and yet we can give it to Him with joy. Just as I have said today, I have said that if I don't go to Heaven for anything else I will be going to Heaven for all the publicity because it has purified me and sacrificed me and made me really something ready to go to Heaven. I think that this is something, that we must live life beautifully, we have Jesus with us and He loves us. If we could only remember that God loves me, and I have an opportunity to love others as He loves me, not in big things, but in small things with great love, then Norway becomes a nest of love. And how beautiful it will be that from here a centre for peace of war has been given. That from here the joy of life of the unborn child comes out. If you become a burning light in the world of peace, then really the Nobel Peace Prize is a gift of the Norwegian people. God bless you!

Mr. BROWNBACK. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. 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. SANTORUM. Mr. President, I ask unanimous consent that the pending amendment be set aside. Obviously, we have a vote locked in at 2 o'clock. I ask unanimous consent that it be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, what I want to do is give an opportunity for other Senators who have amendments to come to the floor and offer their amendments during this time so we can move forward on the bill, with the expectation we can finish the bill sometime today.

Also, if any Senator has a statement on either side of the issue, this is a good opportunity to come down and make their statement about the bill or about any amendment that has been offered to date. I hope we will use this time fruitfully and not delay the Senate any further in acting upon this very important measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. KERREY. Mr. President, does the Senator from Pennsylvania intend to stay on the floor for a while?

Mr. SANTORUM. For another 10 minutes, and then I am going to be gone.

Mr. KERREY. I have to leave as well. I have come a couple times trying to engage in a colloquy on this piece of legislation. I thought now would be the time to take a few minutes to do so.

I support a woman's right to choose. I voted yes on Medicaid funding. I think it is critical for me to support a woman's right to choose for those people who cannot afford it. I supported Federal employees' rights to use health insurance, and I supported rights of people in the armed services to reproductive services. I think I voted five times against your legislation or something to that extent, and a couple times to sustain the President's veto.

I want people on both sides of the aisle to understand this procedure deeply troubles me. I am not certain how I am going to vote this time around. I indicated to people in Nebraska that I am listening to their concerns about this procedure.

I state at the beginning this is a very difficult issue because very often we do not have a chance to debate and talk about it in a personal way, as in the way the Senator from Pennsylvania did last evening. I caught about the last 30 minutes of the presentation. It is a very moving and personal presentation the Senator makes, and oftentimes we just do not get that. We lock in our positions early on in our political careers and are told by our political consultants: You cannot change your position or modify your position in any way—especially in my case; I am coming up on an election—you are doing it for political reasons, so forth, your supporters get bitterly disappointed, on and on and all that political advice.

I have, in my case, to ignore that. I find this to be very much about what kind of a country we want to be, and it is a very serious debate. I do not know

that we have time, I say to the Senator from Pennsylvania, today or right now to do it, but at some point, even when the Senator from California is down here, I want to talk about this question of medical necessity because for me it turns on that. If this procedure is not medically necessary, then your legislation is not an undue burden upon anyone who chooses to undergo an abortion. It is not an undue burden. If it is medically necessary, then it can be an undue burden. That is where it gets in a hurry for me as I consider this.

I have talked to people in Nebraska about this, both for and against. It is very difficult for anybody, once they consider what this procedure is, to say: Gosh, that's good; it doesn't bother me; I am not concerned about it. Almost unanimously people say there is something about this that just does not seem right.

I wonder if the Senator can talk for a bit—I do not want to drag him too long into this discussion—about this issue of medical necessity. I will announce ahead of time for the staff, for the Senator from California, I will give her an opportunity, as well, to describe why she believes this is medically necessary. I have heard the Senator from Pennsylvania say it is not. I appreciate very much an opportunity to hear directly from him.

Mr. SANTORUM. Mr. President, first off, I thank the Senator very much for his interest in an honest and open debate. I agree, this is one of the critical issues we have to address, and the courts have confronted this question of undue burden.

Underlying that are two issues; one is the center point: Is this medically necessary. Second, are there alternatives to this procedure so as not to have an undue burden.

That gets into a couple issues. Let me address the medical necessity issue.

I will present the evidence as best I can that supports, we believe, the fact that this is not medically necessary. We have, of course, the AMA which said it is not medically necessary. That is the American Medical Association. They have said in a letter and stand by it that this procedure is not medically necessary.

We have C. Everett Koop, obviously someone who has a tremendous amount of respect in this country, who has written directly this is not medically necessary.

We have an organization of 600—actually more than 600—obstetricians and gynecologists, many of them members of the American College of Obstetrics and Gynecology, many of them fellows, who have written without any hesitation this procedure is not medically necessary and is, in fact, dangerous to the health of the mother. They go one step further: It is never medically preferable, not only medically necessary.

On the other side of the issue—and I am trying to present it, and I know the Senator from California will present her side—what is used is the American College of Obstetrics and Gynecology policy statement on the issue. Several years ago, they put together a select panel, and the select panel reviewed the procedure to determine whether there were cases in which it was medically necessary to perform this procedure. They came forward with a statement. This is what their statement said:

> [We] could identify no circumstances under which this procedure . . . would be the only option to save the life or preserve the health of the woman . . .

They went on to say—and this is where the Senator from California will come in and say, see, that is not the whole story, so I will go on. It says:

> An intact D&X—
>
> Partial-birth abortion—
>
> however, may—
>
> May—
>
> be the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of a woman, and only the doctor, in consultation with the patient, based upon the woman's particular circumstances can make this decision.

We have asked the American College of Obstetrics and Gynecology to provide us an example of where this procedure may be the best procedure because what they say is it ''may.'' For 3 years we have asked them to provide us a factual situation where, in fact, this ''may'' would come into play, and they have not done so.

In fact, we have letters, and I would be happy to share them with you; there are dozens—in fact, there is a whole stack—from obstetricians and gynecologists throughout America who take issue with this statement, saying there are no circumstances where this would be the most appropriate procedure.

Dr. FRIST addressed that issue last night. He went through the medical literature and talked about it. I have asked him to come over, if he can, because I think, as a physician, as a surgeon, he may be better to answer this question than me.

Mr. KERREY. I appreciate that very much.

Mr. President, I expect, after lunch, to come back. I hope there is an opportunity to engage in this kind of colloquy.

I will give you an example. There was a woman who approached me and said: Senator, there are times when a woman gets an abortion where she would prefer not to. She has gone in for delivery—that is the situation this woman described to me. She went in to deliver a baby. She went in and delivered prematurely, and the doctor had to make a decision and chose, she thought, this procedure—I don't know precisely; I don't have the documentation on this—but thought the doctor chose this procedure and was worried that if this procedure was not available, the doctor might not have been able to save her life.

I presume the Senator has a response to that. This is not a unique situation. In other words, this is not a woman who has chosen to have an abortion. She wanted to have the baby. She wanted to deliver the baby.

Mr. SANTORUM. She was in the process of delivery, and they had to do something?

Mr. KERREY. That is correct.

Mr. SANTORUM. Two comments.

First of all, the definition of ''partial-birth abortion'' is very clear. It requires an intent to do an abortion. So if you were going in, and you were having a delivery, and the delivery is breech, for example, that would not be covered under this. It is very clear. There is no court in the land, that has reviewed this, that has suggested that anyone who is in the process of delivering a child for the purpose of a live birth is covered under this definition because you have to have the intent to have an abortion. If there is no such intent, then you are not covered under the act.

Mr. KERREY. Has the Senator examined the Eighth Circuit decision that overturned it?

Mr. SANTORUM. I have.

Mr. KERREY. Can we speak to that later? I don't want to keep you any longer. You were kind enough to stick around a few minutes. I need to leave for a luncheon, as well. Perhaps we can speak later this afternoon.

Mr. SANTORUM. Yes, I would be happy to. In fact, I shared with the Senator from Nebraska yesterday an amendment to the bill that I think directly is on point with what the Eighth Circuit decision had concern with, which is the vagueness of the definition, that it could cover more than one abortion. I think this refinement of the definition makes it crystal clear that we are only talking about this one procedure.

As I said to the Senator from California, Mrs. FEINSTEIN, when she was going through the Eighth Circuit decision earlier, the Eighth Circuit said our problem with this is it includes too much. Obviously, if you take the logic of that, they would probably not have a problem if it did not include too much.

Mr. KERREY. The language you showed me earlier to modify your amendment was to respond to the Eighth Circuit?

Mr. SANTORUM. That is correct.

Mr. KERREY. Mr. President, I accomplished at least the objective of letting people know that: Please, don't put me in the ''no column'' on this immediately. I indicated the last time this thing was around that I have significant reservations about it. I have listened to people and talked to people, especially at home, and under no circumstances do I—I was Governor for 4 years and have been a Senator for 10 years. The worst thing is to be locked into a position from which people say you can't change, even if you acquire evidence that your previous position is wrong.

So I want both the Senator from Pennsylvania and especially the people

in Nebraska to understand that I am looking at it. If I conclude I was wrong the other time, I will vote differently this time.

Mr. SANTORUM. I thank the Senator from Nebraska for his openmindedness on this. From my perspective, in looking at his career, it comports very well with his previous practice. I appreciate the opportunity to converse with the Senator.

I might just say, this is the kind of dialog I think we need to have on the Senate floor when it comes to this issue. Let's get to the material facts that are before us, and let's have an enlightened discussion about what underpins this case.

Dr. FRIST is here. If the Senator would care to add to this colloquy, I would certainly appreciate his comments.

Mr. FRIST. Mr. President, it is interesting. I believe much of the discussion centers on the fact of this being a particular procedure; that is, as I have said on the floor of the Senate, this particular procedure, as described, is a subset of many other types of procedures of abortion.

As I talk to physicians and surgeons, which I do on a regular basis—because, as I said, I am not an obstetrician, I am a surgeon who is trained in looking at surgical techniques—this is a specific technique which is a subset of a much larger armamentarium. This is where much of the confusion is. It is confusing to many physicians. Physicians today have this great fear that by prohibiting a single procedure, in some way that is going to be expanded to eliminate the much larger armamentarium of tools used.

That is what we have to be very careful of. We are talking about a very specific procedure that has been described. We do not need to go through the details now. There are other procedures that are in a broader arena called D&E and all these more medical terms it is not worth getting into.

But it is important for people to understand this is a very specific type of procedure that is different, that is on the fringe; that does not mean the other procedures can't and in certain cases shouldn't be used.

Mr. KERREY. If the Senator will yield for a question in this regard.

Mr. FRIST. Yes.

Mr. KERREY. This bill, then, is inaccurately characterized as a late-term abortion bill? It is not? I have had people ask me about it: Are you going to support the partial-birth abortion bill because it is going to end this procedure, late-term procedure? This is a bill that would make illegal a specific medical procedure?

Mr. FRIST. That is exactly right.

Mr. KERREY. The second part, is there precedent for us to do this sort of thing?

Mr. FRIST. No, there is not, or to my mind, there is not. You can find certain examples, because we are talking about life, and other places that the Senate has intervened.

The real concern among physicians, which I think is very accurate, is you are taking a specific procedure and taking it off the table. And the question is, Why?

The other big concern is, is this a slippery slope? Does this mean the Congress is going to come in and take another procedure and another procedure to accomplish a goal with some hidden agenda of eliminating all abortions for everybody under all circumstances at a certain point in life? It is not.

In is this unusual nature of being a specific procedure that is what is hard for the American people to understand and physicians to understand and our colleagues to understand. This basically takes a procedure, which is one of many, at any point —really 22 weeks and later—and eliminating it because of the brutality, the inhumaneness, the way it is performed, the risk, the unstudied risk of the safety of the mother, and the damage to the fetus, which during that period, I would argue, does feel pain.

Mr. KERREY. I thank the Senator.

Mr. FRIST. Thank you.

Let me move to something that I commented on very briefly, and that is this whole concept of a slippery slope. I have talked to a number of physicians in the last several days. Their concern is exactly as I implied. We have the Congress coming in and taking a procedure—and none of the physicians I have talked to have tried to justify this procedure in any way—but the great fear is that you take this procedure, and the Congress will come back a year from now, or 2 years from now or 3 years from now, and ban other very specific procedures.

I struggled with this a great deal because I do not want to see the Federal Government coming in to that decision making capacity. I struggled with it night and day. I struggled with it since we last debated this on the floor. But ultimately, I come back to the fact that women are being hurt by a specific procedure; thus, we have a public responsibility, as being trustees to the American people, since there are women being hurt by a procedure, which is unnecessary today, that continues to be performed on the fringe, out of the mainstream, that we do have a public obligation to reach out and prohibit that specific procedure.

I described in some detail last night the out-of-mainstream whole fringe nature of this procedure. Again, I think it is very important for people to understand this is a fringe procedure.

Then people will come and say: If it's such a fringe procedure, why do you say we need to go so far as to have the Federal Government become involved?

Again, it comes back to the fact that being a fringe procedure, the safety, the efficacy of this procedure has not been discussed.

As a surgeon, as someone who has spent his entire adult life, or 20 years of his life, studying surgical procedures, studying the indications for operation, the techniques of operation, the potential complications of operation, the risks of operation, and the outcome of operation, none of that—none of that—has been studied by the medical profession for partial-birth abortion, which involves the rotation of the fetus in utero, pulling out most of the fetus, inserting scissors into the base of the cranium of the skull, expansion of those scissors, and evacuation of the brain. It has not been studied.

I have also mentioned I wanted to see what our medical students are learning. Therefore, over the last several days, I reviewed 17 different textbooks. In fact, they are sitting in my office. I thought about bringing a couple and putting them on the desk. In 17 of those textbooks, not once is that procedure described. Not once are the indications for that procedure there. Not once is there any discussion of the risk of the complications or of the outcome.

I challenge my colleagues and others: Where else would we allow a procedure which we know has complications? They have been outlined on the floor. We know there is hemorrhage or bleeding, or perforation of the uterus by a blind manipulation. We know there is a rupture of the uterus. The list goes on in terms of the complications of the procedure. But where else in medicine today do we actually allow a procedure to be performed that we know hurts people, that is on the fringe, which has not been studied by the medical profession? There are no trials. There are no publications in peer review journals. Of the thousands and thousands of peer review articles out there, the thousands in obstetrics each year, this procedure has not been studied. We have an option. We have alternatives in each and every case.

It is interesting because a number of people have called around and talked to their own medical schools trying to gather more information. They will call me afterwards and say: Senator FRIST, or Dr. FRIST, I just talked to the obstetrician back home and he says that abortions are indicated at certain points, in his or her mind. Therefore, to outlaw this procedure would mean no abortions will be performed in that middle or late trimester. You could argue, depending on your moral beliefs or medical beliefs, whether or not that should be the case, but that is not what is under discussion today.

What is under discussion is the elimination of a specific procedure for which there are alternatives; a specific procedure I argue not only offends the basic civil sensibilities of all Americans but is inhumane to the fetus and hurts and damages and threatens the health of women.

I was talking to an obstetrician yesterday at one of the very esteemed medical centers. I basically asked, do you teach this procedure. I have not talked to anybody yet—I know it is not in the literature—who teaches this procedure in an established surgical residency training program. That is the

program where we train the board certified obstetricians.

There might be some abortionists who are not board certified, who have not gone through board programs. It is important for people to know you can perform abortions, you can actually do surgery without being board certified. You don't have to go through the certification process. Yes, there are people performing this procedure, but if you go to the established licensing, credentialling bodies, you won't find this procedure being taught.

Are abortions being taught? It depends on which medical school you are attending. It depends on which residency training program. One person I was talking to yesterday said: No, at our hospital, as part of our program, we don't go in and teach midtrimester abortions. We don't teach the procedures. If you voluntarily come forward, yes, we will teach abortion. But we will not teach the partial-birth abortion, which involves manipulation within the uterus, blind extraction of 90, 95 percent of the fetus, and opening the cranium with scissors bluntly and evacuation of the brain. We teach abortion voluntarily, but we do not actually teach the partial-birth abortion.

Therefore, when my colleagues talk to people, be very specific that this procedure, the partial-birth abortion procedure as described on the floor of the Senate, is the procedure that is under discussion.

To summarize, this is a fringe procedure. It is outside of the mainstream. It is not studied or taught in our medical schools. Of the 17 textbooks I reviewed last night, I did find one reference, after looking through all 17 books, to partial-birth abortion. It had nothing to do with technique. It had nothing to do with complications. It had nothing to do with outcome. The only mention was one paragraph in this particular textbook. It mentioned the veto by the President of the United States.

There are alternatives to this inhumane, barbaric procedure. Thus, I continue to support the Senator from Pennsylvania in prohibiting this procedure and its practice.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, it is my intention at some point later on in the proceedings of the debate on this partial-birth abortion ban bill to offer an amendment that would bring some sunshine and light into the abortion industry in terms of disclosure.

As I indicated last night in a rather lengthy presentation on the Senate floor, the sale of fetal body parts is illegal. Ironically, President Clinton himself signed the legislation banning that. Yet it is taking place in America. I think we need to look into this matter in great detail.

The purpose of my amendment is to provide that we have disclosure so we know who is selling, who is buying, what is being sold, and whether or not laws are being violated.

As many of you know, several years ago, in 1994 and 1995, I took to the floor of the Senate on this legislation. As a matter of fact, I wrote the original partial-birth abortion ban bill. I took a lot of heat for it. I received a lot of attacks from the media, a lot of attacks from some colleagues, and certainly from the abortion industry.

President Clinton came to my State and campaigned against me in my reelection efforts, as did Vice President GORE and Mrs. Clinton. They had a regular celebrity group up there making pretty much of a big deal out of the fact that I had been this ''extremist'' who stood on the Senate floor and exposed partial-birth abortion. I didn't even know it existed 6 years ago.

The interesting thing to me is, why is it that those of us who are opposed to this barbaric procedure are ''extremists'' and those who perform it are not? They are ''thoughtful liberals,'' I guess. It is amazing what we can do with semantics and, with a little disingenuous discussion, how we can change the debate in this country.

Senator SANTORUM and others have talked extensively on what happens in a partial-birth abortion. I am not going to go into all of that. But I will say this: It is infanticide. It is killing children in some cases outside of the womb.

We have a child who is 90-percent born but for the head, and under the so-called Roe v. Wade law, unfortunately, that child, because the head has not come through the birth canal, can be killed by using a barbaric means of needle and sucking the brains from the child. It is a horrible procedure which has been discussed here in great detail. It is amazing to me that we are ''extremists,'' we who are exposing it, and those who do it are not. But that is the way we are with semantics.

When I came down to the floor several years ago, I brought a little plastic medical doll. When the press was finished writing about it, it was a ''plastic fetus.'' I was accused of showing aborted children on the floor of the Senate when in fact I showed a picture of premature babies who had been born who had lived. But as many times as I corrected papers such as the New York Times, they still couldn't get it right.

This debate has been pretty harsh at times. Frankly, it is very graphic. My goal is not to try to revisit all of that but to try to get into your heart, if I cannot your face, on this issue. We all have very strong feelings about this. But I have to believe most Americans are appalled, sickened, angered, and disgusted that such a brutal act would take place in this country to be carried out against a defenseless child. Yet we condone it.

As I said last night on the floor, if every SPCA in America announced tomorrow they were going to kill all of their dogs and cats, unwanted cats and dogs, puppies, kittens, by using this procedure with no anesthetic, putting a needle to the back of the head and sucking the brains from those animals, I guarantee there would be a firestorm. There would be people protesting in front of the SPCA. But we do it to our children.

Then we say we are surprised when our children go out and kill other children, when they get into trouble with drugs and all the other things that sometimes happen to our children in society. What are we telling them? What is the message we are giving them? We are telling them: You are worthless. We tell them: You go to school today, Johnny, be a good boy, and we will abort your sister with this horrible procedure while you are in school. That is what we are telling them.

I was told from a very early age that when you are around children and talk, they listen. They hear you. A lot of times, you ask a 3-year old. I can discuss this or that, and they don't care what I am saying. They are not paying any attention. They are playing with their toys. You would be surprised at what they hear.

I tell you what they are hearing when they hear this debate. They are hearing: We are worthless; nobody cares about us. We can just go ahead and abort you, kill you—you are just to be discarded in a trash can—and go right on about our business, keep working on our jobs, having a nice vacation and our 401(k)s; everything is fine. We just go ahead and kill babies.

The vast majority of partial-birth abortions are performed on healthy women with healthy babies. Dr. Martin Haskell, who is the leading practitioner of partial-birth abortions, said: I will be quite frank; most of my abortions are elective in that 20- to 24-week range, and, in my particular case, 20 percent are for genetic reasons and 80 percent are purely elective. Mr. President, 24 weeks is 6 months.

I received a telephone call in one of my offices several weeks ago. A 9-year-old girl relayed to my staff this message:

I want to thank the Senator for being pro-life. I'm 9 years old and I would like him to tell America when he has the chance that my mother gave birth to me prematurely when she was 5 months pregnant. I'm here talking to you now. Please tell your fellow Americans not to kill children like me.

That is pretty powerful stuff.

When President Clinton held his press conference and said he had five women at the press conference who had all undergone health-saving partial-birth abortions, one of the women later

involved in that press conference admitted her abortion was not necessary at all. As far as her health was concerned, it was not medically necessary. She said on a radio show soon after the press conference:

> This procedure was not performed in order to save my life. This procedure was elective. That is considered an elective procedure, as were the procedures of all the women who were at the White House veto ceremony.

The sad truth is we will pass this bill; that is the good news. The bad news is it will be vetoed again for the third time by this President because we need 67 votes to override it and we don't have them. That is sad because thousands more children are going to die in the next few years because President William Jefferson Clinton won't sign this bill—thousands—and they will die brutally. We are responsible for it in this Senate because we can't get 67 men and women with the guts. Does it really take guts to stand up, go down to the well and say, aye, to ban this horrible procedure? We don't have them. And Bill Clinton has the pen. That is the Constitution.

I want everybody to know, three votes, maybe four—probably three—will decide whether thousands of children live or die. Hopefully, we keep that in mind as the debate moves forward.

I don't enjoy talking about abortions and about killing children. Why are we on the Senate floor doing this? Let me state why. Roe v. Wade was passed in 1973 that said anyone can have an abortion any time they want for any reason. Over 4,000 babies, 4,100 to be exact, die every day from legalized abortion; not from partial-birth abortion, to be fair, but from abortions. Many of them are partial-birth abortions.

When I first took the floor on this issue several years ago, I was told it might be a dozen or two dozen at the most, in extreme cases—hydrocephalic babies and other horrible deformities were the only times they were aborting. I was knocked by some, certainly in the media, that I made a mountain out of a molehill, this was not prevalent in our society, and why was I doing all this.

Now we find from the admission of their own people who perform the abortions that partial-birth abortions are very frequent. I will point out in a few moments why they are frequent. I will point out some of the dirty little secrets of this industry. It will shock Members. It shocked me.

Mr. President, 40 million children have died since 1973, since Roe v. Wade, from abortion—not partial-birth abortion but all abortions. There are 260 million Americans. Roughly one-seventh, about 15 percent, of America's population has been executed through abortion; never to be a mom, never to be a dad, never to be a doctor. Who knows. Maybe one of those kids could have been a scientist who found a cure for cancer—never have the chance to be happy, never have a chance to fulfill their dreams. In the Declaration of Independence, Thomas Jefferson said we have the right to life, liberty, and the pursuit of happiness. Down the drain. They didn't have a choice.

I hear a lot about choice in this debate. What choice do they have? It would be interesting to have in the gallery some of the 40 million. They could be sitting up here today. I wonder how they would vote on this bill if they could vote. I think the vote would be different. I don't think there is any question about it.

Sometimes we make judgments about why a woman, mother, should have a right to have an abortion. I am reminded of a story I mentioned last night on the floor. I will mention it again because I know some missed it. I ask this question. Answer silently. If you knew a woman who had three children born blind, then she had two more children born deaf, a sixth child born mentally retarded, and she was pregnant again and she had syphilis, would you recommend she have an abortion? If you said yes, guess who you just killed. Beethoven. He made a pretty fair contribution to the world, as I recall, but we would have killed Beethoven. How many Beethovens have we killed in those 40 million? How many great baseball players such as my colleague presiding, have we killed? How many entertainers? We will never know. But we did it. We did it.

One of the things about America, people want to blame somebody else. My kid gets in trouble; it is not my fault; it is somebody else's fault.

We are responsible for this. We go to work; everything is fine. But don't worry about those 40 million kids—gone. Mr. President, 95 percent of those abortions are used for birth control. They were totally elective. One to two percent are done because the life of the mother was threatened or she was perhaps raped or some other horrible thing. That means that more than 38 million abortions are performed for reasons that boil down to one word: Convenience. It is convenient, isn't it? How convenient it is. Mom was too old; mom was too young; mom was in high school; mom was in college; mom needed to work.

Who knows. I want to speak directly to any woman out there now listening to me who may be pregnant with an unwanted pregnancy. There is help out there. One does not need to do this. Do not listen to those who say that is the only alternative. There is another alternative. If anyone wants help, there are professionals to help. Call my office or the office of any other pro-life Senator. We will steer anyone to the right people to get that help. I beg women to do it. They will be glad they did when they look back 10, 15, 20 years from now. They will be glad.

I had the privilege of helping to raise funds for a home for unwed mothers, a clinic in Baton Rouge, LA, from a woman who is a saint on Earth. Her name is Dorothy Wallace. She saved 10,000 women since 1973, advising them to choose life.

If you want something emotional, attend one of her meetings and see those 10-, 12-, 15-year-old boys and girls sitting there in the audience applauding Dorothy Wallace. You can have that experience too, I would say to any young woman out there; we can help you. There are professionals who will help you get through this. Choose life.

Let me say to the three or four Senators we need, who might change their votes—I am always an optimist; you never know—pick up your grandchild, or your child, if you are that young. Most of us are too old to have young children in here—not everybody. But pick up your own children, hold them in your arms, and ask yourself this question: How close is that little child in the birth canal that you are voting to kill, how close is that child to that little grandchild of yours you are now holding? Six months? Six years? I don't know. But look at that little grandchild. He or she has feet, has a face or body. So does that little child being executed in a partial-birth abortion.

I am going to talk for a few moments on the subject of my amendment, which is on the marketing and sale of fetal tissue from aborted babies. This is a gruesome story, but I want to tell you, it is happening. I say to my colleagues, this is happening in America, and it is disgusting. It is illegal, it is immoral, and it is unethical. If somebody says, What does that have to do with partial-birth abortion? in my amendment we will find out whether partial-birth abortions are being used, in fact, to sell babies' body parts.

Like partial-birth abortion, fetal tissue sales are morally and ethically reprehensible. It is a practice I hadn't heard of until recently. I couldn't believe we did it. But it does show how far this industry has gone beyond the ethical boundaries that even most pro-choice Americans believe is legitimate. Also, like partial-birth abortion, this industry has taken a practice, the selling of fetal body parts, which is illegal under Federal criminal law, and has created a loophole to allow them to do it. There is a loophole in partial-birth abortion, too. I coined the term ''head loophole'' because, you see, if the arms or the toes or the trunk or the leg or anything else exits the birth canal, it is not a baby yet. Somebody created a loophole, legal mumbo-jumbo. It makes lawyers rich and kills children.

Ironically, if you turn the baby around—and they have done that; the abortionists do turn the baby around, so it is a breach birth, so the head is last—by doing that, under the law of Roe v. Wade, they can kill the child. If it is the other way around and the head exits first, they cannot. Is the head less baby than the torso and the legs and the toes? You be the judge.

Stabbing a baby in the back of the head is murder, infanticide. Call it whatever you want; that is what it is. It is done for convenience. We are

going to pay a severe price for this one day. The bottom line is, they call it medicine. Are you kidding me?

Let's go back to the sale of body parts and how it relates here. Look at this chart. We see a woman walking into an abortion clinic. She is obviously pregnant. She is in distress. She is emotional. She is mixed up. ''What do I do? I don't want this child. I am in a mess.'' Let me tell you what happens when she comes in there.

In a room adjacent to where the abortion is to be performed usually, or someplace on the premises, is a person called the wholesaler or the harvester of the child's organs. This is what is going on in this industry. That person or persons—represented here by two organizations, Opening Lines and Anatomic Gift Foundation—sit there. They have a work order in their hands.

Bear in mind the brutality and the gruesomeness of this. Here is this woman obviously pregnant, obviously in distress, sitting there. I don't know whether they have a one-way mirror or a one-way glass or what. Perhaps they just come in, cruise in, take a good look at her to see if she is healthy. But they have a work order. They have already done this. They did prep it up. You now find out this woman has a normal fetus; she is not sick; the baby is fine. That is what they find out.

While she is still pregnant with a living child, still going through the turmoil of an abortion decision, they have a work order on her blood type, on how pregnant she is, what body parts they want. I am going to prove all that to you in a moment. That is the brutality of it. Then they make some kind of deal. They say it is fee for service, but it is selling body parts—I will go into that for a moment—the buyer or buyers, universities, government agencies, pharmaceutical companies, NIH, private researchers. This is against the law, and I read the law last night.

There are four illegal and immoral things that happen with this issue.

The first is, the current law prohibits receiving any valuable consideration for the tissue of aborted children, but it is happening.

Second, live births are occurring at these clinics. Live births are occurring at these clinics. It is the law of every State, when a live birth occurs, to save the life of that child if possible. But this is not happening either. Our tax dollars are being used to fund Planned Parenthood and NIH. On the one hand, if you are pro-life, you are funding Planned Parenthood with your tax dollars, and on the other hand you are funding the research on aborted children.

We will go down and finish this chart. Let's go through the steps. The buyer orders the fetal body parts from the wholesaler; that is, the buyer, the university, and so forth. The clinic provides the space for the wholesaler to procure the body parts. The wholesaler faxes an order to the clinic while the baby is still alive inside the mother. The wholesaler technicians harvest the organs—skin, limbs, et cetera. The clinic donates fetal body parts to the wholesaler who, in turn, pays the clinic a ''site fee'' for access to the babies. Then the wholesaler donates the fetal body parts to the buyer, and then the buyer reimburses the wholesaler for the government retrieving the fetal body parts.

That is a bunch of gobbledygook that means nothing but one thing—the sale of little babies chopped into pieces. This whole process is being thought out and carefully calculated while this woman is sitting there in the clinic.

Tell me the abortionists care about the welfare of a woman. Some estimates say the market for this is in the $420 million range. Some say it is as high as $1 billion.

I know it is difficult for those in the galleries to see it, but on television you will be able to see. This is a price list for body parts. I want you to understand what is happening here. This clinic, where this young woman in trouble goes in an agonizing, gut-wrenching decision as to whether to have an abortion or not, has a price list they are going to provide to the marketer for her baby's body parts even before she gets there.

In addition, they have a work order prepared on her as to what it is that is her background, what parts we can provide. Then they tell us this is just fee for services. If it is fee for services, why is it $600 for an intact cadaver and $325 for a spinal cord? I am not a doctor, but I assume it takes a lot more time to extract a spinal cord from a 2- or 3-pound baby than it does to put a cadaver in a box and mail it somewhere.

We have a brochure. I will read directly from the brochure. The brochure is the Opening Lines. Those are the sellers. Here is what the brochure says:

> We have simplified the process for procuring fetal tissue. We do not require a copy of your approval of summary or of your research, and you are not required to cite Opening Lines as the source of tissue when you publish your work.

I guess not; it is against the law.

> If you like our service, you will tell your colleagues, word of mouth. We are very pleased to provide you with our services. Our goal is to offer you and your staff the highest quality, most affordable, and freshest tissue prepared to your specifications and delivered in the quantities you need when you need it. We are professionally staffed and directed. We have over 10 years experience in tissue harvesting and preservation. Our full-time medical director is active in all phases, and we look forward to serving you.

That is what is given to the wholesaler while this poor woman sits there deciding whether or not to have an abortion. It is a great country, isn't it?

Let me explain to you how this all works directly from the horse's mouth. I am going to quote from a woman we will call Kelly. She was a wholesaler. She was a buyer. She said:

> We were never employees of the abortion clinic. We would have a contract with an abortion clinic that would allow us to go in and procure fetal tissue for research. We would get a generated list each day to tell us what tissue researchers, pharmaceuticals and universities were looking for. Then we would go and look at the patient charts.

Then we would go and look at the patient charts.

Kind of like going out and looking at a steer on the hoof, isn't it?

> We had to screen out anyone who had . . . fetal anomalies. These had to be the most perfect specimens we could give these researchers for the best value that we could sell for. Probably only 10 percent of fetuses were ruled out for anomalies. The rest were healthy donors.

That is showing a lot of compassion for the woman, isn't it?

Let me talk a little bit more about what other things happen in this clinic. The abortionists are having problems. It is not fun to be an abortionist anymore. The pro-life advertising and, frankly, the wake-up call to doctors and physicians have shown that abortions are declining in this country. This $300 to $1,000 they are going to charge that woman who walks in is not enough. They cannot live on that anymore. They have to make money from the fetus, from the aborted child.

What happens? Here is what the abortionists are saying, their own observations:

> Abortion has failed to escape its back-alley associations . . . [It is the] dark side of medicine . . . Even when abortion became legal, it was still considered dirty.

And on and on.

One abortionist said:

> [Abortion is] a nasty, dirty, yukky thing and I always come home angry.
>
> Organized medicine has been sympathetic to abortion—not abortionists.

What had to happen is they had to come up with another way to make money, and they just did: selling body parts.

Warren Hern is the author of the most widely used textbook on abortion procedures. Dr. Hern says:

> A number of practitioners attempt to ensure live fetuses after late abortions so that genetic tests can be conducted on them.

Hello? Are you listening? Live fetuses should be ensured. It is Dr. Hern's position that ''practitioners do this without offering a woman the option of fetal demise before abortion in a morally unacceptable manner since they place research before the good of their patients.

That is a dirty little secret you are not hearing about.

In talking about live births, I said last night on the Senate floor, I have worked this issue for 15 years. I have witnessed the birth of my three children. It was the most beautiful thing I will ever experience. But this brief paragraph I am going to read you now is the worst that I have encountered in my lifetime of working on this issue. How anybody can sit anywhere watching and hearing what I am going to say to you now and say it is all right to allow this to continue in this country is beyond me. But it happens, and it is

going to happen tomorrow and the next day and the day after that until we stop it.

Listen to this from a woman who witnessed this:

The doctor walked into the lab and set a steel pan on the table. ''Got you some good specimens,'' he said. ''Twins.'' The technician looked down at a pair of perfectly formed 24-week-old fetuses, moving and gasping for air. Except for a few nicks from the surgical tongs that had pulled them out—

That, my colleagues, could very well be a partial-birth abortion—

they seemed uninjured. The technician—

The technician is the buyer of the body parts—

said, ''Wait a minute, there is something wrong here. They are moving. I don't do this. That's not in my contract.''

She watched the doctor take a bottle of sterile water and fill the pan until the water ran up over the babies' mouths and noses. Then she left the room. ''I couldn't watch those fetuses moving, she recalls. That's when I decided it was wrong.''

If that is not murder, can somebody please tell me what it is? What is it? Do you realize what we are doing in this country? We are aborting and murdering our posterity.

Here is a headline from a transcript from a TV station in Columbus, OH, April 20, 1999:

Partial-birth Abortion Baby Survives 3 Hours.

A woman 5 months pregnant comes to Women's Medical Center in Dayton, Ohio, to get a partial-birth abortion. During the 3 days it takes to have the procedure, she began to have stomach pains and was rushed to a nearby hospital. Within minutes, she was giving birth.

Nurse Shelly Lowe in an emergency room at the hospital was shocked when the baby took a gasp of air. [Lowe said] ''I just held her and it really got to me that anybody could do that to a baby . . . I rocked her and talked to her because I felt that no one should die alone.'' The little girl survived 3 hours.

Mark Lally, Director of Ohio Right to Life believes this is why partial-birth abortions should be banned.

We have a chance to do it right now, today, ban it, stop it, and we are not going to do it because we are going to fail to get three or four people to say enough is enough. How much more can we take?

Abortion isn't something that just happens early in pregnancy. It happens in all stages of pregnancy. And it is legal under Roe v. Wade. Some States have banned them. Give them credit for that.

But we have the chance right here. A vote means something for a change around here. This isn't about a budget. It is not about how much taxes you are going to pay. It is not about whether you are going to get your Social Security check. It is about life. It is about whether or not a baby is going to die tomorrow and another one and another one. We can stop it with three or four votes, if three or four people have the courage to say enough is enough.

My God, Jill Stanek, the nurse at Chicago's Christ Hospital, has openly admitted that live births occur at her hospital, live births from abortions. The hospital staff offers comfort care which amounts to holding the child until it dies. There is testimony after testimony of it, live birth after live birth. I am not going to go through it all. It is pretty bad.

One little quote here:

''Once a fetus is born, it's no longer a fetus, it's a child,'' said George Annas, a professor of health law at the Boston University School of Public Health. ''And you have to treat it that way.''

Aborting a viable fetus is against the law in most States unless the mother's life or health is in danger. ''If you're not sure, you can't do it,'' Annas said.

Nurses at Christ Hospital give ''comfort care'' to the aborted fetuses.

''Their skin is so thin you can see the heart beating through their chest,'' said nurse Jill Stanek. ''It's not like they kick a lot and fight for air. They're weak.''

This is going on in this industry every day. As I speak, children are dying. And we can stop it right here with four of you changing your votes. What is the big deal? You are going to lose a couple of votes from the abortion industry? Hey, those votes are worth the sacrifice for these children.

The ''dreaded complication''—that is what they call it. The ''dreaded complication''—oh, my God, we have a live child. What are we going to do?

I tell you what they do. They drown them in pans. They leave them in linen closets, gasping for air hours at a time, and sometimes, if there is somebody with some compassion in the place, they will hold them in their arms until they die.

This is America—the ''dreaded complication.''

You know what some of the abortionists say?

Reporting abortion live births is like turning yourself in to the IRS for an audit. What is the gain?

You know: Sure. Hey, we had a live birth here. My goodness, that is embarrassing.

Now we have come to this; not only do we have a live birth, if we let it die, we can sell its body parts, and we can make a fortune that we could not make off the woman because she could not afford to pay me. That is what we are doing.

I am going to expose this filthy, disgusting fraud as many times and as often as I can. I am going to get the sunshine into this industry. I am going to get to the bottom of it; and I am going to stop it, if it is the last thing I do. And it may be, but I am going to do it.

You have to have a feticidal dose of saline solution. It is almost a breach of contract not to. Otherwise what are you going to do? Hand her back a baby that's been aborted and has questionable damage?

Another one says:

If a baby is rejected in abortion and lives, then it's a person under the Constitution.

I witnessed it. Gianna Jessen was aborted. She is now 26, 27 years old. I saw her sing ''Amazing Grace'' before 1,000 people 4 or 5 years ago. She said: I forgive my mother. She made a mistake, and I forgive her. But please, help other mothers get through this so what happened to me doesn't have to happen to somebody else.

Change your votes, colleagues—four of you. Let's once—just one time—let's beat President Clinton on something. He has gotten away with everything—everything. He always wins. We never win against him. Just one time, let's override his veto.

This guy says:

I find late abortions pretty heavy weather both for myself and for my patients.

I guess it is heavy weather; it is real heavy weather.

I want to go back to these charts. This is an emotional experience. Anybody who can't be passionate on this issue when we are talking about the lives of children—and all we need is four or five votes on the floor of this Senate to stop this killing; that is all we need.

Look here. These are the charts. What does it say? NIH, that is where this stuff is going. It is illegal, but it is going there anyway; and we are paying for it.

Do you know what it says here? Ten minutes from the fetal cadaver, within 10 minutes they want it on ice. Nobody could get a cadaver on ice in 10 minutes—unless it is a live birth or a partial birth. And I will prove it to you.

One method of killing children is saline. That has to go into the amniotic sack and poison the baby. Another one is D&E, where you chop the child to pieces with an instrument in the womb so it comes out in so many pieces the nurse has to assemble them all in a towel to be sure all the pieces are there so there is nothing left inside the woman. The third method is one here called digoxin, DIG, where the needle goes into the heart of the baby and dissolves the organs. That is a nice way to die.

Let me ask you a question. Those of you, those three or four of you that I pray to God will get on this vote, let me ask you a question: If you are buying body parts, and you need one of those body parts to do research can you take a body part that has been hacked to pieces in the D&E method? No. You know it.

Can you take a body part from some baby who has been poisoned with saline or had their tissues dissolved from digoxin? No.

There are only two methods left: partial birth and live birth. That is where they are getting the tissue. Wake up, America. That is where they are getting the tissue. And here is the proof right here. Here is the work order: ''Please send list of current frozen tissues.'' ''No digoxin donors.'' They are telling them: Give us a live birth. Give us a partial birth. We don't want any babies like this. We can't use their organs.

This is happening in America, and I am sick of it. And I am sick of losing

every year. ''Prefer no DIG.'' Over and over again, the requests would mention the tissue must be fresh. It is over and over again. You see it everywhere.

Here is another one: Remove specimen and prepare within 15 minutes, 10 minutes.

Ladies and gentlemen, the truth is, you cannot get this kind of tissue the way they want it without a live birth or partial birth.

That is a fact: Dirty little secrets, in a dirty, disgusting industry that is profiting at the expense of women who are in a horrible situation, and then selling the body parts—the ultimate humiliation of this poor aborted child—and we cannot get 4 people, we cannot get 67 votes on the floor of the Senate to override this President. What would Daniel Webster, at whose desk I sit, say? What would our founders say? What would Jefferson say, who said life first, liberty, and the pursuit of happiness? I could go on and on.

I am going to stop because I am mentally exhausted, to be candid about it. There is sexual abuse of these women. They are lying there on the table, and people are making mocking remarks about their genitalia. I could go on and on with stories about it. It is disgusting.

I am going to shine the light into this industry, and I am going to expose it. I am going to stop it. If I have to do it myself, I am going to stop it. If it is not an amendment, it will be a bill; whatever it takes, it is going to provide for full disclosure. It is going to put the light into those clinics, and we are going to find out about this stuff. We are going to stop it.

Everything else is regulated in this country. You can't do anything without the Government being on your back. Then let's put the Government on the backs of the abortion industry, for crying out loud: Any entity that receives human fetal tissue obtained as a result of an induced abortion shall file with the Secretary of HHS a disclosure statement. Let's find out who is buying, who is selling, and what is happening.

Oftentimes in these clinics, a young woman comes in; she is pregnant and needs an abortion. She is presented with a form, which she is asked to sign, that says that her baby can be chopped up and sold.

We get two stories out of the abortion industry. They say: Now, look, this woman is in a distraught emotional state. We are here for her health and safety and her good emotional state. We are not going to put this form in front of her. We will do it after she has the abortion.

I hate to give my colleagues the bad news, those of you who support this god-awful procedure, but they want the baby within 10 minutes. So unless they are going to wake her up out of whatever state she happens to be in, they don't have time to do that then. They do it before. That is what they do. They are going to tell you they don't, but they do.

Here is some proof for you. The name is changed to protect the innocent.

On July 1, 1993, Christy underwent an abortion by—fictitious name—John Roe. After the procedure, Roe looked up to find Christy pale with bluish lips and no pulse, no respiration. Christy's heart had stopped. There are no records that her vital signs were monitored during the procedure. Additionally, Roe was not trained in anesthesia and the clinic had no anesthesia emergency equipment or staff trained to handle an anesthesia complication. Paramedics were able to restore Christy's pulse and respiration, but she was left blind and in a permanent vegetative state. Today, she requires 24-hour-a-day care and is fed through a tube in her abdomen. She is not expected to recover and is being cared for by her family. Christy had an abortion on her 18th birthday. Happy birthday, Christy.

Any hospital in America would have had licensed anesthesiologists who were capable of stopping that from happening. But it didn't happen. For those of you who say, well, I guess she must have, she could have signed that card—really? In a vegetative state, you think she signed the permission slip?

I have her permission slip here. It was signed on June 29, 1993. Does anybody think she signed that in a vegetative state? She was brought in there, and she was told—the language was pretty gruesome in there—what we can do with your baby after you are finished with the abortion. She signed it. Not only that, she said: I understand I will receive no compensation for consenting to this study. Study? It is a study? It is chopping the baby up into God knows how many parts and sending it off to some research laboratory. She doesn't get a dime out of it, and they make probably $5,000, when added all up. That is what is happening.

I say bring a little sunshine in. I have two options on this proposal—one, to offer an amendment to this bill. I want to be honest about it. I don't want to do anything at this point to stop this bill from passing, nothing, not even this amendment, if that is what it takes. So it will either be an amendment, if we gain votes; if we can't gain and we lose votes as a result of it, I will prepare a bill. But I will not stop on this issue. I will not stop until the light shines in on this disgusting industry.

It is amazing. We go after the tobacco people. What bad guys they are. Somebody smokes a cigarette, and somehow everybody else is to blame but the guy who smokes it. So we go after the tobacco company, fine them billions. This is a heck of a lot worse than that. If they can go after the tobacco companies, then we can go after these guys. That is exactly what I am going to do. Be prepared out there because I am coming. I am not going to stop until the light shines in on this.

I will close with one final plea. Several times on my side of the aisle I have made a personal appeal to the five or six Republicans who refuse to support the ban on partial-birth abortions. I have asked privately, please change your vote, please change your vote and save lives. Two times we voted on this and the President vetoed it, and two times I couldn't switch those votes. I understand vote switching. I don't like it when I am asked to switch mine. But it is not about the budget and taxes and health care or anything else; it is about life. We are going to save lives if four Members change their votes.

I make another appeal that I hope, for once, will not fall on deaf ears: Please consider changing your vote on this bill. Let's pass this thing with over 67 votes, so President Clinton can have his little veto ceremony and we will override it. That is the day I am looking forward to in America. And then, whether it is on this bill or some separate bill, we are going to shine the light into these abortion clinics. We are going to find out what is going on, and the American people will know.

So be prepared. If you have any documents to hide, you had better hide them. We are coming after you. I have had enough of it. Live births and partial births, killing children coming into the world, drowning babies in a pan—I have had enough of it. You can defend it, if you want to, and go ahead and vote to defend it. Not me. I am coming after you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

PRESCRIPTION DRUG COVERAGE UNDER MEDICARE

Mr. WYDEN. I thank the Senator from New Hampshire for yielding the floor. I know he waited a long time yesterday to speak, and I have waited as well. I thank the Senator for his courtesy.

I take the opportunity for a few minutes this afternoon to talk about an issue of enormous importance to millions of older people and their families. Specifically, it is the question of including prescription drug coverage under Medicare for the Nation's older people.

There is one, just one, bipartisan bill before the Senate to offer this vital coverage to the Nation's elderly. I have teamed up on this bill with Senator OLYMPIA SNOWE of Maine because the two of us believe it is critical that the Congress address this issue now and address it on a bipartisan basis. So Senator SNOWE and I, in an effort to get this issue out of the beltway, beyond Washington, DC, as you can see in the poster next to me, are urging that seniors send in copies of their prescription drug bills. Just as this poster says, send copies of their prescription drug bills to their Senator, U.S. Senate, Washington, DC 20510.

What we are going to do, in an effort to get bipartisan support for our legislation, is come to the floor every few days—this is the fourth time I have come to the floor of the Senate—and

read directly from letters we are receiving from the Nation's elderly people. Here is one I just received yesterday from an elderly person in Central Point, OR. She wrote:

Dear Senator WYDEN, I write to ask for your support for Medicare coverage of prescription medicine. In my case such coverage is a financial necessity. I suffer from rheumatoid arthritis. My physician recommends that I use medicine to combat it. The only problem I have is that the dosage I require would require an annual outlay in excess of $1,000 a month. I desperately wish I could have the relief Enbrel could give me. Please champion coverage.

Another letter I received from my home community, from an elderly widow, states that her Social Security is $1,179 a month. Each month, from that $1,179 check, she spends $179 on the medicine Fosamax, $209 a month on Prilosec, $112 on Lescol; that is $500 a month, each month, for her prescription medicine from her monthly Social Security check, which is the only income she has. Almost half of her income goes to pay for her prescription drug bills.

Here is a letter I have just received from King City, OR. The writer says:

I am a constant user of Lovenox inhaler. Two uses per day come to $839. Fortunately, I drove a Chevrolet when my friends were driving Cadillacs, and our family vacation was spent in the U.S. not the South Seas, so I may be able to carry the load at least for a while. My annual cost for this one medicine is $30,600, just about what it would equal to stay in a nursing home.

These are just a few of the bills that are coming into my office, coming into Senator SNOWE's office, and our colleagues' here in the Senate as a result of the concern among the Nation's senior citizens that this issue be addressed. I hope we will see that more senior citizens follow just as we say in this poster: ''Send in your prescription drug bills.''

The Snowe-Wyden legislation is bipartisan. It uses market forces to hold down the cost of medicine. That is the biggest problem, holding down the enormous cost of these medicines. More than 20 percent of the Nation's senior citizens spend over $1,000 a year out of pocket on their prescription medicine, and the bipartisan Snowe-Wyden bill would use a market-oriented approach to address this issue. It is modeled on the Federal Employee Health Benefit Plan. Our view is, if health care is good enough for Members of Congress, we certainly ought to look at using that kind of approach for the Nation's seniors. We call it the SPICE bill, the Senior Prescription Insurance Coverage Equity Act, because we would cover all of the Nation's older people eligible for Medicare. It is absolutely key that we do this now.

When people ask, ''Can we afford to cover prescription drugs under Medicare?'' my response is: ''We cannot afford not to cover prescriptions any longer.'' The reason for that—and I know my colleague currently in the Chair was involved in aging issues when he was in the House and was involved with Social Security, so he is familiar with this. We know the most important drugs that would be covered under the Snowe-Wyden legislation are preventive drugs. They help to deal with blood pressure problems and cholesterol problems. They keep people healthy and well, and they keep them fit. That helps hold down the cost for what is called Medicare Part A, the acute care portion of Medicare that covers hospitals and institutional services. Under the Snowe-Wyden approach, we contain costs without shifting them onto the backs of somebody else.

One of the things that concerns me, there is a well-meaning bill that has been introduced that suggests we ought to have Medicare buy up all the drugs and act as a buyer for everybody. The problem with that approach is that it will result in tremendous cost-shifting onto the backs of other Americans who are having difficulty paying for their prescription drug bills. I don't want to see a 27-year-old divorced African American woman with two kids, who is working hard, playing by the rules and doing everything she can to get ahead, have to see a big increase in her prescription drug bill because the costs are shifted onto her when somebody doesn't think about the implications of trying to do this through approaches that don't involve marketplace forces.

So these are letters I am receiving from seniors across the country. Here is another one from Myrtle Creek, OR. This is a senior citizen who has to take a variety of medicines, including Albuterol, Dulcolax, and other drugs. She writes me that she spent $370 recently on prescription drugs from a Social Security check of $1,152. She went to a small drugstore in Myrtle Creek, OR—a terrific small community—and spent $370 from a Social Security check of $1,152 on her medicines.

I think a lot of these seniors are asking themselves, what is it that the Senate is so busy doing that it cannot work in a bipartisan way to be responsive to older people and families on this issue? I am very hopeful that if seniors just read what it says in this poster: ''Send in your prescription drug bills'' to Senators—Senator SNOWE and I are particularly interested in hearing from older people because we want to do this in a bipartisan way. A lot of people think the prescription drug issue is just going to be fodder for the campaign in the year 2000 and in the fall of 2000 we will just have the Democrats and Republicans slugging it out on the issue. The last time I looked, it was more than a year until that election comes up.

I don't want to see seniors such as the ones I am hearing from in Myrtle Creek and King City, and all over the Willamette Valley in my home State—I don't want to see them suffer. I know the Chair doesn't want to see people suffer in Kentucky. Other colleagues feel the same way. If we can put down the partisanship for a little while and work together in an effort to get the vulnerable seniors across this country the coverage they need, we will have a truly lasting legacy from this session of the Senate.

I was codirector of the Gray Panthers, a great senior citizens group, for about 7 years before I was elected to the Congress. Some of my most joyous memories are working with older people back then. We talked about how important it was to cover prescriptions.

Well, what has happened with the evolution of the pharmaceutical sector over those 20 years is, prescription drugs have become even more important since those days when I was codirector of the Gray Panthers; the drugs are even more important now because they do so much to promote wellness. We needed them before because you do need medications for so many who are acutely ill. But today, this could result in keeping people healthy and save Medicare, particularly the institutional part of the program, Part A, that it could save Medicare Part A money and we could do it through marketplace forces.

Snowe-Wyden doesn't go out and set up a price control regime. We give senior citizens the kind of bargaining power a health maintenance organization would have through the marketplace. Seniors would get to choose the various kinds of coverages that are available to Members of Congress, such as the President of the Senate and myself. It would not be bureaucratic. We know our health care doesn't create a whole lot of new redtape and bureaucracy. We know it works. So that is what Senator SNOWE and I are trying to do.

This is the fourth time I have come to the floor of the Senate to urge seniors, as this poster says, to send in their prescription drug bills. I intend now to come back to the floor of this Senate every few days until this session ends and read, as I have, directly from copies of these prescription drug bills I am receiving.

I know that so many Senators care about the needs of the elderly. I see Senator CHAFEE, who has long been an expert in health and a member of the Finance Committee; our friend, Senator MIKULSKI, who has championed the Older Americans Act issue so passionately for so many years in the Appropriations Committee.

When we have these colleagues who have expertise in these issues and we know how acute the need is and we know we can do it in a bipartisan way, as Senator SNOWE and I have been trying to do, it would be a tragedy for the Senate to pass on this issue and say: Well, let's just put it off until after the year 2000.

We have consulted with senior groups. We have consulted with the insurance industry. We have consulted with those in the pharmaceutical sector. All of them have told us that our

bill, while perhaps not their first choice for how to ensure that seniors get their coverage, will work. It will get seniors the help they need, and it will be something that we can do and do now—not after the 2000 election, not after some other period of campaign activity, but it is something we can do now.

The Nation's seniors and our families can see as a result of my reading from these bills and what I am receiving from Oregon that I am very serious about their input. I hope that seniors and their families, as this poster says, will send in their prescription drug bill to their Senator. I hope they will be for the bipartisan Snowe-Wyden bill. Frankly, I am much more interested in hearing from them about the need for Congress to act. We can act. We can do it.

I yield the floor.

PARTIAL-BIRTH ABORTION BAN ACT OF 1999—Continued

The PRESIDING OFFICER (Mr. VOINOVICH). Under the previous order, the question is on agreeing to amendment No. 2321. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 337 Leg.]

YEAS—51

Akaka	Edwards	Lieberman
Baucus	Feingold	Lincoln
Bayh	Feinstein	Mikulski
Biden	Graham	Moynihan
Bingaman	Harkin	Murray
Boxer	Hollings	Reed
Bryan	Inouye	Robb
Byrd	Jeffords	Rockefeller
Campbell	Johnson	Sarbanes
Chafee	Kennedy	Schumer
Cleland	Kerrey	Snowe
Collins	Kerry	Specter
Conrad	Kohl	Stevens
Daschle	Landrieu	Torricelli
Dodd	Lautenberg	Warner
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—47

Abraham	Fitzgerald	McConnell
Allard	Frist	Murkowski
Ashcroft	Gorton	Nickles
Bennett	Gramm	Reid
Bond	Grams	Roberts
Breaux	Grassley	Roth
Brownback	Hagel	Santorum
Bunning	Hatch	Sessions
Burns	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Coverdell	Hutchison	Smith (OR)
Craig	Inhofe	Thomas
Crapo	Kyl	Thompson
DeWine	Lott	Thurmond
Domenici	Lugar	Voinovich
Enzi	Mack	

NOT VOTING—2

Gregg	McCain

The amendment (No. 2321) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. SANTORUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the underlying amendment, as amended, is agreed to.

The amendment (No. 2320), as amended, was agreed to.

Mrs. HUTCHISON. Mr. President, I voted against the Harkin amendment because I disagree with the findings stated in the resolution and because it is not relevant to the underlying bill. However, I would not vote to repeal Roe v. Wade, as it stands today, which has left room for States to make reasonable restrictions on late-term abortions.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I am about to send an amendment to the desk. The purpose of the amendment is a modification of the language that defines what a partial-birth abortion is in S. 1692.

The reason for the modification is in direct response to the Eighth Circuit decision where the court asserted the procedure defined—it was a similar definition to the one here—was unconstitutionally vague; that it could have included other forms of abortion and, thereby, was an undue burden because it would have eliminated other forms of abortion and would have, by doing so, restricted a woman's right unduly, according to the court.

I am not going to take issue with the court whether they are right or wrong. I do not believe they are right, but in response to that, I am going to be offering an amendment that makes it very clear we are not talking about any other form of abortion; that we are talking about just the abortion procedure that has been described over and over about a baby being delivered outside of the mother, all but the head, and then killed; not a baby that is being killed in utero and a part of the baby's body may be in the birth canal. That is what the court said they were concerned about.

Mr. KERREY. Will the Senator yield for a question?

Mr. SANTORUM. Yes.

Mr. KERREY. I think I have the language that—

Mr. SANTORUM. We made a slight modification.

Mr. KERREY. The language you gave me earlier said:

> As used in this section, the term ''partial-birth abortion'' means an abortion in which the person performing the abortion deliberately and intentionally delivers through the vagina some portion of an intact living fetus until the fetus is partially outside the body of the mother for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside—

Any changes?

Mr. SANTORUM. The only change is in the first few words.

Mr. KERREY. I ask the Senator to respond to me. We had a colloquy earlier. I have the Eighth Circuit decision. Earlier all I had was opinions on the Eighth Circuit decision from both opponents and supporters of the Senator's legislation. The Eighth Circuit says, referencing the Nebraska statute, which is the concern I have, that it did create an undue burden because, in many instances, it would ban the most common procedure of second-trimester abortions, and that is the D&E. You are saying you are drawing it more narrowly so it does not.

Mr. SANTORUM. That is correct.

Mr. KERREY. Here is the language, I say to the Senator from Pennsylvania, that the court found objectionable, and it sounds awfully similar to your amended version. I want to give you an opportunity to talk to me about it. It says:

> . . . deliberately and intentionally delivering into the vagina a living unborn child, or a substantial portion thereof, for the purpose of performing a procedure that the person performing such procedure knows will kill the unborn child and does kill the unborn child.

Mr. SANTORUM. That is similar to the language that is in the bill right now. But the amended language further specifies the fetus is partially outside the body of the mother. The court was concerned about a D&E performed in utero, but the baby during this procedure could be partially delivered into the birth canal and that occasionally an arm or leg or something might be delivered, and that was the confusing part for the court.

This is clear that the living baby has to be outside of the mother before the act of killing the baby occurs; that the act of killing the baby is not occurring in utero, but occurring when the baby is outside the mother. I think it pretty well carves out any other form of abortion.

Mr. KERREY. May I ask him one more question?

Mr. SANTORUM. Yes, ask as many as you like.

Mr. KERREY. I will get you the comparative language. Again, I will not give the precise Eighth Circuit compared to yours. You have been on this a lot longer than I have, and I know the Senator from California has as well. Perhaps between the two of you, you can clarify if this change meets the Eighth Circuit's test.

I understand that this is one circuit, and you may get—I have voted against other circuits before when they have had decisions, so there is certainly precedent for me ignoring what a court says.

But in the earlier discussion we had, I expressed one of the concerns I have. And since we talked earlier, I have talked to an OB/GYN from Omaha who does not, in a normal practice, conduct abortions. What she does is work with women who are pregnant and helps them through their delivery. She is expressing a concern that if she is working with a woman who is having some difficulty, because of the penalties that are in here, she finds herself saying: Am I going to be able to do something that I ordinarily might have done?

In other words, you said to me earlier, when I talked about this, that this is for people who intentionally make a decision to go in and get an abortion as opposed to somebody, as this doctor described to me, who is not going in for an abortion. I think it is a very important point because the universe consists of people who get abortions but do not want one; they were intending to deliver, and the doctor, for medical reasons, makes this decision, but the woman may prefer that that not have happened. The doctor is making the decision based upon life and health considerations. And you said to me it has to be the intent. Where in the bill does it say that?

Mr. SANTORUM. Yes. Do you have the bill in front of you? Page 3, lines 9 and 10:

As used in this section, [the] term ''vaginally delivers a living fetus before killing the fetus'' means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and [then] kills the fetus.

So it is——

Mr. KERREY. It seems to me that can still easily cover a doctor making a decision with a woman who does not want an abortion, but the abortion is selected by the doctor as a consequence of some complications occurring.

What this doctor said to me was——

Mr. SANTORUM. If you have some language that could clarify—but if you read the definition, it says:

. . . means deliberately and intentionally delivers into the vagina a living fetus, or a substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus. . . .

That is, if you deliver for the purpose of killing the fetus, as this says, as opposed to delivering for the purpose of delivering a live baby where that may go awry and something may happen, and that would require the killing of a fetus. And that is not covered. I think it is pretty clear that is not covered.

If you have some language that would make you more comfortable with that, it is certainly not our intention—let me make it very clear—to cover any case where you have a birth where a complication arises and something has to be done.

Mr. KERREY. I appreciate that. I will give that some consideration.

I say that I have had a very interesting conversation—both the earlier one and subsequent one with this OB-GYN physician in Omaha—because, again, she is not an abortion doctor. That is not her practice.

Mr. SANTORUM. Right.

Mr. KERREY. Her practice is in working with women who either are pregnant or want to get pregnant; and that is her business.

Mr. SANTORUM. Has she read this language?

Mr. KERREY. I just faxed the language to her, both the amended version and the original version.

Again, one of the problems that all of us have—I have two problems: One, as a man, I have difficulty trying to figure all this out; but secondly, as a nonphysician, I have a difficult time figuring it out. She starts talking to me and says: Understand, the cervical arteries are at 3 and 9 o'clock.

What you are dealing with here is a situation where you can produce damage. You have to be careful not to. In other words, she is saying to me: Understand that delivery itself is a life-threatening process—as the Senator from Pennsylvania knows all too well. Delivery itself is a life-threatening process to the mother, and decisions are being made by the physician as to what to do and what not to do. And she is very concerned that this will make it difficult for her to continue her practice.

As I said, I faxed it to her. And I look forward to further colloquies with the Senator.

Mr. SANTORUM. I appreciate that. I state for the record this is part of the legislative history. Obviously, if there is some language that makes you more comfortable, that we need to be more clear here, it is certainly clearly the legislative intent not to include situations where the baby is in the process of being born and the process of a natural childbirth and a complication arises which forces the doctor to do things that result in the death of the child. That is clearly outside the scope of this. It certainly is our intent for it to be outside the scope. We think the language here is clear that it is.

But, again, I would be willing to work with the Senator from Nebraska to make sure he is comfortable that that is clearly outside the scope of this.

Mr. KERREY. I appreciate that. I said earlier, when we had our colloquy, that I am comfortable in my position in saying I believe a woman or doctor, physician, should—and her spiritual counselor—be making this decision. I consider myself to be a pro-choice individual as a consequence of that.

I supported Medicaid funding because I think it is hypocritical of me not to if I am going to let people who have the means get a legal procedure. But this procedure troubles me. I have voted against you on a number of occasions. And I have promised people in Nebraska I would keep an open mind. I listened, especially last evening, to your arguments. And I am willing to keep an open mind on this.

Mr. SANTORUM. I thank the Senator from Nebraska.

Mr. President, I am going to be sending an amendment to the desk, which the Senator from Nebraska referred to in our colloquy, that redefines what a partial-birth abortion is—the definition section of the act.

Again, it is in response, as the Senator from Nebraska accurately pointed out, to the Eighth Circuit's concern about this provision in the bill as being unconstitutionally vague. In other words, it is a provision in the bill that defines the procedure, that the Eighth Circuit said could include other procedures.

As I described to the Senator from Nebraska, the most common form of late-trimester abortion is a D&E in which the baby is killed in utero. During that procedure, occasionally, I am told, a part of the body may enter into the birth canal. And the concern of the court, of other courts—not just the Eighth Circuit but other courts—is that the definition we have in place right now—and the definition states as follows: ''means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.'' According to the court, it is unclear that we are talking about a baby outside the mother.

Of course, from the charts we have shown here, we described partial birth as the baby being outside of the mother and then killed. We do not say that in this underlying bill. So the courts have said: Well, it can mean partially delivered; it could be a body part in the birth canal. That could be seen as partially delivered; therefore, overly broad.

Again, I think that is, frankly, stretching it to the extremes. But because of the other sections—again, to address the issue of vagueness—we have come up with an alternative definition. It is as follows:

As used in this section, the term ''partial-birth abortion'' means an abortion in which the person performing the abortion deliberately and intentionally—

(A) vaginally delivers some portion of an intact living fetus—

I underline ''intact living fetus.''

Again, with a D&E, the baby is killed in utero and is not intact or living at the time it is coming through the birth canal, and certainly not intact or living if it is outside the mother.

Again:

. . . vaginally delivers some portion of an intact living fetus until the fetus is partially outside of the mother,—

''Intact living . . . outside of the mother''—

for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

So this makes it crystal clear that what we are talking about here is just this specific procedure, just a partial-birth abortion, not a D&E, not any other kind of abortion that occurs in utero. This is an abortion where the killing occurs when the baby is intact, outside of the mother.

I do not know how there could be any vagueness attached with this clarifying definition. I am hopeful that in combination with the other concern the Senator from Nebraska had, which is the intent clause—it is section (b)(3) of the bill—again, killing the fetus means deliberately and intentionally delivering into the vagina a living fetus or

substantial portion thereof, for the purpose of performing a procedure the physician knows will kill the fetus, and kills the fetus. You have to have intent to kill when you do this. You have to have the baby outside of the mother with the intent to kill the baby outside the mother, and then do it.

Mrs. BOXER. Is the Senator going to send it up and ask unanimous consent to modify?

Mr. SANTORUM. My understanding is that we want to get an overall agreement. I will hold off until we get all——

Mrs. BOXER. I would like to have a chance to discuss what the Senator has done, whenever it is easy for him.

Mr. SANTORUM. Why don't I suspend right here if the Senator would like to make a comment. I am interested to hear what she has to say, as always.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank the Senator from Pennsylvania.

I don't know how this is all going to end, but my side has no problem with the Senator from Pennsylvania changing his legislation in any way he wants to change it. We on our side are not going to object at all. He can change it any way he wants to change it.

I will say something very important from our side, and that is, the change he is submitting does nothing at all to meet the health concerns of the mother. He is changing a definition, and he doesn't at all say, if a woman's health is at stake, this procedure can be used. So if the Senator is trying to meet the constitutional objection from the courts which have thrown out his bill across this country, he doesn't do it with his modification. He still doesn't make an exception for the health of a woman, and this bill remains a very dangerous bill. It makes no exception for health.

Secondly, as I understand it, he still keeps the criminal penalties for the doctors. This caused the American Medical Association to back off its support for the bill. That still is a defect because, as the Senator from Nebraska said, after speaking to an OB/GYN, who brings life into the world, when these dangerous situations present themselves to a physician, they have to make a quick-second judgment on what to do to preserve life, to preserve health, to make sure the woman is not paralyzed, deformed, made infertile, to make sure the fetus isn't injured. All these things come into play. We don't want to have doctors saying: Just a minute, I have to read Senator SANTORUM's law.

What we want is for the physicians to do what has to be done, do the right thing, according to their oath they take when they become physicians. We take an oath of office when we become Senators. We are not physicians. We don't take the Hippocratic oath. When we take the oath, we swear to uphold and defend the Constitution of the United States of America. We do not get sworn in to be physicians. Physicians take their oath to do no harm. Our oath is to uphold the Constitution. And to uphold the Constitution, we should be upholding the landmark decision Roe v. Wade, which, by a very slim majority, this Senate says it upholds.

So this so-called fix the Senator from Pennsylvania will be submitting, which I have no objection to his submitting, still renders the bill unconstitutional because the health of the woman is not addressed. Roe says clearly, yes, the State can get involved in the right to choose after viability, but you always have to respect the health of the woman. No such exception.

Secondly, I only had a little time to send this new language, because we did not see it until literally less than an hour ago, to the American College of Obstetricians and Gynecologists. I want to ask them if they believe this new language Senator SANTORUM is going to place into his bill, in fact, makes the whole issue clearer, whether or not it is still vague, vaguely describes a procedure that is used in the earlier terms, which is the second reason the courts have struck it down. The way partial-birth abortion is described—and that is a political term, not a legal term—the courts say applies to all abortions, regardless of whether they are in the first month, second, third, fourth, fifth, or sixth. So the court struck it down.

This is what Ann Allen, general counsel of the American College of OB/GYNs—those 40,000 physicians who bring babies into the world and, yes, if things go tragically wrong, may have to resort to this procedure—says:

> Upon review of the attached language . . . in my opinion the language does not correct the constitutional defects of S 1692. In particular, this language does not correct the issues addressed by many states and federal courts, including the U.S. Court of Appeals for the Eighth Circuit, which have held similar legislation to be unconstitutional.

The Senator from Pennsylvania says he is reacting to the Eighth Circuit Court. The doctors at the American College of Obstetricians and Gynecologists, through their general counsel, say it does not cure that problem.

I ask unanimous consent to print this letter in the RECORD during the debate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, October 21, 1999.

Hon. BARBARA BOXER,
Hart Office Building, Washington, DC.

DEAR SENATOR BOXER: Upon review of the attached language, an amendment to S. 1692, the ''Partial-Birth Abortion Ban Act of 1999,'' by Senator Rick Santorum, in my opinion the language does not correct the constitutional defects of S. 1692. In particular, this language does not correct the issues addressed by many states and federal courts, including the U.S. Court of Appeals for the Eighth Circuit, which have held similar legislation to be unconstitutional.

Sincerely,

ANN ALLEN, JD,
General Counsel.

Mrs. BOXER. I have a second letter on the new Santorum language from the Center for Reproductive Law and Policy. It was addressed to Senator CHAFEE.

DEAR SENATOR CHAFEE: You have asked for our advice regarding the significance of new language defining partial-birth abortion in substitution for the prior language. In our opinion, the changes are without legal significance and will not correct the constitutional infirmities of S. 1692. Nor do they limit the prohibition's wide-ranging ban on previability abortion procedures.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE CENTER FOR REPRODUCTIVE LAW AND POLICY,
October 21, 1999.

Hon. JOHN H. CHAFEE,
Washington, DC.

Re: New Santorum language (S. 1692).

DEAR SENATOR CHAFEE: You have asked for our advice regarding the significance of proposed new language defining ''partial-birth abortion,'' in substitution for the prior language of Section 1531(b)(1). In our opinion, the changes are without legal significance and will not correct the constitutional infirmities of S. 1692, the proposed ''partial-birth abortion'' ban. Nor do they limit the prohibition's wide-ranging ban on pre-viability abortion procedures.

The Center for Reproductive Law and Policy (CRLP), lead counsel in 14 state cases successfully challenging ''partial-birth abortion'' bans including challenges to laws in Iowa, Arkansas, and Nebraska struck down by the U.S. Court of Appeals for the Eighth Circuit, appreciates the opportunity to comment on this iteration of ''partial-birth'' definition.

(1) The proposal continues to preclude any procedure at any gestational age of a pregnancy. Court after court—including the unanimous 8th Circuit—has held that such an approach unduly burdens the right to abortion.

(2) The proposal purports to add a requirement of intentionality. Numerous statutes containing similar language (''deliberate'' and ''intention'') have been enjoined, including those in Nebraska, Iowa, New Jersey, Rhode Island, and West Virginia,

(3) Similarly the requirement that an ''overt act'' be performed adds nothing. Every abortion procedure requires an ''overt act.''

(4) The new Santorum formulation is similar to proposed abortion bans labeled ''infanticide'' in some states. Although the rhetoric is extreme and the images repellant, the fundamental legal prohibition remains the same—and is similarly unconstitutional.

Sincerely,

JANET BENSHOOF,
President.

SANA F. SHTASEL,
Washington, DC Director.

Mrs. BOXER. I thank the Chair.

To sum up my feeling on this and the feeling of those of us who actively oppose the Santorum bill, we have no objection to the Senator amending his bill in this fashion, but we still believe very strongly that it doesn't meet the

constitutional arguments. It still doesn't do anything to protect the health of a woman, and it doesn't do anything to remove criminal penalties on physicians.

I hope we will get this moving forward. We will amend the bill the way the Senator from Pennsylvania wants. I hope we can get to a vote at some point, although I know Senator SMITH is still talking about an amendment. Senator LANDRIEU has a very important amendment. I hope when we can get this wrapped up, all of those things can be done, perhaps in the next hour or two.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2323

(Purpose: To express the sense of the Congress that the Federal Government should fully support the economic, educational, and medical requirements of families with special needs children)

Ms. LANDRIEU. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Louisiana [Ms. LANDRIEU] proposes an amendment numbered 2323.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

((a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate;

(4) as a result, working families are forced to choose between terminating a pregnancy or financial ruin; and

(5) government efforts to find an appropriate and constitutional balance regarding the termination of a pregnancy may further exacerbate the difficulty of these families.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

AMENDMENT NO. 2323, AS MODIFIED

Ms. LANDRIEU. I send a modified amendment to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 2323), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate; and

(4) as a result, many families are forced to choose between terminating a pregnancy or financial ruin.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

Ms. LANDRIEU. Mr. President, when Justice Blackmun delivered the opinion of the Court in Roe v. Wade, which is one of the most significant decisions—regardless of how one feels about this issue, it is one of the most significant decisions rendered by our highest court—he wrote for the Court the following:

We forthwith acknowledge our awareness of the sensitive and emotional nature of the abortion controversy, the vigorous opposing views, even among physicians, and of the deep and seemingly absolute convictions that this subject inspires. One's philosophy, one's experiences, one's exposure to the raw edges of human existence, one's religious training, one's attitude toward life and family, and their values and the moral standards one establishes and seeks to observe are all likely to influence and to color one's thinking and conclusions about abortion. In addition, population growth, pollution, poverty and racial overtones tend to complicate, not simplify, the problem.

Mr. President, he was quite accurate, as we have witnessed on the floor of this Senate in the last few hours a very emotional and tough debate regarding one of the most serious issues I think this body has ever considered in the history of the Congress.

Regardless of how one feels about this issue, or the way we vote on these amendments, whether we regard ourselves as pro-life or pro-choice, or somewhere in the middle, the amendment I send to the desk and urge my colleagues to vote for and support is an amendment that is quite simple. It simply states that all individuals families or who find themselves in a situation of having a child with a birth defect would have their expenses covered—their medical expenses, their educational expenses, and the respite care for those families. That is so important for the many families who find themselves in the most difficult of situations. At that time in a family's life, there should be no hesitation on the part of this Government to come forward with the money and resources to support that family in this great time of need.

So I offer this amendment with great spirit and hope my colleagues on both sides of the aisle, regardless of how they are going to vote on the final outcome, will understand the merit of this amendment and will put this Senate on record as saying we believe all families should have assistance when faced with the great challenge and heartache of raising a child who has been challenged in some special way.

So I thank the managers for the time.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER (Mr. FITZGERALD). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I thank the Senator from Louisiana for her amendment. It gets to the heart of the concern for people with disabilities. I think it reflects that we should open our arms to unborn children who are faced with disabilities and the difficulties they are going to deal with. I talked about it over and over again—how the debate for this abortion technique to be kept legal centered upon disabled children who were not wanted. There may be a percentage of those cases where abortion is done because of the financial concerns of parents in dealing with a disabled child. Those are real concerns and things people think about—whether they can provide a quality of life under the financial constraints of a child who may need a lot of care.

So to have an amendment that is a sense of the Congress that we should be open to helping and supporting life and affirming the decision of someone who wants to carry their child to term and accept them the way God has given that child to them is something I think Congress should do.

So I commend the Senator from Louisiana. I would be willing to accept the amendment, but I understand the Senator would like a recorded vote.

Mrs. BOXER. Mr. President, I would like to be heard on the amendment if my friend has finished.

Mr. SANTORUM. I would like to respond to her remarks about my amendment, also.

Mrs. BOXER. I want to add my voice on this amendment. I am really pleased that the Senator from Louisiana has brought this amendment to the floor. It is very important that we make a statement today that the children of America will be protected, and the Senator from Pennsylvania said he views this amendment as opening our arms to unborn children. To me, this is opening our arms to children regardless of where they come from, so the children born in this country will get help.

I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post a couple of weeks ago. Its title is, ''Study Links Abortion Laws, Aid to Children.'' It says, ''States With Stricter Rules Are Less Likely To Spend on the Needy.'' That is incredible. Legislators stand up and say Roe v. Wade ought to be overturned, women should not have a right to choose, and what happens? ''States with the strongest anti-abortion laws generally are among the

States that spend less on needy children and are less likely to criminalize''—this is amazing—''the battering or killing of fetuses in pregnant women by a third party. . . .''

That doesn't add up. So I think what we are doing today with the Landrieu amendment—because I think it is going to get overwhelming support—is saying whatever side of the aisle we fall into on the Santorum amendment—and there are strong differences there—we agree with her sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical, and respite care requirements of families with special needs children.

Many times, these children come into the world, and it is anticipated by their parents that it will happen, and the parents choose to go forward with the pregnancy. Many times, we have children born and it is a total surprise to parents that they have special needs requirements. Either way, any way, however it happens, how could our hearts not go out to children in this country with special needs?

By the way, I would like to engage my friend in a colloquy. Wouldn't this apply to any child—perhaps a child who is 1, 2 or 3—who gets injured in a car accident and suddenly the family finds that they need special care for the child?

My friend isn't just talking about newborn babies. I think she is basically saying all children and all families that have this need ought to be covered.

Ms. LANDRIEU. Yes. The Senator from California is correct. The way that this is drafted is in a broader way because I believe that we have to be very sensitive to children with special needs, and their families that sometimes find themselves—even families at a fairly significant income level—in great financial distress. Often one of the parents has to quit their job or give up their job to qualify for the woefully inadequate. It would be my intention to do that. There would be others with other opinions. But I think it would be important for us to reach out to all families with children with special needs.

Mrs. BOXER. I thank my friend.

Again, I think it is really important because to have this study come out and say that States with the strongest antiabortion laws and want to end a woman's right to choose are the weakest in taking care of these children seems to be a horrible contradiction to me. I think what my friend is saying is regardless of our position, my goodness, we ought to come together when it comes to taking care of our children who have special needs.

I thank her. I will be proud to support her amendment.

I yield the floor.

Mr. BYRD. Mr. President, I cannot support amendment No. 2323, offered by the distinguished Senator from Louisiana, Ms. LANDRIEU. I appreciate her concern regarding the devastating financial impact that having a special-needs child can place on working families.

However, I am also mindful of the fact that, as we strive to complete our budgetary work, nearly all Members have agreed that we should do so without using Social Security Trust Fund surpluses or raising taxes. Despite the fact that this is a sense of the Congress amendment and therefore has no statutory consequence, I am nevertheless concerned with the unknown financial consequence that a commitment of this magnitude could have. For that reason, I am constrained to oppose the Landrieu amendment.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I ask the Senator from Louisiana if she would be willing to withhold a vote until we have a couple of votes so that we can stack them together a little later in the afternoon. Senator SMITH has an amendment that I think he would require a vote on. Senator BOXER may have an amendment to the Smith amendment. Hopefully, we will be able to work that out.

Mrs. BOXER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Pennsylvania has the floor. Does he yield the floor?

Mr. SANTORUM. 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. SANTORUM. 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. SANTORUM. Mr. President, thank you.

Mr. President, I want to make a couple of comments about my amendment and the attempt that I am trying to make to address the constitutional infirmities that the Eighth Circuit found in this language of the partial-birth abortion bill. The Arkansas statute is similar to the language that is in the bill presently.

The Senator from California talked about this not addressing the other constitutional issues that the Eighth Circuit brought up.

I remind the Senator from California. I am quoting from the case.

The district court held the act unconstitutional for three reasons.

> Because it was unconstitutionally vague, because it imposes an undue burden on women seeking abortions, and because it was not adequate to protect the health and lives of women. We agree the act imposes undue burdens on women and therefore hold the act unconstitutional. And because we based it on undue burden grounds as we did in Carhart, we do not decide the vagueness issue or whether the act fails to provide adequate protections.

The Eighth Circuit did not address that issue. The only circuit court that addressed it, addressed it on the issue that we are addressing here, which is that this could include other procedures, would ban other procedures, and as a result it could be unduly burdensome because it would eliminate all forms of abortions late in pregnancy.

We are making it clear what the court said, and not what some say the court said. That is what the court said. That is the only circuit court to have ruled on the case. Now we have an amendment which clearly deals with the issues of the circuit court which we are concerned about. I think we have cleared that constitutional hurdle.

It is interesting that the Senator from California talks about we have to follow the Constitution. Nowhere in the Constitution is the issue of partial-birth abortion mentioned, as far as I can see. Nowhere in the Constitution is the right to privacy mentioned. Nowhere is it mentioned. It is created by the Supreme Court.

To be technically correct, the Senator from California should say that we need to follow the Supreme Court, and not the Constitution, because there is a difference. The Supreme Court has interpreted and legislated rights through their Court decisions. The Senator from California accurately reflects that the law of the land is the high court. But to suggest we are following the Constitution, which is clear about this issue as far as I am concerned because the Constitution says that we have the right to life. So if the Constitution speaks at all to this issue, it speaks on our side.

Again, the law of the land is—I think she would be correct if she phrased it that way. We need to comport with the law of the land as the Court has interpreted the Constitution.

I would like to get back to my amendment and go through my modification to the bill. I am trying to get my terms correct. It is not going to be an amendment. It will be a modification. I would like to get back to the modification of the underlying bill that will redefine partial-birth abortion, and again focus on the fact that this solves one of the two issues that are out there with respect to the constitutionality.

More importantly, in my mind, it deals with the two issues that I think concern Members of the Senate as to whether to support this bill. One is, is it an undue burden? Do we ban more than what we say we do? If people are concerned whether that is the case, I think we have solved that problem—that if this bill passes no procedure other than partial-birth abortion, when the baby is outside of the mom after 20 weeks, outside the mother, would otherwise be born alive, and then brutally killed, executed by having a sharp pair of scissors thrust into the base of the skull of the baby and then its brains suctioned out. That would be outlawed under this procedure. But no other procedure would.

I want to make clear Congress' regard as to what the intent of the Congress is. Again, I think the language is amply clear for the court to do so.

It was interesting that the Senator from California contacted ACOG, the American College of Obstetricians and Gynecologists, and on an hour's notice, when asked about our amendment, ACOG was able to fax back to the floor of the Senate a response objecting to this provision. But those of us who have asked ACOG for 3 years, 3 years, to provide us a for instance as to when and under what circumstances this procedure would be a preferable or more proper procedure than other abortion techniques, they have yet to respond. It is interesting they can respond in an hour with great specificity about their concerns about this bill, about this modification. But in 3 years they have not been able to respond to a very simple question. You state—and they did—that it ''may be'' the best or most appropriate procedure in a particular circumstance to save the life or preserve the health of the woman. We have asked for a ''for instance.'' We have asked for that for instance to be peer reviewed, to see whether their suggestion is, in fact, an accurate suggestion. In more than 3 years, in three sessions of Congress, they have refused to provide an example.

That, my friends, is the underpinning of the second objection to the people to this bill that it unduly infringes upon the health of the mother; that this is medically necessary to preserve the health of the mother under Roe v. Wade.

Mrs. BOXER. Will the Senator yield on his criticism of ACOG?

Mr. SANTORUM. I yield.

Mrs. BOXER. I want to ask my friend from Pennsylvania, am I right, he is critical of the general counsel of the American College of Obstetricians and Gynecologists, who are the doctors in charge of women's health in this country; he is critical that their general counsel, upon reading his amendment, could determine on its face that amendment or that modification does not meet the criticism of the Eighth Circuit Court? Is he critical that the general counsel trusted her law degree, her reading of his bill, her understanding of the law, to come back with an opinion? It is hard for me to believe that.

Mr. SANTORUM. Reclaiming my time.

Mrs. BOXER. Please. I know the Senator wants to criticize the doctors, but now he is criticizing the lawyers.

Mr. SANTORUM. Any reasoned understanding of what I just said would lead one to believe I was not criticizing the American College of Obstetricians and Gynecologists for promptly responding to your request. I was comparing their swift response to your request to what could whimsically be considered a casual response to my request which has taken now 3 years on the core point, on the core question, as to whether this bill restricts or in any way inhibits the health of the mother.

Again, I will read their own report: We could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of a woman. Then they go on to say it may be best or appropriate in some circumstance, but they give no such circumstance, no such evidence.

This is the only pillar upon which the other side stands, saying it is medically necessary.

I will read several letters from members of ACOG, fellows in ACOG, who dissect their policy statement and say this second sentence, it may be the best position, is hogwash. That is a medical term—it is hogwash.

Again, ACOG has not responded to a letter, now in, 2½ years.

I would like to respond to the January 12th statement of policy issued by the executive board. I am a former abortion provider.

Let me repeat. This is an obstetrician, a member, a fellow of the American College of Obstetricians and Gynecologists:

I am a former abortion provider and I would like to take issue with the ''Statement'' for a number of reasons.

First, I can think of no ''established obstetric technique'' that ''. . . evacuat(es) the intercranial contents of a living fetus to affect vaginal delivery of a dead but otherwise intact fetus.'' The closest technique that I can imagine is a craniocentesis on a hydrocephalic infant to allow for vaginal delivery. There is no necessity that the infant be killed in this situation, and you must admit that there is a vast difference between craniocentesis for hydrocephaly and suctioning the brain of an otherwise normal infant who would be viable outside the womb.

Second, as to the number of abortions performed after 16 weeks, I do not trust the CDC's data on this since abortion statistics are at best, arguable. Abortion industry lobbyist Mr. Ron Fitzsimmons' recent admission of purposely misinforming the media and Congress on the statistical incidence of the procedure and its predominant usage (normal infants) should at a minimum demand an accurate audit of second and third trimester abortions in America. . ..

Finally, I'm sure there are many ACOG members who join me in reminding you that your stand on this issue, published as an official policy statement, does not reflect the views of many, if not most, ACOG members. However, the perception of the general public and the media is that you speak for all of us. Please recognize that you have a responsibility to all members of ACOG if not to stay neutral in sensitive areas such as this, to at least issue a disclaimer on such statement that the opinions of ACOG Executive Committee do not reflect those of its members.

This is signed by three members of ACOG.

I can go through another letter of a physician in Northern Virginia who writes in detail, a fellow of the American College of Obstetricians and Gynecologists, a letter to Senator TORRICELLI last year:

My name is Dr. Camilla Hersch. I am a board certified Obstetrician and Gynecologist, a fellow of the American College of Obstetrics and Gynecology, in private practice, caring exclusively for the health needs of women for thirteen years. I am also a clinical assistant professor of [OB/GYN] for Georgetown University. I have been involved with teaching medical students and OBGYN residents for fourteen years at two major medical teaching centers.

Not, by the way, compared to the inventor of partial-birth abortion. Not an obstetrician or gynecologist but a family practitioner who does abortions. That is who they are defending —a procedure not taught in medical school, not in any of the literature which Senator FRIST, Dr. FRIST, went through in detail last night. His thorough review of all the medical literature on the subject of abortion had not a mention of this procedure.

Back to the letter:

I have delivered over two thousand babies. On a daily basis I treat pregnant women and their babies. In my everyday work I am privileged to participate in the joy of healthy birth and the agony and sorrow of complications in pregnancy which can lead to loss of life or heartbreaking disability.

As a member of the Physicians' Ad Hoc Coalition for Truth, which now has more than 600 members, I strongly support and applaud the legislative efforts to ban this heinous Partial-Birth Abortion procedure.

Many of the members of PHACT, Physicians' Ad Hoc Committee for Truth, hold teaching positions or head departments of obstetrics and gynecology or perinatology at universities and medical centers across the country. To our knowledge, there are no published peer-reviewed safety data regarding the procedure in question. It is not taught as a formally recognized medical procedure. Proponents of partial-birth abortion tout it as the safest method available. Nothing could be further from the truth. There are in fact several recognized, tested, far safer, recommended methods to empty the uterus when it is medically necessary to do so.

There is no data in the accepted standard medical literature that could possibly support any assertion of the appropriateness of this procedure.

If you ask most obstetricians or family practice physicians about partial-birth abortion, they will tell they have never seen or heard of such a treatment for any reason in their educational training or practice.

Most physicians I have questioned are incredulous that anyone knowledgeable about Obstetrics and Gynecology would ever consider this procedure as any kind of serious suggestion, because it is so obviously dangerous. It has never been proposed or taught as the safest method to empty the uterus and end a pregnancy whether for purely elective reasons for abortion or in those grave instances when it is medically necessary to do so to save the mother's life.

Consider the grave danger involved in partial-birth abortion, which usually occurs after the fifth month of pregnancy, even into the last month of pregnancy. A woman's cervix is forcibly dilated over several days. This risks creating an incompetent cervix, a leading cause of subsequent premature delivery. It also risks serious infection, a major cause of subsequent infertility. In the event of a truly life threatening complication of pregnancy, the days of delay involved substantially add to the risk of loss of life of the mother.

The abortionist then reaches into the uterus to pull the child feet first out of the mother's body, up to the neck, but leaves the head inside. He then forces scissors through the base of the baby's skull—which remains

lodged just within the opening of the forcibly dilated cervix, because the baby's head is larger and of course harder than the remainder of the soft little body.

I think it is obvious that for the baby this is a horrible way to die, brutally and painfully killed by having one's head stabbed open and one's brains suctioned out.

But for the woman, this is a mortally dangerous and life threatening act.

Partial-birth abortion is a partially blind procedure, done by feel, thereby risking direct scissor injury to the mother's uterus and laceration of the cervix or lower uterine segment. Either the scissors or the bony shards or spickules of the baby's perforated and disrupted skull bones can roughly rip into the large blood vessels which supply the lower part of the lush pregnant uterus, resulting in immediate and massive bleeding and the threat of shock, immediate hysterectomy, blood transfusion, and even death to the mother.

Portions of the baby's sharp bony skull pieces can remain imbedded in the mother's cervix, setting up a complicated infection as the bony fragments decompose.

Think of the emotional agony for the woman, both immediately and for years afterward, who endures this process over a period of several days.

None of this nauseating risk is ever necessary, for any reason. Obstetrician-gynecologists like myself across the U.S. regularly treat women whose unborn children suffer the same conditions as those cited by proponents of the procedure.

Never is the partial-birth abortion procedure necessary: not for polyhydramnios (an excess of amniotic fluid collecting around the baby),

That is one of the cases given by the other side. Never is a partial-birth abortion procedure necessary—

not for trisomy (genetic abnormalities characterized by an extra chromosome), not for anencephaly (an abnormality characterized by the absence of the top portion of the baby's brain and skull),

Never is a partial-birth abortion necessary,

not for hydrocephaly (excessive cerebrospinal fluid in the head),

Water on the brain. Never is partial-birth abortion necessary,

not for life threatening complications of pregnancy to the mother.

Sometimes, as in the case of hydrocephaly, it is first necessary to drain some of the fluid from the baby's head, with a special long needle, to allow safe vaginal delivery. In some cases, when vaginal delivery is not possible, a doctor performs a Cesarean section. But in no case is it necessary or medically advisable to partially deliver an infant through the vagina and then to cruelly kill the infant.

The legislation proposed clearly distinguishes the procedure being banned from recognized standard obstetric techniques.

We are even further clarifying it.

I must point out, even for those who support abortion for elective or medical reasons at any point in pregnancy, current recognized abortion techniques would be unaffected by the proposed ban.

Any proponent of such a dangerous procedure is at the least seriously misinformed about medical reality or at worst so consumed by narrow minded ''abortion-at-any-cost'' activism, to be criminally negligent. This procedure is blatant and cruel infanticide, and must be against the law.

Mr. President, I would like to put in place as legislative history for this modification that I will add to the bill a colloquy. Senator DEWINE is here. We are going to go through a colloquy that will create for the court a clear understanding of what is meant by this amendment.

So I yield to the Senator from Ohio for a question.

Mr. DEWINE. I thank the Senator. I am looking at the language obtained in the modification. I do have some questions concerning some of the language that is in there, some of the wording.

First, let me ask the sponsor, my colleague from Pennsylvania, what is the meaning of the word ''living'' as used in the amendment, as where it refers to a living fetus?

Mr. SANTORUM. I thank the Senator from Ohio.

In the Michigan partial-birth abortion case, Evans v. Kelly, the Federal District Court found that:

[t]he doctors were . . . unanimous in their understanding of the meaning of the term ''living,'' as used in the statute's definition of a ''partial-birth abortion'': A living fetus means a fetus having a heartbeat.

Mr. DEWINE. Let me also ask, then, what is the meaning of the word ''intact,'' as used in the amendment where it refers to an ''intact'' living fetus? Intact?

Mr. SANTORUM. The word ''intact'' is used in this context to refer to the living fetal organism rather than a fetal part that has been removed from a fetus. Because of the use of the word ''intact,'' a person performing a partial-birth abortion would not fall under the prohibition that the law provides if, for example, he or she delivers a dismembered fetal arm or leg. To fall under the prohibition, the abortionist would have to deliver a living fetal body, functioning as an organism.

The use of the word ''intact'' is not, however, meant to allow the killing of a partially born fetus merely because some nonessential body part is missing. An abortionist cannot cut a toe of the fetus off before partial delivery and then claim in defense that the fetus killed after the partial-birth abortion was not intact.

Mr. DEWINE. I thank my colleague for that answer.

Let me also ask about this. The amendment referred to an ''overt act'' that kills the fetus; an ''overt act'' that kills the fetus. I wonder if my friend from Pennsylvania could tell us what is meant by the term ''overt act'' in this particular context?

Mr. SANTORUM. I thank the Senator.

The term ''overt act'' is used to mean some separate specific act that the abortionist must undertake to deliberately and intentionally kill the fetus, other than delivering the fetus into a partial-birth position or causing the fetus to abort. It does not mean the overall abortion procedure which typically begins with a living fetus and ends with a dead fetus.

Under the amendment, the abortionist must not only deliver the fetus in such a way that some portion of the body of the fetus is outside of the mother's body, he or she must also separately and specifically act to then kill the fetus while it is in the partially-delivered position, for example, by puncturing the fetal skull or suctioning out the fetal brain.

Mr. DEWINE. I again thank my colleague. Let me ask a further question.

Would the bill as amended prohibit the suction curettage abortion procedure?

Mr. SANTORUM. No. The bill would have two elements. First, the fetus must be delivered into the partially delivered position for the purpose of performing an overt act that will kill the fetus while it is in the partially delivered position. Second, the fetus must actually be killed; that is, it must die while it is in the partially delivered position. Neither of these would happen with the suction curettage. Removal of the dismembered fetal parts entailed in a suction curettage is not prohibited because the parts do not constitute an intact living fetus. Suction curettage also typically involves dismemberment and fetal death in utero, conduct beyond the scope of the bill.

In the extremely implausible event that an entire fetus was suctioned through the cannula and died after removal from the mother's body, then the bill would not apply either, since it requires that the fetus be killed while in a partially delivered position.

Even if one argues that a fetus might occasionally die in the cannula while partially outside the mother's body during the course of a suction curettage procedure, the fetus would not have to be deliberately positioned there for the purpose then of taking a separate, second step to end its life at that point. Nor is any such separate step ever taken. Rather, suction curettage involves a single continuous suction process that removes the fetus from the uterus through a cannula and out of the mother's body. The physician could not knowingly deliver an intact living fetus into the partially delivered position by this method because he would have no way of knowing that the fetus yet lived at this point when it was partially outside the mother's body. The abortionist would, thus, never knowingly cause fetal death to occur at the partially delivered stage because the physician would never know at what point fetal demise occurred.

Even State partial-birth abortion statutes that did not have the ''fetus partially outside the mother's body'' have been held not to govern suction curettage abortion, and that is the Federal district court in Virginia and Kentucky.

Mr. DEWINE. I thank my colleague for that answer.

Let me pose an additional question. Would the bill, as amended, prohibit the conventional dilation and evacuation abortion procedure which involves dismemberment of the fetus?

Mr. SANTORUM. Absolutely not. In the conventional D&E procedure, the intact living fetus is never positioned partly outside the mother's body for the purpose of taking a separate overt act to end its life while it remains in that position. Moreover, the second step to end fetal life in that position is never taken. Also, once a physician has begun performing a conventional D&E dismemberment, he typically does not know when the fetus dies. Thus, he cannot meet the mens rea requirement of knowingly bringing an intact living fetus partially out of the mother for the purpose of performing a separate overt act intended to kill the fetus in the partially delivered position.

Mr. DEWINE. Again, I thank my colleague for his answer.

I pose one additional question. Would the bill, as amended, prohibit the induction abortion procedure?

Mr. SANTORUM. No. Physicians doing inductions never deliberately and intentionally deliver an intact living fetus partially outside the mother's body for the purpose of pausing to perform an act that they know will kill the fetus while it remains in a partially delivered position before continuing the delivery.

It is possible that rarely during an induction abortion, an intact living fetus could be trapped in a partially delivered position with complete delivery being prevented by entanglement of the umbilical cord or the fetal head being lodged in the cervix. In such circumstances, the physician may cut the cord or decompress the skull before completing delivery without being in violation of the bill because he did not intentionally and deliberately get the fetus in that position for the purpose of killing it while it was in that position.

Even State partial-birth abortion statutes that did not have ''fetus partially outside the mother's body'' language have been held not to govern induction abortions, and again, Federal district courts in Virginia and Kentucky have so ruled.

Mr. DEWINE. I THANK MY COLLEAGUE VERY MUCH FOR THOSE ANSWERS.

Mr. SANTORUM. I thank the Senator from Ohio.

The Senator from Nebraska had questions about how this amendment from a constitutional standpoint would be perceived. This is very clear. With this colloquy, we very clearly address all the different aspects of different kinds of abortions which would not be outlawed by this procedure and why they would not be outlawed by this procedure.

For those who have suggested—and I know many have suggested—that what we are about here is the first step to eliminating abortions, I again state for the record that I cannot honestly say we will eliminate one abortion in this country if we pass this bill. I can honestly say that is not the thrust of what we are trying to accomplish.

I have said it once, and I will say it again and again: What we are trying to accomplish is to make sure that in a society where the lines are ever blurring, in a society where sensitivity to life may be at an all-time low, in a society where the Peter Singers of the world are running rampant with their talk of being able to kill children if they are not perfect after they are born, we need a bright line. And the bright line should be that if the child is in the process of being born, you cannot kill the child, you cannot do an abortion where the baby is in the process of being born.

That has to be the bright line, except, of course, to save the life of the mother. But to deliberately birth the baby for the purpose of killing the baby goes over the line.

In closing, I refer to what the Senator from California said when I said she defends a procedure in which the baby is born all but the head; that under those circumstances you can still kill the baby. But if the baby is born head first and all but the foot is still inside the mother, when I asked her, can you kill the baby in this circumstance, she said no, ''Absolutely not.''

If that is a bright line to anybody in this Chamber, if that is where we want to stand, I will tell you, that is on shifting ground. In fact, that is on quicksand, and pretty soon the Peter Singers of this world who say, ''Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all''—a professor at the University of Princeton. And you say that is outrageous?

Look at the examples the other side has given as reasons to keep this procedure legal. The examples are all about disabled infants. None of them concerns the health of the mother. They all concern a case where children were going to be born with profound abnormalities, disabled. The argument is, we need to keep this legal because disabled children are less entitled to protection than healthy ones.

You have heard no example. You will hear no example. You will hear no example of a healthy mother and a healthy child being used to legitimize this procedure. They won't dare do that. Why? Because it would shock you. Yet 90 percent of abortions performed under partial birth are performed on just those cases. What they will use is the disabled child, and the American public, incredibly, to me, will say: OK; that's OK; I understand; it's OK; if the child is disabled, of course you can kill it.

If that is what we are thinking, America, if that is a legitimate reason to keep this ''safe'' procedure—which, of course, it is not—how far are we from, killing a disabled infant is not morally equivalent to killing a person? How far away are we, America? If this Senate today upholds, by not passing this bill by a constitutional majority, that logic, then, Dr. Singer, come on down because you are next.

Mr. President, I yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair for recognizing me.

Let me say at the outset, I am so grateful to the younger Senators who have taken up this battle. And they are doing well with it. They may not win, but they are doing the Lord's work as far as I am concerned.

I remember, on January 22, 1973—and I had barely arrived in the Senate—Jim Buckley and I were sitting right over there, and the clerk brought in a bulletin from the Associated Press announcing the Supreme Court decision in Roe v. Wade. Jim Buckley looked at me, and he said: We've got to fight this. I said: We certainly do. And we did. And we are still fighting it—in different ways. He is a Federal judge now, and I am a somewhat older Senator.

But my respect goes out to the ladies outside who are standing up for the right to life. They will always be dear to me.

Mr. President, before I launch into what I want to say, I have thought so many times of a beautiful Afro-American lady named Ethel Waters, born in Mississippi, the product of a rape. Her mother was much beloved by citizens in that Mississippi town. And they offered to take care of an abortion for her. She said: No. I don't want it. The Lord put that child in me, and I want it to be born. The baby turned out to be a girl who grew up to be one of the greatest singers in the history of this country. Ethel Waters' name is in all of the musical records as being a great voice.

That brings me up to the point that I want to try to make today, as briefly as possible. The United Nations recently sounded its alert button to announce what the United Nations described as the arrival of the six-billionth baby born in this world. And the news reports went on and on, of course, in great lamentation that the Earth does not produce enough resources to handle such population growth, the point being, of course, that the United Nations crowd does not believe bringing more babies into the world is advisable.

If I may be forgiven, I do not regularly agree with the United Nations, and this is another time when I do not agree.

In fact, the spin doctors worked steadily drumming up all manner of contrived environmental statistics to persuade the American people to support abortion. And those spin doctors, of course, used the term ''population control''—which is nothing more than a diplomatic way of promoting abortion because that is exactly what ''population control'' means. It means brutally killing innocent unborn babies.

Anyone doubting the horrors of population control need only to look at Red China, a Communist country, that proudly boasts of its population control program, a program which forces

pregnant women, who have already given birth to a male child, forces those women to undergo an abortion.

Astonishingly, Red China's Premier, Zhu Rongji, boasted that the world had been spared the ''burden'' of 300 million babies as a result of Red China's forced-abortion policy.

So I think there is no doubt that the ''population control'' spin doctors are, without fail, pro-abortionists with an undying and unyielding commitment to the abortion movement.

And no matter where it is performed, whether it is in Red China or in the United States, abortion, in any form, is atrocious and wrong. And my critics may come out of their chairs, but they are breaking one of the Ten Commandments.

That is why I am grateful to the distinguished Senator from Pennsylvania, Mr. SANTORUM, for his strength and conviction in standing up in defense of countless unborn babies. RICK SANTORUM's willingness to continue to lead the fight on behalf of the passage of the Partial-Birth Abortion Ban Act is a demonstration of his courage.

From the moment the Senate first debated the Partial-Birth Ban Act in the 104th Congress, the extreme pro-abortion groups have sought to justify this inhumane, gruesome procedure as necessary to protect the health of women in a late-term complicated pregnancy. That is what they always say. However, well-known medical doctors, obstetricians, and gynecologists have repeatedly rejected this assertion that a partial-birth abortion can be justified for health reasons.

Moreover, there is much to be said about the facts surrounding the number of partial-birth abortions performed every year and the reasons they are performed—or at least the stated reasons. It is difficult to overlook the confession of Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, who acknowledged that he himself had deceived the American people on national television about the number and nature of partial-birth abortions. Mr. Fitzsimmons has since then estimated that up to 5,000 partial-birth abortions are conducted annually on healthy women, carrying healthy babies—a far cry from the rhetoric of Washington's pro-abortion groups who have insisted that only 500 partial-birth abortions, as they put it, are performed every year, and only—they say, every time—in extreme medical circumstances.

It is time for the Senate, once and for all, to settle this matter and pass the Partial-Birth Abortion Ban Act with a veto-proof vote and affirm the need to rid America of this senseless, brutal form of killing.

It is also important to note that the American people recognize the moral significance of this legislation. The majority of Americans agree that the Government must outlaw partial-birth abortion. In fact, in recent years, polls have found as many as 74 percent of Americans want the partial-birth procedure banned.

Unfortunately, the American people have to contend with President Clinton's adamant refusal to condemn this senseless form of killing, despite the public's overwhelming plea to ban it.

The President of the United States should have to explain, over and over again, to the American people why he will not sign this law. The spotlight will no longer shine on the much proclaimed ''right to choose.''

I remember vividly the day when the Supreme Court handed down the decision to legalize abortion. As I said earlier, Jim Buckley and I—Senator Jim Buckley of New York and I—were sitting side by side because we were backbench Senators at that time. Each of us who has fought, heart and soul, to undo that damaging decision, understood so well that day that we had yet to see what devastation would come of such a horrendous rule.

Indeed, when you stop to think about it, when the President of the United States condones the inhumane procedure known as ''partial-birth abortion,'' it is clear that our worst fears that January morning are coming true. So it is time, once again, Mr. President, for Members of the Senate to stand up and be counted for or against the most helpless human beings imaginable, for or against the destruction of innocent human life in such a repugnant way. Senators are going to have to consider whether an innocent, tiny baby, partially born, just 3 inches from the protection of the law, has a right to live and to love and to be loved. In my judgment, the Senate absolutely must pass the Partial-Birth Abortion Ban Act. I pray that it will do it by a great margin, of at least the 67 votes to override Bill Clinton's veto.

I thank the Chair and yield the floor.

MODIFICATION TO S. 1692

Mr. SANTORUM. Mr. President, I ask unanimous consent that it be in order for me to send a modification of the bill to the desk, the modification of the bill be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SANTORUM. Pursuant to the agreement, I send the modification to the desk.

The PRESIDING OFFICER. The bill is so modified.

The modification was agreed to, as follows:

On page 2, strike lines 18 through 21, and insert the following:

''(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentioinally—

''(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body or the mother; and

''(B) performs that overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

On page 3, strike lines 8 through 13.

Mr. SANTORUM. Mr. President, while I have a few minutes, I want to continue building the record, not from RICK SANTORUM, not from other Senators who are not experts in the field, but building the record from physicians, obstetricians, and experts who comment directly, fellows of the American College of Obstetricians and Gynecologists, an organization that the other side uses as defense.

Again, this defense is a paper bag that simply needs to be tested. It is a facade. It will collapse. It will be punched through.

Let me strike a blow. This is a statement of Dr. Don Gambrell, Jr. M.D., with the Medical College of Georgia, again, a fellow of the American College of Obstetricians and Gynecologists. He is a clinical professor of endocrinology and OB/GYN. First sentence right out of the block:

Partial-birth abortion is never medically indicated to protect a woman's health or fertility.

You have heard several other comments I have made about obstetricians who have said the exact same sentence. Think about who is saying this. This is an expert. We have 600 such physicians. The American college itself, who is against this bill, said it is never the only option. So they even agree it is not the only option. What they say is, it may be preferred. But they give no case; in 3 years, they have given no case. Their own members say it is never medically indicated—never.

He underlined the word ''never.'' This is a doctor at a medical college. By the way, I have reams of letters here, all from physicians, all from obstetricians from all over the country who say the same thing.

Think about this he is a doctor. For a doctor to say ''never,'' put it in writing and stand behind it—in this case, this was submitted as testimony to the House of Representatives in Atlanta, GA—to put this in sworn testimony, to be able to stand up and, without flinching, to lead off, first sentence, ''never medically necessary.''

What do we have on the other side of this medical necessity debate? I will read it one more time. The only factual evidence that supports the other side is this statement:

The select panel could identify no circumstances under which this procedure would be the only option to save the life or preserve the health of the woman.

They agree with us: Not the only option; it is not an undue burden; there are, in fact, other procedures that can be used that are as safe.

But they go on to say, however, it ''may be the best or most appropriate procedure.'' It ''may be.''

Here is one of their members—by the way, there are at least five, six dozen members, their members, who have written, who have said ''never,'' letter after letter after letter after letter after letter, ''never.'' What did they respond to their own members? A deafening silence.

Their own members have asked: Give us a for instance. What has been their response? Nothing.

Then we are to defeat a bill based on no evidence and an assertion that it may be, without a shred of evidence to support that ''may be.''

We have mountains of evidence, of expert opinion, of specific indications, of, as I just read from Dr. Hersh, where she went through specific abnormalities and said, not appropriate, not appropriate, not appropriate, not appropriate, not appropriate. Why these abnormalities? Because they were all the abnormalities listed in their anecdotes, in their case histories, that said ''requires'' a partial-birth abortion or is a preferable procedure to perform under these circumstances. Again, experts on the record under oath—never.

Now they go further than that. These people say not only is it never medically indicated, it is contraindicated. It is more dangerous to do this.

I want Members to know, when they walk to this floor and vote on this bill this time, A, the medical evidence is crystal clear: Never medically necessary to protect the health of the mother. And anybody who walks outside this Chamber and asserts that is doing so against 100 percent of the record before us.

By the way, that won't stop people. It won't stop anybody. But look at the record; look at the facts. Anybody who walks out of here and says, I am opposed to this because it is unconstitutional, it is vague, it may cover more of this abortion, and it is an undue burden because of that, read the modification that has just been sent to the desk and adopted. It is crystal clear that no other abortion is banned by this bill now. I don't believe it was before, but if you had any doubt, it is not now.

Senator DEWINE and I entered into a colloquy that specifically listed instances and other abortion techniques used that are not covered by this bill. We explain in legal and medical detail why they are not. We say to the courts, that is not our intention; it is not covered. Here, legally and medically, is why it is not.

If you want to walk out here and tell your constituents that you voted against this because we needed to protect the health of the mother, ''check strike one, not true.'' You can say it. You might get away with it. But it is not true. They don't have a shred of evidence to say that it is.

They will put up pictures and tell stories about difficult decisions. Every one of those cases have been reviewed and every single one of them, experts in the field, 600 of them have said, not true. You may walk out this door and tell your constituents that I need to vote against this because it bans other procedures; it would be an undue burden; it would prohibit a woman's right to choose. Not true. It does not ban any other procedures. If it conceivably did, by some distortion of the words, which is what I think the courts have done, we make it crystal clear. This bill, the new bill, the first time any Member of this Senate will be voting on this particular bill be careful, be careful, because all of the trees you can hide behind in the game of abortion politics are being cut down at the base. In fact, there aren't even stumps left to hide behind. There is no medical evidence to support what they suggest. There is no constitutional argument on undue burden left with this new bill.

So if you want to support this procedure, look your constituents in the eye and say: I believe abortion should be done at any time, at any place, in any manner, anyone wants to do it, and that includes 3 inches from being completely born and being protected by the Constitution. If you want to say that, then you are telling the truth; then you are being honest.

If you want to say anything else, then you are hiding behind what was a truth. It is gone. There is no protection. You will have to look your constituents in the eye and say: I am not concerned about the dividing line between what is protected under our Constitution and what is not; I am not concerned that this is a slippery slope, where if the head is not born, you can kill the baby, but if the foot is not born, you can't, and it doesn't concern me at all; it doesn't set a double standard at all; it doesn't cause a problem in our society where a baby 3 inches away from life can be executed. It doesn't bother me, America. I want you to know that, constituents. This doesn't bother me. It doesn't bother me that all of the reasons given by the other side as to why this procedure should be kept legal are because of disabled children who were either not going to live long, or live long with a disability.

Mrs. BOXER. Will the Senator yield for a question?

Mr. SANTORUM. No, not at this time.

Mrs. BOXER. I want to ask, how much longer does the Senator plan on going at this point in the debate?

Mr. SANTORUM. A couple of minutes. The Senator from Illinois wants to speak.

Mrs. BOXER. Mr. President, I have not objected to his modification, but I wanted to speak on it. The Senator did it when I was talking about Senator SMITH. I would like to have a little time prior to the Senator from Illinois to respond to the modification.

Mr. SANTORUM. Sure.

Mrs. BOXER. Thank you.

(Mr. GORTON assumed the chair.)

Mr. SANTORUM. So if you want to look your constituents in the eye and say: I am not concerned that we need to draw a bright line, and that the examples being used as to why this procedure should be kept legal—and the stories and the cases to legitimize this procedure all involve deformed babies; they all involve babies who were not perfect in someone's eyes—if you want to look at them and say we need to keep this procedure legal because of these cases, then you need to look them in the eye and say: Well, I don't mean what Dr. Singer says, that killing a disabled infant is not morally equivalent to killing a person. But if you say that, then you have to look them in the eye and say: By the way, I want this procedure to be legal to kill healthy children with healthy mothers because that is how 90 percent of these abortions are done.

So if you can look in the eyes of constituents and say a 25-week-old baby who is from a healthy mother, a healthy baby, which would otherwise be born alive, that may in fact be viable, can in fact be delivered, all but the head, its brains punctured and suctioned out, and that is OK in America, and that doesn't bother us, and that doesn't create a slippery slope and create a cultural crisis—if you can look in the eyes of your constituents and tell them that, then come down here and vote no. Vote no, and you can do so with a clear conscience; you can do so with a clear conscience as to what you are saying.

I don't know about other aspects of your clear conscience, but know what you are doing because anybody who will take the time to read the RECORD of what happened over the last 2 days will have no doubt as to what you are doing. I know most folks don't read the RECORD. But you have, you listened, and your staff listened. You know the facts. You know what is at stake. You know the right thing to do.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, we finally have reached a point where the Senator from Pennsylvania and I have a strong agreement; we are urging everybody to read the record of this debate. I do hope the American people will read the record of this debate, and they will find out who stands for the mainstream view on the issue of a woman's right to choose and who stands for the extreme view on a woman's right to choose. The extreme view is overturning Roe v. Wade, which, from 1973, has protected the right of a woman to make a personal, private, moral, spiritual decision with her family, her doctor, her God, her advisers.

That is the mainstream view in America. That is the law of the land. The Senator from Pennsylvania is right that it is the law of the land because the Supreme Court found a right of privacy in the Constitution and said that, yes, women count. We have a right to privacy. So, please, read the record.

We voted on the issue of Roe v. Wade and by a thin, small margin—the vote was 51–48—we said don't overturn Roe. That is a dangerous vote. Forty-eight Members of this body want to criminalize abortion, make it illegal, go back to the days when women died—5,000 women a year. This is the first time this Senate in history has ever voted on that landmark decision, and 48 Senators don't trust women; 48 Senators want to tell women what to do in

a personal, private, religious, moral decision.

So, yes, I do hope the people of this country will read the RECORD because the RECORD is complete on this issue. We heard from the other side that we don't care about Roe v. Wade; we are not going to overturn it. We don't want to do anything about it. We just want to talk about this one procedure. And many of us on this side of the aisle said it is a smokescreen, and we tested it today. What did we find out? The leaders of this ban, which has been called unconstitutional by 19 courts, also voted to overturn Roe v. Wade.

I hope the families of America read this Record. It is very clear about who stands where. Let me tell you the difference between the two sides. It is not so much about how we feel on the issue because that is a personal matter. I have given birth to children—the greatest joy in my life. I have a grandson—a new joy in my life. I have one view; the Senator from Pennsylvania has another. Let me tell you the difference. It is who decides. I respect the right of the Senator from Pennsylvania to make that decision by himself with his wife, with his family. He does not respect my right, or your right, or the right of anyone in America to be trusted to make that decision. He wants to tell you what to do. I didn't think we were elected to play God or to play doctor. I thought we were elected to be Senators. I thought we were elected to uphold the Constitution and the laws of the land.

Yes, this Record is full. It is important. It ought to be reflected upon. Our votes ought to be scrutinized. I agree with the Senator from Pennsylvania. Every word that was spoken here ought to be looked at. Every single time we engage in a conversation ought to be reviewed. I think it is important.

I also think it is important to understand that this modification that was sent to the desk—we had no objection to the Senator from Pennsylvania rewriting his law. That is his right. I don't have a problem with it. It does not do what the Senator from Pennsylvania says it does. The Senator from Pennsylvania says his new language addresses the objection of the Eighth Circuit and of the other courts that have ruled on his law that has been enacted in many States as unconstitutional on its face.

In the short period of time we have had to send out his new language, we have heard from the Center for Reproductive Law and Policy. The letter is in the RECORD. It says:

> The proposal continues to preclude any procedure at any gestational age of a pregnancy. Court after court—including the unanimous Eighth Circuit—has held that such an approach unduly burdens the right to abortion.

That is the Center for Reproductive Law and Policy.

The general counsel of the Association of Obstetricians and Gynecologists, the very group that deals with bringing life into the world, the very group of doctors we go to when we are ready to have our families and to help us have our families, says about this new language, upon review of it, that the language does not address the issues addressed by many States and Federal courts, including the United States Court of Appeals for the Eighth Circuit.

The Senator may say he has met constitutional objections. But those who deal with this law, who deal with it every day, say it does not.

Mr. President, 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:

NORTHWESTERN UNIVERSITY
MEDICAL SCHOOL,
Chicago, IL, October 21, 1999.

> I have reviewed Senator Santorum's amendment. It would apply to all second trimester procedures. It does not narrow the definition of the so-called ''Partial-Birth Abortion Ban'' Act. It would effectively ban the safest and most common form of second trimester abortions.

Sincerely,
MARILYNN C. FREDERIKSEN, M.D.,
Associate Professor,
Obstetrics and Gynecology,
Department of Obstetrics and Gynecology.

Mrs. BOXER. Mr. President, this letter is from Northwestern University Medical School signed by Marilynn Frederiksen, M.D., Department of Obstetrics and Gynecology, who says:

> I have reviewed Senator Santorum's amendment. It would apply to all second trimester procedures. It does not narrow the definition . . . [and] would effectively ban the safest and most common form of second trimester abortions.

I say to my colleagues, if you were looking for a fix on the constitutionality, it isn't here.

Again, I repeat that if you believe in the Constitution, if you believe in the right of privacy, and if you believe in following court precedent, a woman's health must always be protected. Under this law, as modified, the woman's health isn't even mentioned.

It is possible she could be paralyzed. All kinds of horrible things could happen. She could be made infertile. And, yet, no exception.

We have another letter that I ask unanimous consent to have printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN COLLEGE OF
OBSTETRICIANS AND GYNECOLOGISTS,
Washington, DC, October 21, 1999.

Hon. BARBARA BOXER,
Senate Hart Office Building,
Washington, DC.

> DEAR SENATOR BOXER: In response to the current Senate floor debate on the so-called ''partial birth abortion'' ban, I would like to clarify that there are rare occasions when Intact D & X is the most appropriate procedure. In these instances, it is medically necessary.

Sincerely,
STANLEY ZINBERG, MD,
Vice President,
Clinical Practice Activities.

Mrs. BOXER. Mr. President, this letter is from Stanley Zinberg, vice president, clinical practices, the American College of Obstetricians and Gynecology. This is a new letter:

> . . . I would like to clarify that there are rare occasions when intact D&X is the most appropriate procedure. In these instances, it is medically necessary.

The very words that some Senators said were not present in this debate are suddenly present in this letter. The doctors are telling us that the procedure that many Senators are voting to ban without making a health exception is medically necessary on certain occasions.

I will conclude with these remarks in the next few minutes by addressing something that has been very upsetting to me as a human being. Forget that I am a Senator. We have heard from people who would have to go through this procedure a series of stories that could break your heart. They decided, because they believed it was in their best interests, in the best interests of the fetus they were carrying, and in the best interests of their families, they decided after consulting their spiritual counselors that it was the right thing to do for their families.

The Senator from Pennsylvania wants to outlaw this option, this choice. But, worse than that, he calls these stories anecdotes. He says: Do not listen to anecdotes. But yet he cites his own experience and doesn't call it an anecdote. He calls it a tragedy. I have to say I hope we would apply the same kind of language to all Americans as we do to our own families.

These are stories. Let me share some with you.

Tiffany Benjamin: Genetic tests revealed that her child had an extra chromosome. Doctors advised her that her condition was lethal. No one could offer hope. They determined the most merciful decision for their child and the family would be to terminate the pregnancy. She says, ''Although three years have passed for us, the depth of our loss is vivid in our minds.'' She says to every Senator who would outlaw this procedure, ''We are astounded that anyone could believe that this type of decision is made irresponsibly and without a great deal of soul searching and anguish. These choices were the most painful of our lives.''

Is that an anecdote? That is a true life experience of a woman who says to us, please don't ban a procedure that is medically necessary.

Coreen Costello, a registered Republican, describes herself as very conservative. She made it clear that she is opposed to abortion. She was 7 months pregnant in 1995 with her third child. She was rushed to the emergency

room, and an ultrasound showed something seriously wrong. The baby had a deadly neurological disorder, had been unable to move inside her womb for 2 months. She goes on. The doctors told Coreen and her husband that the baby was not going to survive, and they recommended terminating the pregnancy. The Costellos say this isn't an option for us: ''I want to go into labor.'' She said: ''I want my baby to be born on God's time. I did not want to interfere.''

They went from expert to expert. And the experts told her labor was not an option. They considered a cesarean section. But the doctors said the health risks were too great. In the end, they followed the doctor's recommendation and Coreen had an abortion. She says now they have three happy, healthy children, and she since then has had a fourth.

She writes to us: ''This would not have been possible without the procedure.'' She says please give other women and their families this chance. Let us deal with our tragedies without any unnecessary interference from the Government. Leave us with our God. Leave us with our families. Leave us with our trusted medical experts.

I could go on and on with these stories, these real-life tragedies. They are not anecdotes. They are not stories that are made up. They are not rumors. They are real people who have gone through this. I daresay we ought to listen because they are people who count. They are telling us to stay out of their private lives. Stay out. If anyone wants to make a decision about their family, please, that is their right. I would do anything in my power to fight for anybody's right not to have an abortion if that is their choice. I am as strongly for that.

However, I think it is an insult, an indignity, a slap in the face of the women and the families of this Nation for government to tell them what to do in these tragic moments.

Mr. LAUTENBERG. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. LAUTENBERG. Mr. President, I have heard on this floor that there haven't been any of these late-term abortions performed by doctors or performed in hospitals. The Senator has been diligent on the floor of the Senate in these last days in making sure women's rights are protected. It has been a tough fight. I wonder, to the Senator's knowledge, is it true these late-term abortions have been done exclusively outside of hospitals by nonobstetricians, by nonphysicians? Does the Senator have that kind of information?

I had a chance to speak to Ms. Koster, portrayed in the photograph, a woman very happy with her decision to have an abortion in late term. By the way, this is not an unreligious person or not a person we could accuse of immorality. She insisted and told me she had obstetricians and she had it performed in a hospital, as I remember, in Iowa.

Is the Senator familiar with that situation?

Mrs. BOXER. Yes, and I want to say in my State we have a law. A procedure done in the late term must be done inside a hospital.

We have received a letter from the American College of Obstetricians and Gynecologists who work in hospitals all over this country and have said this procedure that the Senator from Pennsylvania wants to ban is, in certain instances, medically necessary.

We have the most prestigious group of doctors from the American College of Obstetricians and Gynecologists saying banning this procedure is dangerous. That, in fact, even with the changes that the Senator from Pennsylvania made, it is so broadly worded it allows most abortions. There is still no health exception.

My friend is absolutely right. These procedures, and abortions in general, are done by physicians.

Mr. LAUTENBERG. My most recent grandchild was delivered 1 week ago, a large baby. My daughter is very active athletically. She produced a 9-pound, 7-ounce baby girl, larger than the two brothers who preceded her.

I also have two other daughters, each of whom has two children; one daughter carried a fetus for almost 8 months and something happened. She called me and said: Daddy, I've got bad news. The baby got caught in the cord and apparently choked to death. She wasn't feeling a heartbeat when she went to the doctor. Nothing hurt me more, nothing hurt her more.

We are not the kind of family that casually looks at abortion and says everybody ought to have one. This is the right of privacy, is it not?

Mrs. BOXER. It is absolutely about the right to privacy and respect of the woman and her family.

Mr. LAUTENBERG. Does the Senator find women's organizations coming forward about outlawing this procedure? Does it make sense in any way to protect women who have an unfortunate condition or whose health is in danger in the late term in their pregnancy?

Mrs. BOXER. Anyone who believes in the basic right to choose and the basic decision in Roe, which protected a woman's health, is opposed to this Santorum bill.

Let me read into the record a few groups, and I will not even name women's groups; I will name other groups: The American Public Health Association opposes this bill; the American Medical Women's Association opposes this bill; the American Nurses Association opposes this bill; the Society for Physicians for Reproductive Choice and Health opposes this bill; the American College of Obstetricians and Gynecologists opposes this bill; and the Religious Coalition for Reproductive Choice opposes this bill.

I say to my friend, women's groups who support a woman's right to choose see this as chipping away at the right of a woman to make a decision with her God and her doctor and her conscience. They oppose it as well as the medical and religious groups.

Mr. LAUTENBERG. I inquire as to the Senator's response, if this is an attempt to establish the moral platitudes around which this country should operate—and that is fortified in my view by the fact that while we ignore the opportunity to protect a born child 15 or 10 years old in school, we are unwilling to pay attention to the mother's plea in that case to protect the child; but we hear the National Rifle Association's voice.

Does the Senator see a born child, a child going to school, a child walking in the neighborhood, a child at play, as being as protected as the definition that we want to exert here on a woman whose pregnancy is in a late term, and a doctor and she agree that it is an appropriate thing to do? Does the Senator see some kind of conflict here? Or perhaps even hypocrisy? The Senator ought to correct me if I am wrong because I don't want to be wrong about this.

As I remember, those who are presently so strongly advocating removing the right of a woman to make a decision, vote against gun control measures that we have when it comes to protecting children. Does the Senator see the same question raised that I see?

Mrs. BOXER. The irony of this issue is right there. I say that the leading voices in this Chamber on this issue are the same voices that we hear against any type of sensible laws to protect our children that deal with gun violence.

Interestingly, in my State, gunshots are the leading cause of death among children. It is a supreme irony.

Mr. LAUTENBERG. Is the Senator aware that 13 kids a day are killed by gunfire in this country, over 4,500 children a year are killed by gunfire? Children who are alive, working, and with their families, exchanging love with their parents, brothers and sisters. Is the Senator aware that 13 children every day in this country are killed by gunfire because we lack control over that?

Mrs. BOXER. I am aware and it is a tragedy.

Mr. LAUTENBERG. Where does the Senator think we are in terms of saying to women, you can't make a choice on your own; you don't have the moral rectitude to go ahead and make this decision, even though you and your doctor agree and there is some risk to the mother's health in carrying this pregnancy.

We can't even get an exception to that. Am I right in that interpretation?

Mrs. BOXER. That is correct. No exception for health.

Mr. LAUTENBERG. It reverts back to wanting to control other people's destinies, other people's decisions by a few other-than-experts in this body on pregnancy, and the health care necessary to attend to that.

Mrs. BOXER. My friend is right. There is not one obstetrician or gynecologist in this Senate, yet we see the pictures used, the cartoon figures of a woman's body—which I find rather offensive. The bottom line is, we were not elected to be doctors, but we were elected, it seems to me, to be tough on crime and to stop crime and to do what it takes to protect our citizens.

My friend from New Jersey has been a leading voice in that whole area. I do not know how many months it has been since the Vice President broke the tie there, when my friend had a very important amendment up to close the gun show loophole so people who are mentally unbalanced and people who are criminals can no longer get guns at a gun show to shoot up kids and shoot up a school.

Mr. LAUTENBERG. The Senator has mentioned we have drawings on the floor, of the horror that is involved in performing a surgical procedure. Aren't surgical procedures generally unpleasant to witness?

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. I once saw an appendix removed and saw a couple of people around me faint. It is never pretty, but it is done for a purpose. When a lung is removed, or a colon is removed, it is never a beautiful procedure. But the fact is, the person for whom the procedure is done often is in better health afterward.

Has the Senator ever seen pictures of the kids jumping out of the windows at Columbine High School in Littleton, CO?

Mrs. BOXER. Yes, I say to my friend, I think those are images that are in everybody's mind.

Mr. LAUTENBERG. They are not drawings.

Mrs. BOXER. They are real TV images of children escaping gun violence.

Mr. LAUTENBERG. I know the Senator's home State is California. Did the Senator see the picture of the tiny children being led hand-in-hand by policemen and others trying to protect them from gunfire?

Mrs. BOXER. Again, my friend is evoking images I don't think anyone in America will ever forget, of those children grasping the hands of those policemen in the hopes of being saved.

Mr. LAUTENBERG. Did the Senator see the pictures from, I believe the city was Fort Worth, TX, of those young people praying together, reaching out to God?

Mrs. BOXER. Yes.

Mr. LAUTENBERG. Trying to correct what imbalances they saw in life. Did the Senator see the pictures of those people?

Mrs. BOXER. I saw the horror, yes.

Mr. LAUTENBERG. Did you see them crying and holding each other?

Mrs. BOXER. I did.

Mr. LAUTENBERG. Can the Senator tell me why it is we refused to identify those buyers of guns at gun shows here? In a vote we had here? We finally eked out a vote, 51–50, that said we should not have it. But our friends on the Republican side in the House dropped it out of the juvenile justice bill, and we do not see it here.

Can the Senator possibly give me her description of what might be the logic there, as those on the other side want to take away the right of women to make a decision that affects their health and their well-being and their families' well-being?

Mrs. BOXER. I can only say to my friend, we see an enormous amount of passion, which I think, in the end, puts women in danger. It goes against the basic right of privacy and the basic dignity of women and their families in their to make a personal decision. We see a lot of emotion to end those rights. But we do not see the same intensity of emotion—we do not even get the votes of those people—to make sure our children who are living beings, who are going to school, have the protection they deserve to have.

Mr. LAUTENBERG. Is the Senator aware, because we serve on the environment committee together, of the threat to children's health that is resulting from the contamination of our air quality?

Mrs. BOXER. Yes. I have authored a bill called the Children's Environmental Protection Act which would, in fact, strengthen our laws. There are very few cosponsors, I might add, from the other side of the aisle. But it is a good law and would protect our children from hazardous waste and toxic waste and make sure our standards are elevated, because, when a child breathes in dirty air and soot and smog, et cetera, it has a much worse impact than it does on a full-grown adult.

Mr. LAUTENBERG. Has the Senator seen the recent news reports about children, the numbers of children increasingly becoming asthmatic, as a result?

Mrs. BOXER. Yes, I have.

Mr. LAUTENBERG. I have a daughter who is my third daughter. She is a superb athlete. She suffers from asthma. It is a very painful thing to witness.

My sister was a board member at a school in Rye, NY, a school board in Rye, NY. She was subject to asthmatic attacks. One night at a school board meeting—she carried a little machine she would plug into the cigarette lighter in the car to help her breathe—she felt an attack coming on and she tried to get to her car and she didn't make it. She collapsed in the parking lot, went into a coma, and 2 days later had died.

I have a grandson who has asthma and I have a daughter who has asthma.

Does the Senator remember anything that got support from the other side to protect lives by adding to the cleansing of our environment by getting rid of the Superfund sites, the toxic sites around which children play and from which they get sick? Does the Senator recall any help we got to protect those children? No. No. No. What we got was a denial.

But, heaven forbid a woman should make a decision to protect her health for the rest of her children, or her health for her family, or to continue to be a mother to her other children. Does the Senator recall any similar passion or zeal on those issues when we went up to vote here?

Mrs. BOXER. No, I do not.

Mr. LAUTENBERG. Well, I thank the Senator because of her courage in standing up against what I consider an onslaught against the lives and well-being of women by those men who would stand here primarily and say: No, Madam, you can't do that because according to my moral standard you are wrong.

But the Senator does recall, as I do, when we had votes to protect children from gunfire or protect children from a contaminated environment, the votes were not there from that side.

Mrs. BOXER. My friend is correct. I want to say his series of questions and comments have moved me greatly. I consider him a great Senator.

Mr. LAUTENBERG. That is very kind.

Mrs. BOXER. I only wish he would stay here longer than he plans.

Mr. LAUTENBERG. Is the Senator aware I have been a protector of children's health by raising the drinking age to 21?

Mrs. BOXER. Yes.

Mr. LAUTENBERG. Does the Senator know we saved 14,000 children, 14,000 families from having to mourn the loss of a little child or youngster in school?

Mrs. BOXER. I am aware of that.

Mr. LAUTENBERG. The Senator knows I tried to take away guns from spousal and child abusers, and succeeded by attaching an amendment to a budget bill that had to get through, that was signed over the objections of our friends on the other side—

Mrs. BOXER. I recall.

Mr. LAUTENBERG. Almost unanimously. So I think the Senator, as she said, knows I have credentials in terms of wanting to protect the children in our society.

Mrs. BOXER. Absolutely.

Mr. LAUTENBERG. Frankly, that is my main mission in being here.

So I conclude my questions by asking the Senator if she will continue to fight no matter what is said—anecdotally, hypocritically, falsely in some cases—will she continue to fight this fight for the women of America?

Mrs. BOXER. I say to my friend, he has asked me if I will continue to fight for the women of America. The answer is yes. I believe while I fight for them, I am fighting for their families, for the people who love them, their fathers, their mothers, their grandfathers, their grandmothers, and their children.

I think underlying all this debate is that basic difference between myself and the Senator from Pennsylvania; between the Senator from New Jersey and the other Senators on the other

side of the aisle. I think it is about basic respect of the women and the families of this Nation.

In concluding my remarks, because I know the Senator from Illinois has been waiting very patiently, I will conclude with a quote from three Justices. I ask my friend from New Jersey to once more listen to their words.

Mr. LAUTENBERG. I will hear them.

Mrs. BOXER. I heard them yesterday. He said to me how touched he was by them. I think it would be suitable to quote them again, reminding everyone these are three Republican Justices of the Supreme Court.

In their decision upholding Roe v. Wade, this is what they said:

> At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. Beliefs about these matters could not define the attributes of personhood were they formed under compulsion of the State.

The Senator from New Jersey and I and those of us in this body who voted today to uphold Roe, and many of us who will vote against the Santorum bill, believe the State must not, should not be able to tell people in this country how to think, what to believe, and especially what to do for themselves and their families when it comes to a medical procedure.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I again appreciate the indulgence of the Senator from Illinois who has been incredibly patient now for 50 minutes.

Let me make a couple points first to the Senator from California. She seems to object to the term ''anecdote'' in referring to the cases that were brought here. I looked up the word ''anecdote'' in the dictionary right at the leader's desk, the Standard College Dictionary.

> Anecdote: A brief account of some incident; a short narrative of an interesting nature.

I will put it over here and share it with the Senator from California, and if she finds that to be an offensive word in describing what she has presented, I think we have gotten rather touchy.

The Senators from New Jersey and California mentioned that the leading cause of death in California is gun violence among children. Wrong. The leading cause of death in California among children is abortion. The Senator from New Jersey said 13 children a day die of gun violence. Mr. President, 4,000 children a day die from abortions—4,000 children die a day—that some say they want legal, safe, and ''rare,'' 4,000 a day.

The Senator from New Jersey equates the medical procedure of partial-birth abortion to the equivalent of an appendectomy. That is not an appendix, I say to my colleagues.

Mr. LAUTENBERG. Will the Senator yield?

Mr. SANTORUM. That is not a blob of tissue. That is a living human being.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. SANTORUM. I will be happy to yield.

Mr. LAUTENBERG. Did the Senator hear me say that I compared an abortion to a surgical procedure? Might I offer a correction to our colleague from Pennsylvania?

Mr. SANTORUM. I hope the Senator will.

Mr. LAUTENBERG. I said surgical procedures are never pretty. I did not say abortions and appendectomies are the same thing. Don't distort the RECORD, if the Senator will oblige me.

Mr. SANTORUM. I think the RECORD speaks for itself.

Mr. President, the Senator from California suggested this in her opening comments: Banning this procedure of taking a child who would otherwise be born alive, taking it outside of the mother and killing the child is an extreme view; banning this procedure is an extreme view in America.

Where have you gone, Joe DiMaggio? This now defines ''extreme.'' Killing a child, a living being outside of its mother is now an extreme view in America. The mainstream view, according to the Senator from California, is the mother has the absolute, irrefutable right to destroy her child at any point in time for whatever reason. That is the mainstream view in America.

Our Nation turns its eyes to you, Joe. That is the mainstream view in America. So welcome to America; welcome to America 1999. Welcome to an America with which Peter Singer, the new prophet of America, who is from Australia, will feel most comfortable; Peter Singer, the philosopher who writes:

> Killing a disabled infant is not morally equivalent to killing a person. Very often it is not wrong at all.

Welcome to America 1999 because this is killing an infant, and the reason given is because it is not perfect, and they say it is not morally wrong. And by the way, who are we to judge? Why is murder wrong if it is not morally wrong? Is it because we have a number of votes that ban murder? Is that the only reason, because the majority says we think murder is wrong? Not morally wrong because we can't make moral judgments; God forbid we make a moral judgment on the floor of the Senate. Oh, no, who am I to tell you that murder is wrong? I mean, how dare me. How can you tell me that murdering someone is wrong if it is not based on some moral judgment?

So, please, don't come down here and say I have no right to impose moral judgments. We do it every day in the Senate. How many speeches do I hear that it is immoral not to provide health insurance? That is immoral, this isn't. That is immoral and this isn't.

We can't judge anybody. We can't say that taking a child almost born outside of the mother, 3 inches from legal protection, and killing that baby in a barbaric fashion, we can't say that is wrong because that would be judging somebody else; we can't judge anybody here. Who are we to judge anybody?

Welcome to America 1999. Welcome to the mainstream America 1999. Welcome to the Peter Singers of the world. Read the New Yorker September 6 issue. Read it when he says:

> If a pregnant woman has inconclusive results from amniocentesis, Singer doesn't see why she shouldn't carry the fetus to term. Then, if the baby is severely disabled and the parents prefer to kill it, they should be allowed to. That way there would be fewer needless abortions and more healthy babies.

Welcome to America because here you can find out if the baby is healthy or not. If you want to kill it, you can. If not, you can deliver it. Welcome to Peter Singer's world.

And you are not concerned about the lines drawn in America? You are not concerned we need to a have a bright line to prevent the Columbines in the future? When the Senator from California reads the Casey decision, doesn't she see Columbine in the Casey decision? What does the Casey decision say that she so proudly stands behind? ''At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life. . .''

A young boy in Littleton, CO, said the same thing just before he shot 13 people. He said: What I say goes; I am the law.

This is what the Casey decision says. It says each one of us has the right to determine our own reality. We are the law. We can do whatever we want to do.

God help us. God help us if that is the law of the land. God protect us, if that is the law of the land, from predators who think they can do whatever they want to do to us because they are the law; they can define their own meaning of existence. They can define their own meaning of the universe. They can define their own meaning of human life. God help us.

And where does this decision come from? It comes from the poisonous well of keeping procedures like this legal. Drink from it, America. Drink from it. I yield the floor.

Mr. SMITH of New Hampshire addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

AMENDMENT NO. 2324 TO AMENDMENT NO. 2323

(Purpose: to provide for certain disclosures and limitations with respect to the transference of human fetal tissue)

Mr. SMITH of New Hampshire. Mr. President, I send a second-degree amendment to the pending amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

> The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2324 to amendment No. 2323.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the Landrieu amendment, add the following:

SEC. ___. TRANSFERENCE OF HUMAN FETAL TISSUE.

Section 498N of the Public Health Service Act (42 U.S.C. 289g-2) is amended—

(1) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

''(c) DISCLOSURE ON TRANSPLANTATION OF FETAL TISSUE.—

''(1) REQUIREMENT.—With respect to human fetal tissue that is obtained pursuant to an induced abortion, any entity that is to receive such fetal tissue for any purpose shall file with the Secretary a disclosure statement that meets the requirements of paragraph (2).

''(2) CONTENTS.—A disclosure statement meets the requirements of this paragraph if the statement contains—

''(A) a list (including the names, addresses, and telephone numbers) of each entity that has obtained possession of the human fetal tissue involved prior to its possession by the filing entity, including any entity used solely to transport the fetal tissue and the tracking number used to identify the packaging of such tissue;

''(B) a description of the use that is to be made of the fetal tissue involved by the filing entity and the end user (if known);

''(C) a description of the medical procedure that was used to terminate the fetus from which the fetal tissue involved was derived; and the gestational age of the fetus at the time of death.

''(D) a description of the medical procedure that was used to obtain the fetal tissue involved;

''(E) a description of the type of fetal tissue involved;

''(F) a description of the quantity of fetal tissue involved;

''(G) a description of the amount of money, or any other object of value, that is transferred as a result of the transference of the fetal tissue involved, including any fees received to transport such fetal tissue to the end user;

''(H) a description of any site fee that was paid by the filing entity to the facility at which the induced abortion with respect to the fetal tissue involved was performed, including the amount of such fee; and

''(I) any other information determined appropriate by the Secretary.

''(3) DISCLOSURE TO SHIPPERS.—Any entity that enters into a contract for the shipment of a package containing human fetal tissue described in paragraph (1) shall—

''(A) notify the shipping entity that the package to be shipped contains human fetal tissue;

''(B) prominently label the outer packaging so as to indicate that the package contains human fetal tissue;

''(C) ensure that the shipment is done in a manner that is acceptable for the transfer of biomedical material; and

''(D) ensure that a tracking number is provided for the package and disclosed as required under paragraph (2).

''(4) DEFINITION.—In this subsection, the term 'filing entity' means the entity that is filing the disclosure statement required under this subsection.

''(5) Nothing in this subsection shall permit the disclosure of—

''(A) the identity of any physician, health care professional, or individual involved in the provision of abortion services;

''(B) the identity of any woman who obtained an abortion; and

''(C) any information that could reasonably be used to determine the identity of individuals or entities mentioned in paragraphs (A) and (B).

''(6) Violation of this section shall be punishable by the fines of more more than $5,000 per incident.

''(d) LIMITATION ON SITE FEES.—A facility at which induced abortions are performed may not require the payment of any site fee by any entity to which human fetal tissue that is derived from such abortions is transferred unless the amount of such site fee is reasonable in terms of reimbursement for the actual real estate or facilities used by such entity.''.

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

Mr. FITZGERALD addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Illinois.

Mr. FITZGERALD. Mr. President, thank you for this opportunity to be heard.

Mr. President, listening to my distinguished colleague from California, Senator BOXER, I thought back to earlier this year. We had an issue on which we agreed; in fact, we have had a few this year. This isn't one of them, however.

But earlier this year, Senator BOXER was very concerned about the inhumane treatment of dolphins who are getting caught in tuna fishing nets. In fact, she spoke so eloquently on the cruel and inhumane treatment of dolphins that I distinctly remember during that debate, I called home to see how my family was doing, and my 7-year-old boy answered the phone, and he said to me: Daddy, I hope you're going to vote tonight to protect the dolphins. And boy, when I heard that, I really took a careful look at Senator BOXER's bill. I was inclined to support her already, but when I heard that from my son, and I started to focus on that debate, and the eloquence with which she spoke, I wound up voting with her to support and protect those dolphins.

Mrs. BOXER. Would my friend yield for a question so I have a chance to thank him for that support, and thank his son, and tell his son that I am going to fight just as hard to protect the life and health of his mother and all the moms of this country and to make sure we protect the children as well. Thank you.

Mr. FITZGERALD. I would like to encourage the Senator from California, and others in the Senate, to maybe think about the humanity issue here as we focus on the debate on partial-birth abortion.

Mr. President, I rise today as an original cosponsor of this bill, the Partial-Birth Abortion Ban Act of 1999. I would like to thank Senator SANTORUM for sponsoring it again and for his forceful and eloquent arguments on behalf of the innocent unborn.

Every time I think about partial-birth abortion, I think of the observations which, I believe, capture the essence of this debate. My esteemed colleague from Illinois, Representative HENRY HYDE, asked: What kind of people have we become that this procedure is even a matter of debate?

He went on to say: You wouldn't even treat an animal, a mangy raccoon like this.

What is a partial-birth abortion? As it has been described so thoroughly by my colleague from Pennsylvania, and many others, it is a truly gruesome procedure. It is barbaric. It is chilling. It is cruel. More than anything else, what I would like to emphasize here is that it is inhumane.

The medical term for this procedure is ''intact dilation and extraction,'' or ''intact D&E,'' for short. I have also heard it referred to as ''intrauterine cranial decompression.'' What do these medical terms mean?

Briefly, what happens is this: The abortionist turns the baby around in the womb so it is in the breech position—feet first. The abortionist then pulls the baby out of the womb and into the birth canal so all but its head is outside the mother; thus, the term ''partial birth.'' At this point, the abortionist takes out a sharp surgical instrument, often a pair of scissors, and stabs the baby in the back of its head to create a hole. The abortionist then inserts a type of suction tube into the hole and sucks out the baby's brain. Sucking out the baby's brain causes the skull to collapse, or implode, and the delivery can then be completed.

I will read an excerpt from testimony given to Congress by Mrs. Brenda Pratt Shafer, a registered nurse. While working for a temporary placement agency in 1993, Mrs. Shafer was assigned to an Ohio abortion clinic, where she was asked to assist with a partial-birth abortion on a woman who was just over 6 months pregnant. Here is some of what Mrs. Shafer testified to Congress that she observed that day:

> He delivered the baby's body and arms, everything but his little head. The baby's body was moving. His little fingers were clasping together. He was kicking his feet. The baby was hanging there, and the doctor was holding his neck to keep his head from slipping out. The doctor took a pair of scissors and inserted them into the back of the baby's head, and the baby's arms jerked out in a flinch, a startle reaction, like a baby does when he thinks he might fall. Then the doctor opened up the scissors, stuck the high-powered suction tube into the hole [in the head] and sucked the baby's brains out. The baby went completely limp. Then, the doctor pulled the head out, and threw the baby into a pan.

This is inhumane. You wouldn't treat an animal, a mangy raccoon like that.

In an attempt to somehow justify the humaneness of this procedure, opponents of a ban have cited the statements of a handful of medical professionals who contend that the unborn baby is actually killed, or rendered brain dead, prior to being extracted

from the womb by the anesthesia given to the mother.

Mr. President, and my colleagues, consider this: Professor Robert White, director of the Division of Neurosurgery and Brain Research at Case Western Reserve School of Medicine, testified before a House committee several years ago that:

> The fetus within this timeframe of gestation, 20 weeks and beyond, is fully capable of experiencing pain.

He stated, regarding partial-birth abortions:

> Without question, all of this is a dreadfully painful experience for any infant subjected to such a surgical procedure.

Dr. Norig Ellison, president of the 34,000-member American Society of Anesthesiologists, testified before Congress:

> I think the suggestion that the anesthesia given to the mother, be it regional or general, is going to cause the brain death of the fetus is without basis of fact.

And finally, Dr. Martin Haskell, who has been called a ''pioneer'' in the use of the partial-birth abortion procedure, in 1993, stated:

> . . . the majority of fetuses aborted this way are alive until the end of the procedure.

He went on to say:

> . . . probably about a third of those are definitely dead before I actually start to remove the fetus. And probably the other two-thirds are not.

What kind of a people have we become that this procedure is even a matter of debate in the Senate? You wouldn't treat an animal, a mangy raccoon like that.

To my colleagues today who are still seriously considering this debate, this is an issue of basic humaneness, and humaneness is an issue that many of us, on both sides, have often found quite troubling. In my short time in the Senate, I have joined a number of my colleagues on several occasions to speak against the inhumane treatment of animals. In fact, it wasn't very long ago, during the debate on the Interior appropriations bill that I voted in support of an amendment offered by Senator TORRICELLI that would have prohibited the use of funds in the Interior budget to facilitate the use of steel-jawed traps and neck snares for commerce or recreation in national wildlife refuges.

During the debate on this amendment, my distinguished colleague from Nevada, Senator REID, described the amendment as a ''no-brainer.'' My colleague went on to say that ''these traps are inhumane. They are designed to slam closed. The result is lacerations, broken bones, joint dislocations, and gangrene.'' In conclusion, Senator REID stated that ''in this day and age, there is no need to resort to inhumane methods of trapping. . . .'' And many of us were persuaded.

And why were we persuaded? Why are we troubled by steel-jawed traps? Isn't it, Mr. President, because there's something in our gut that twists and turns over the unnecessary suffering and pain of creatures with whom we share this Earth? The majestic animals that are as much a part of God's wonderful creation as we are. Wonderful animals who add richness and texture to our own experience of the planet. Animals whom we thank God for allowing us to appreciate and admire.

The suffering of a bear or a deer can lead many of us to say no to a steel-jawed trap and a neck snare. But what about a scissor through the head and neck of a child? What about sucking out a baby's brain.

Mr. President, You wouldn't treat an animal, a mangy raccoon like this.

The Senate also acted this year to do more to fight the inhumane treatment of dolphins. On July 22, I supported an amendment offered by Senator BOXER to the fiscal year 2000 Commerce-Justice-State appropriations bill to force countries to pay their fair share of the expenses of the Tuna Commission and delay the importation of tuna caught using fishing methods that unnecessarily harm and kill dolphin. During debate on this amendment, Senator BOXER spoke eloquently of the thousands of dolphin killed each year by fishing methods that cruelly and unnecessarily harass, chase, encircle, maim, and kill dolphin that happen to be swimming over schools of tuna. I appreciated hers and others' efforts in the name of humaneness.

God has given us dominion over a wondrous planet, a beautiful blue sphere that takes our breath away when we see it silhouetted against the dark of the universe. And with that dominion we know comes a stewardship, a responsibility to appreciate, care, and speak for God's creation who cannot speak for themselves.

I believe our Maker has touched our human conscience with something that makes us almost instinctively recoil from causing unnecessary pain and suffering to animals. I know there's a tender spot in the hearts of some who now oppose a ban on this procedure. I know it's there because I've seen it in debates on the floor of this body. But I don't understand how those who can hear the howl of a wolf or the squeal of a dolphin, can be deaf to the cry of an unborn child.

Mr. President, if people were sticking scissors in the heads of puppies, we would not abide it. In the name of common decency and humanity, I implore my colleagues not to let this happen to our own young.

I yield the floor.

Mr. SANTORUM. 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. GRASSLEY. Mr. President, on behalf of the leader, I ask unanimous consent that the only amendments in order be the pending Smith of New Hampshire amendment and the pending Landrieu amendment, that they both be separate first-degree amendments, and the votes occur in relation to these amendments at 5:30 in the order listed, with 3 minutes prior to each vote for explanation.

I further ask unanimous consent that following the votes described above, the bill be immediately advanced to third reading and passage occur, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object—and I will not object—can we be sure the 3 minutes are equally divided between the two sides?

Mr. GRASSLEY. That is our understanding.

Mrs. BOXER. Fine. That is fine with us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, in light of this agreement, there will then be three votes beginning at 5:30 p.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. 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. NICKLES. Mr. President, for the information of all colleagues, I believe there are going to be three rollcall votes commencing at 5:30. So hopefully everybody will be present and we can move the votes fairly rapidly.

I compliment the Senator from Pennsylvania, Mr. SANTORUM, for the outstanding debate he has conducted on the floor during the last couple of days. In addition, Senator SMITH and others, I think, have presented a very compelling case that this procedure, the so-called partial-birth abortion procedure, should be stopped. There is no medical necessity for it. It is not necessary to save the life of the mother under any circumstances, according to experts such as Dr. Koop, the American Medical Association, and others. It is a gruesome, terrible procedure. It needs to be stopped.

We have laws on the books that protect unborn endangered species from Oregon to Florida. We have fines and penalties that if you destroy an animal, or an insect, you can be subjected to fines and penalties of thousands of dollars. You can even go to jail for destroying the unborn of a particular type of insect which happens to be classified as endangered.

Yet in this procedure, when we are talking about a child who is partially born, we won't give it any protection whatsoever. We are talking about a child, a human being. I know some people say, ''It's a fetus and not a child; it

is not a human.'' Well, if we waited maybe 30 seconds, then it would be a child, or a human being, totally outside the mother's womb. I just find that incredible that we are not going to offer at least some protection for these unborn children.

I want to allude to something else. There was a sense of the Senate passed earlier today, and some people have talked on it and said it reaffirms Roe v. Wade, as the law of the land. That Roe v. Wade is a great thing. There are a couple of points about this I would like to address. From a legislative standpoint, we are the legislative body; we pass the laws of the land. The Supreme Court is not supposed to legislate. I read the Constitution. We all have a copy. It says, in article I, section 1, of the Constitution:

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

All legislative powers.

Then if you read through the conclusion of the Constitution, in the 10th amendment it says:

All of the rights and powers are reserved to the States and to the people.

It does not say in the case of abortion we give the Supreme Court the right to legislate. That is exactly what they did in Roe v. Wade. So now we have a sense of the Senate that says we agree with Roe v. Wade. I wonder how many people have really looked at Roe v. Wade. I thought I might introduce it into the RECORD because it is a very convoluted, poorly-drafted piece of legislation in which the Supreme Court legalized abortion.

The Supreme Court doesn't have the constitutional power to legalize anything. They don't have the constitutional power to pass laws. That is what they did. I was going to insert Roe v. Wade into the RECORD, but it is too long, it has too many pages. I object to the Supreme Court legislating at any time, even if I agree with the legislative result.

If Congress wants to codify Roe v. Wade, let somebody introduce legislation and let it go through the process. Let's have hearings. Does it make sense to have abortion legal, totally legal, without any restrictions whatsoever in the first trimester, and maybe little restrictions on the second trimester, and further on the third trimester? Is that the way Congress would do it? If we are going to do it this way, at least if the people don't like the laws Congress passes, they would have some recourse. There is no recourse to legislation dictated by the Supreme Court.

So I strongly object to the idea of the Supreme Court legislating. I think the sense of the Congress was a serious mistake. I don't know if I am going to be a conferee or not, but I will work hard to make sure the sense of the Senate language is not included in anything that will be reported out on this bill. I think that would be a serious mistake.

Again, I compliment the authors of the bill and state for the RECORD that I urge all people, Members of Congress, to vote for the legislation by the Senator from Pennsylvania to protect unborn children who are three-fourths born, or two-thirds born; give them protection—maybe not as much protection as we give unborn animals under the endangered species. Evidently, we are not going to do that, but let's give them some protection.

So let's pass this bill. We can go to conference with the House, and we can drop this sense-of-the-Senate resolution and pass the bill, and hopefully this time the President will sign it.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I understand we are ready now to do a series of three votes back to back.

For the information of all Senators, these votes will be the last votes of the day.

It will be my intention to begin debate on the African trade bill, which includes, of course, the CBI enhancement provisions, immediately following these votes. It is my hope that the Senate will begin debating and amending the bill yet this evening because we do have some more time that we could keep working on this bill.

I had the opportunity this afternoon to talk to the President about this legislation. He is committed to being of assistance in any way he can to the Senate taking this bill up and passing it in its present form.

I have been working with the Democratic leader, the chairman and ranking member of the committee, all of whom support this legislation.

This is a free trade initiative that will be good for a America, good for the Caribbean Basin, and good for Africa.

Assuming the Senate begins debate on this bill, any votes relative to amendments would be postponed to occur at a time determined by the majority leader after consultation with the Democratic leader.

On Monday, the Senate will be debating the African trade bill with the CBI provisions.

I will propose to confirm six nominations from the Executive Calendar. If debate is necessary on these nominations, that debate would also occur on Monday.

However, the votes, if necessary, would be postponed to occur on Tuesday at 9:30 a.m.

I thank all Members, and will notify each Senator as the voting situation becomes clearer.

Based on what I said, I believe we will have only debate on Friday. It is not clear at this time what the situation would be with regard to Monday. We will have debate. We do have nominations we want to clear. But we will be in communication with both sides of the aisle and notify the Members as soon as further decisions can be made.

AMENDMENT NO. 2324

I ask for the yeas and nays on amendment No. 2324.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. BOXER. Mr. President, as I understand it, we have a minute and a half per side.

The PRESIDING OFFICER. The Senator from California is correct.

Mrs. BOXER. Mr. President, we are going to vote shortly on the Smith amendment.

I tried very hard to work with my colleague. There is one very serious flaw in his legislation which I fear could escalate the violence at health care clinics all over this country. Now it is illegal in any way to sell fetal tissue. We all support that ban. We have voted on that ban. You cannot sell fetal tissue.

The Senator is concerned that this sale, nonetheless, is taking place. He wants certain disclosure as it relates to this issue. In the course of that, he has amended his legislation to deal with some of my problems by making sure that we can identify the woman who agreed to donate that tissue for research. It won't identify physicians. For that I am grateful.

The one area we couldn't reach agreement on had to do with the identity of the health care facility in which the woman had her legal and safe abortion. That will be subject to disclosure. Anyone could find out through a Freedom of Information request where that clinic is.

There have been 33 instances of violence against health care facilities since 1987.

I really am sad that the Senator from New Hampshire was unable to protect the confidentiality of these clinics.

I urge my colleagues on both sides of the aisle, please protect the identity of these clinics. We don't want to have anyone calling up and finding out where they are. I am very fearful it could escalate the violence. We certainly don't want to do that unwittingly.

Thank you very much. I will be urging a ''no'' vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, Senator BOXER and I made an attempt to come to accommodation on this amendment. We were not able to do that.

As you heard from my presentation on the floor, we know that fetal body parts are being sold in violation of law. Abortions may be induced in certain ways, such as possibly partial birth, or perhaps even live births in order to have good fetal body tissue to sell.

This is a serious problem. Clearly, it is a big industry.

This amendment requires disclosure of certain information prior to the transfer of any of this fetal body tissue or parts in induced abortions. That is what it does. It is against the law to sell fetal tissue for research. It is against Federal law.

This amendment allows HHS to track these transfers to enforce current law. You can donate tissue, but you can't sell it. It is being sold. We need the sun to shine in on this industry to find out what is happening.

It protects the privacy of all women undergoing abortions and the doctors providing them.

But this is something that is occurring within the industry. It is a very elaborate network of abortion providers getting those body parts to a wholesaler who then in turn is selling those body parts to universities and other research institutions. It simply let's the light in. That is all it does.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2324. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative assistant called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island. (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from New Hampshire (Mr. GREGG) are necessary absent.

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 338 Leg.]

YEAS—46

Abraham	Enzi	McCain
Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Breaux	Grams	Santorum
Brownback	Grassley	Sessions
Bunning	Hagel	Shelby
Burns	Hatch	Smith (NH)
Campbell	Helms	Smith (OR)
Cochran	Hutchinson	Thomas
Coverdell	Hutchison	Thompson
Craig	Inhofe	Thurmond
Crapo	Kyl	Voinovich
DeWine	Lott	
Domenici	Lugar	

NAYS—51

Akaka	Feinstein	Mikulski
Baucus	Graham	Moynihan
Bayh	Harkin	Murray
Biden	Hollings	Reed
Bingaman	Inouye	Reid
Boxer	Jeffords	Robb
Bryan	Johnson	Rockefeller
Byrd	Kennedy	Roth
Cleland	Kerrey	Sarbanes
Collins	Kerry	Schumer
Conrad	Kohl	Snowe
Daschle	Landrieu	Specter
Dodd	Lautenberg	Stevens
Dorgan	Leahy	Torricelli
Durbin	Levin	Warner
Edwards	Lieberman	Wellstone
Feingold	Lincoln	Wyden

NOT VOTING—3

Chafee	Gregg	Mack

The amendment (No. 2324) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes in this series be limited in length to 10 minutes each.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

AMENDMENT NO. 2323, AS MODIFIED

The PRESIDING OFFICER. There are 3 minutes equally divided. Who yields time?

Mrs. BOXER. Mr. President, as I understand the unanimous consent agreement, Senator LANDRIEU will have 1½ minutes and the other side will have 1½ minutes on her amendment, which I strongly support.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. Senator LANDRIEU has 1½ minutes.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Mr. President, we have been debating a very contentious and emotional issue for many, many hours now. This debate will perhaps go on for some years to come as we try to resolve our many differences. It is a very tough issue for many families and for policymakers all over our Nation.

This amendment is an attempt to help because whether you are for or against, pro-life or pro-choice, or somewhere in the middle, we can say today it is the sense of this Congress that we want to help all families who have children with birth defects or special needs, regardless of their circumstances.

It is a very tough situation when families, even with a wanted pregnancy, have to sometimes make a very tough decision that could result in their financial ruin. We should step up to the plate, and that is what this amendment does.

It simply says it is the sense of the Senate that many families struggle with very tough decisions and that we should fully cover all expenses related to educational, medical, and respite care requirements of families with special-needs children.

I commend this to my colleagues and ask for their support.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, I support the amendment, and I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to amendment No. 2323, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Florida (Mr. MACK), the Senator from Rhode Island (Mr. CHAFEE), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 339 Leg.]

YEAS—46

Abraham	Harkin	Murkowski
Akaka	Hatch	Murray
Baucus	Hollings	Reed
Biden	Hutchison	Reid
Boxer	Jeffords	Santorum
Breaux	Kennedy	Sarbanes
Bryan	Kohl	Schumer
Cleland	Landrieu	Smith (OR)
Conrad	Lautenberg	Snowe
Daschle	Leahy	Specter
DeWine	Levin	Torricelli
Dodd	Lieberman	Voinovich
Dorgan	Lincoln	Wellstone
Durbin	Lugar	Wyden
Feingold	Mikulski	
Feinstein	Moynihan	

NAYS—51

Allard	Edwards	Kyl
Ashcroft	Enzi	Lott
Bayh	Fitzgerald	McCain
Bennett	Frist	McConnell
Bingaman	Gorton	Nickles
Bond	Graham	Robb
Brownback	Gramm	Roberts
Bunning	Grams	Rockefeller
Burns	Grassley	Roth
Byrd	Hagel	Sessions
Campbell	Helms	Shelby
Cochran	Hutchinson	Smith (NH)
Collins	Inhofe	Stevens
Coverdell	Inouye	Thomas
Craig	Johnson	Thompson
Crapo	Kerrey	Thurmond
Domenici	Kerry	Warner

NOT VOTING—3

Chafee	Gregg	Mack

The amendment (No. 2323), as modified, was rejected.

The PRESIDING OFFICER. The question is on the engrossment and the third reading of the bill.

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

The PRESIDING OFFICER. Under the previous order, there are 3 minutes equally divided.

The Senator from California.

Mr. KYL. Mr. President, the arguments against the Partial-Birth Abortion Act keep changing. During previous consideration, for example, we heard from proponents of the procedure that it was used in only rare and tragic cases, so it would be wrong to ban it. Here is how the Planned Parenthood Federation of America characterized partial-birth abortion in a November 1, 1995 news release: ''The procedure, dilation and extraction (D&X), is extremely rare and done only in cases when the woman's life is in danger or in cases of extreme fetal abnormality.'' Planned Parenthood was not the only group to make such sweeping statements at the time.

But it did not take long for the story to unravel. On February 26, 1997, the New York Times reported that Ron Fitzsimmons, executive director of the National Coalition of Abortion Providers, admitted he ''lied in earlier statements when he said [partial-birth abortion] is rare and performed primarily to save the lives or fertility of women bearing severely malformed babies.'' According to the Times, ''He

now says the procedure is performed far more often than his colleagues have acknowledged, and on healthy women bearing healthy fetuses.''

Mr. Fitzsimmons told American Medical News the same thing—that is, the vast majority of these abortions are performed in the 20-plus week range on healthy fetuses and healthy mothers. He said, ''The abortion rights folks know it, the anti-abortion folks know it, and so, probably, does everyone else.''

We heard about the frequency of the procedure from doctors who performed it. The Record of Bergen County, New Jersey, published an investigative report revealing that far more of these abortions were performed in New Jersey and across the country than the abortion lobby wanted Americans to believe.

Now, after the truth is exposed, we see an advertising campaign by a group called the Center for Reproductive Law and Policy, claiming that it is the legislation that is deceptive and extreme. The claim is that the bill would prohibit ''some of the safest and most commonly used medical procedures and risk the health and well-being of women.'' Apparently out of convenience, opponents have now flipped their argument and claim the procedure is common, not rare at all—which is what supporters of the legislation contended all along.

On the issue of safety, they have been more consistent. They claim the procedure is safe, but here is what the former Surgeon General of the United States, Dr. C. Everett Koop, had to say on the subject. According to Dr. Koop, ''partial-birth abortion is never medically necessary to protect a mother's health or future fertility. On the contrary, this procedure can pose a significant threat to both.'' A threat to health and fertility.

We heard the same thing from other medical experts during hearings in the Judiciary Committee a few years ago. Dr. Nancy Romer, a practicing Ob-Gyn from Ohio, testified that in her 13 years of experience, she never felt compelled to recommend this procedure to save a woman's life. ''In fact,'' she said, ''if a woman has a serious, life threatening, medical condition this procedure has a significant disadvantage in that it takes three days.''

Even Dr. Warren Hern, the author of the nation's most widely used textbook on abortion standards and procedures, is quoted in the November 20, 1995 edition of American Medical News as saying that he would ''dispute any statement that this is the safest procedure to use.'' He called it ''potentially dangerous'' to a woman to turn a fetus to a breech position, as occurs during a partial-birth abortion. Dangerous, Mr. President.

The American College of Obstetricians and Gynecologists was quoted by Charles Krauthammer in a March 14, 1997 column as indicating that there are ''no circumstances under which this procedure would be the only option to save the life of the mother and preserve the health of the woman.''

And of course, the American Medical Association (AMA), on the eve of the Senate vote during the 105th Congress, endorsed the bill to ban the technique. According to the chairman of the AMA's board of trustees, ''it is a procedure which is never the only appropriate procedure and has no history in peer reviewed medical literature or in accepted medical practice development.''

To those who call the Partial-Birth Abortion Ban Act extreme, I ask: Is it extreme to want to ban a procedure that medical experts tell us is dangerous and threatening to women? Or are the extremists those who are so radically pro-abortion that they defend even a such a dangerous and threatening procedure?

What about those rarest of instances when it might be necessary to use this dangerous procedure to save a woman's life? Those are provided for, despite what President Clinton said when he vetoed the Partial-Birth Abortion Ban Act on October 13, 1997. He said he did so because the bill did not contain an exception that ''will adequately protect the lives and health of the small group of women in tragic circumstances who need an abortion performed at a late stage of pregnancy to avert death or serious injury.''

Let me read the language of the bill that was vetoed. This is language from the bill's proposed section 1531. The ban, and I am quoting, ''shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.'' Identical language providing a life-of-the-mother exception appears in this year's version of the bill, S. 1629, as well. I do not know how the language can be any clearer.

Mr. President, another charge now being made against this bill is that it is unconstitutional. Of course, we all can speculate about how the U.S. Supreme Court might rule on the matter. The Eighth Circuit Court of Appeals recently struck down partial-birth abortion bans in Nebraska, Iowa, and Arkansas, but a three-judge panel from the Fourth Circuit stayed an injunction against a similar Virginia law, pending review by the full court. The Fourth Circuit has yet to rule, but observers expect it to uphold the Virginia ban.

Ultimately, the U.S. Supreme Court is going to have to rule on the question, given the differing Circuit Court decisions. And as Harvard Law School Professor Lawrence Tribe noted in a November 6, 1995 letter to Senator BOXER, there are various reasons ''why one cannot predict with confidence how the Supreme Court as currently composed would rule if confronted with [the bill].'' He noted that the Court has not had any such law before it. And he noted that ''although the Court did grapple in 1986 with the question of a state's power to put the health and survival of a viable fetus above the medical needs of the mother, it has never directly addressed a law quite like [the Partial-Birth Abortion Ban Act].''

Mr. President, neither Roe v. Wade nor any subsequent Supreme Court case has ever held that taking the life of a child during the birth process is a constitutionally protected practice. In fact, the Court specifically noted in Roe that a Texas statute—one which made the killing of a child during the birth process a felony—had not been challenged. That portion of the law is still on the books in Texas today.

Remember what we are talking about here: ''an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.'' That is the definition of a partial-birth abortion in the pending legislation.

So we are talking about a child whose body, save for his or her head, has been delivered from the mother—that is, only the head remains unborn. No matter what legal issues are involved, I hope no one will forget that we are talking about a live child who is already in the birth canal and indeed has been partially delivered.

I dare say that, even if the Court were somehow to find that a partially delivered child is not constitutionally protected, the Partial-Birth Abortion Ban Act could still be upheld under Roe and Planned Parenthood of Southeastern Pennsylvania v. Casey. Under both Roe and Casey, the government may prohibit abortion after viability, except when necessary to protect the life or health of the mother. But the exception would never arise here because, as the experts tell us, this procedure is never medically necessary.

Although I believe the law would be upheld by the Court, I will concede that no one can say with certainty how the Supreme Court will rule until it has ruled. Until then, I suggest that we not use that as an excuse to avoid doing what we believe is right.

The facts are on the table. The bill includes a life-of-the-mother exception—an exception that would probably never be invoked given that medical experts tell us a partial-birth abortion is never necessary to protect the life or health of a woman, and indeed may even pose a danger to life and health. Let us do what is right and put a stop to what our colleague, Senator DANIEL PATRICK MOYNIHAN, has appropriately characterized as infanticide. Let us pass this bill.

Mr. EDWARDS. Mr. President, I enter this debate sad that partisan politics has obstructed the effort of many of us to address this problem in a meaningful way. Put simply, I oppose partial-birth abortions. Indeed, I oppose all late-term abortions unless they are necessary to save the life of the mother or to avert grievous damage to the physical health of the mother.

I have voted for the Durbin amendment and will vote against the Santorum measure. One, the Durbin proposal, has failed. The other will pass the Senate but accomplish nothing.

The Santorum bill suffers from a number of serious flaws. First, it is clearly unconstitutional. The vast majority of federal courts dealing with this issue have held so, and no amount of wishful thinking can alter that fact. Second, even if it were constitutional, it would not stop a single abortion. Let me reiterate that: it would not stop a single abortion. It would simply spur doctors and women to seek other methods to achieve the same goal.

Before explaining why the Santorum measure is unconstitutional, let me elaborate on why it is ineffective. Long before the procedure of partial-birth abortion was developed, late-term, postviability abortions were available through alternative methods. Under the Santorum bill, which only prevents one particular procedure, physicians can simply revert to the use of other more dangerous procedures if partial-birth abortion is banned. This bill will not end late-term abortions. It will simply force doctors to fall back on antiquated medical interventions that will further endanger the lives and health of women. Is that really what we want?

In addition, 19 recent court rulings have determined that similar proposals are unconstitutional. There is a strong likelihood that this bill, if passed, will be struck down as unconstitutional according to the precedent set by Roe v. Wade. As drafted this legislation is unconstitutionally vague and violates the clear dictates of the Supreme Court. Our objective should not be to pass divisive legislation that has no chance of ever becoming law.

And so I support the Durbin amendment. I believe it achieves a rare balance in the debate about abortion. It is constitutional. It limits government interference in a woman's most personal and important decisions. And it provides a framework for dealing with the late-term abortions—including partial birth abortions—that the so many of us struggle to find sense in.

I have spoken with women who have had late-term abortions. They struggled mightily with their God and their consciences. They made their decisions with their husbands, their families and their doctors. And they alone confronted the awful moment when hope for a new life collided with terror about the fate of their own life. I can never understand that conflict. But I believe that the Durbin amendment offers a bridge between those women and all of us who try to understand how or why a woman might choose to have a late-term abortion.

I simply do not believe that Senators or any government representative has the authority or expertise to determine that a partial-birth or late-term abortion will never be necessary to prevent severe injury to a woman's physical health or a threat to her life. But I do believe that we do have the authority to ask that before a late-term abortion is performed it be determined that the woman's life or physical health are truly at stake. The Durbin amendment would accomplish this goal. It would bar, except in narrow circumstances and under the advice and consent of two physicians, all late-term abortions.

On balance, I believe that the difficult question of abortion should be left for a woman to decide in consultation with her family, her physician and her faith. However, once the fetus has reached viability, I believe that we do have a responsibility, and a constitutional ability, to protect the unborn child. I believe that the Durbin amendment was the piece of legislation before us that would have most effectively accomplish that goal. And so I have voted in its favor.

Mr. BUNNING. Mr. President, it boggles the mind to think that we are back here again, trying to convince the President that there is no place in this nation for partial-birth abortions.

It is hard to believe that we are having to go through this exercise again because this particular procedure is so clearly barbaric. It is such a clear case or genocide.

In two Congresses now—during both of which is served in the House of Representatives—Congress has passed a ban of this barbaric procedure only to see the President veto that ban and allow the killing to continue.

In both of these Congresses, the House of Representatives voted to override the President's veto—but this body did not.

Hopefully, we can change that. If not today—then maybe tomorrow or the next day—the next month—or the next year—because this is such a clear case of human justice—moral justice—and plain old humanity—we cannot ever give up until partial-birth abortions are banned across the land.

It is really hard to believe that we have to go through this exercise every Congress because nobody—with a straight face and clear conscience—can stand up and defend this procedure.

The only way anyone can justify it is to say that—hey, it doesn't matter—because not that many partial birth abortion are actually performed. They say that partial birth abortions are only utilized in cases when the mother's life is in jeopardy.

And we know this just isn't true. We know that some of the most ardent and visible defenders of abortion have actually lied about the numbers. It's not just a few hundred a year—it is thousands.

But the numbers really shouldn't make any difference. If it is wrong and inhumane we should ban it—whether it affects one or one million.

But misleading facts about the numbers—trying to downplay the prevalence and the frequency of the procedure—are no justification at all.

This bill does not ignore the health needs of women. It clearly makes an exception when the life of the mother is jeopardy. This bill clearly says that the ban on partial-birth abortions does not apply when such a procedure is considered necessary to save the life of a mother whose life is endangered by a physical disorder, illness or injury.

So, even though many medical experts insist that there is never any medical justification for partial-birth abortion, this bill permits it if the mother's life in jeopardy.

No one can deny that partial-birth abortion is cruel. No one can deny that it is patently inhumane. No one can deny that it is grotesque.

I urge my colleagues to support this bill—support this ban.

It is simply a matter of respect for human life.

Mr. ENZI. Mr. President, I am proud today to join the Senator from Pennsylvania and a large majority of my other colleagues in support of S. 1692, the Partial-Birth Abortion Ban Act of 1999. I urge my colleagues to join me in passing this bill by a sufficient margin to withstand President Clinton's promised veto.

We are debating an issue that has an important bearing on the future of this Nation. Partial-birth abortion is a pivotal issue because it demands that we decide whether or not we as a civilized people are willing to protect that most fundamental of rights—the right to life itself. If we rise to this challenge and safeguard the future of our Nation's unborn, we will be protecting those whose voices cannot yet be heard by the polls and those whose votes cannot yet be weighted in the political process. If we fail in our duty, we will justly earn the scorn of future generations when they ask why we stood idly by and did nothing in the face of this national infanticide.

We must reaffirm our commitment to the sanctity of human life in all its stages. We took a positive step in that direction two years ago by unanimously passing legislation that bans the use of federal funds for physician-assisted suicide. We can take another step toward restoring our commitment to life by banning partial-birth abortions.

In this barbaric procedure, the abortionist pulls a living baby feet first out of the womb and through the birth canal except for the head, which is kept lodged just inside the cervix. The abortionist then punctures the base of the skull with long surgical scissors and removes the baby's brain with a powerful suction machine. This causes the head to collapse, after which the abortionist completes the delivery of the now dead baby. I recount the grisly details of this procedure only to remind my colleagues of the seriousness of the issue before the Senate. We must help those unborn children who are unable to help themselves.

Opponents have argued that this procedure is necessary in some circumstances to save the life of the

mother or to protect her health or future fertility. These arguments have no foundation in fact. First, this bill provides an exception if the procedure is necessary to save the life of the mother and no alternative procedure could be used for that purpose. Moreover, leaders in the medical profession including former Surgeon General C. Everett Koop have stated unequivocally that ''Partial-birth abortion is never medically necessary to protect a mother's health or her future fertility. On the contrary, this procedure can pose a significant threat to both.''

A coalition of over 600 obstetricians, perinatologists, and other medical specialists have similarly concluded there is no sound medical evidence to support the claim that this procedure is ever necessary to protect a woman's future fertility. These arguments are offered as a smoke-screen to obscure the fact that this procedure results in the taking of an innocent life. The practice of partial birth abortions has shocked the conscience of our nation and it must be stopped.

Even the American Medical Association has endorsed this legislation. In a letter to the chief sponsor of this bill, Senator SANTORUM, the AMA explained ''although our general policy is to oppose legislation criminalizing medical practice or procedure, the AMA has supported such legislation where the procedure was narrowly defined and not medically indicated. The Partial-Birth Abortion Ban Act now meets both these tests . . . Thank you for the opportunity to work with you towards restricting a procedure we all agree is not good medicine.''

I have based my decision on every bill that has come before this body on what effect it will have on those generations still to come. We in the Senate have deliberated about what steps we can take to make society a better place for our families and the future of our children. We as Senators will cast no vote that will more directly affect the future of our families and our children that the vote we cast on this bill.

When I ran for office, I promised my constituents I would protect and defend the right to life of unborn babies. The sanctity of human life is a fundamental issue on which we as a nation should find consensus. It is a right which is counted among the unalienable rights in our Nation's Declaration of Independence. We must rise today to the challenge that has been laid before us of protecting innocent human life. I urge my colleagues to join me in casting a vote for life by supporting the Partial Birth Abortion Ban Act.

All of us in this body have had significant life experiences that help to shape our political philosophies. Nearly 4 years ago, I had a torn heart valve and was rushed to the hospital for emergency surgery. I had never been in a hospital except to visit sick folks before. I have to tell you that I am impressed with what they were able to do, but I have also been impressed with what doctors do not know. That is not a new revelation for me.

Over 26 years ago, a long time ago, my wife and I were expecting our first child. Then one day early in the sixth month of pregnancy, my wife starting having pains and contractions. We took her to the doctor. The doctor said, ''Oh, you may have a baby right now. We know it's early and that doesn't bode well. We will try to stop it. We can probably stop it.'' I had started storing up books for my wife for 3 months waiting for the baby to come. However, the baby came that night, weighing just a little over 2 pounds. The doctor's advice to us was to wait until morning and see if she lives. They said they didn't have any control over it.

I could not believe the doctors could not stop premature birth. Then I could not believe that they could not do something to help this newborn baby. Until you see one of those babies, you will not believe what a 6-month-old baby looks like. At the same time my wife gave birth to our daughter, another lady gave birth to a 10-pound baby. This was a small hospital in Wyoming so they were side by side in the nursery.

Some of the people viewing the other baby said, ''Oh, look at that one. Looks like a piece of rope with some knots in it. Too bad.'' And we watched her grasp and gasp for air with every breath, and we watched her the whole night to see if she would live. And we prayed.

Then the next day they were able to take this baby to a hospital which provided excellent care. She was supposed to be flown to Denver where the best care in the world was available, but it was a Wyoming blizzard and we couldn't fly. So we took a car from Gillette, WY, to the center of the State to Wyoming's biggest hospital, to get the best kind of care we could find. We ran out of oxygen on the way. We had the highway patrol looking for us and all along the way, we were watching every breath of that child.

After receiving exceptional care the doctor said, ''Well, another 24 hours and we will know something.'' After that 24 hours there were several times we went to the hospital and there was a shroud around the isolette. We would knock on the window, and the nurses would come over and say, ''It's not looking good. We had to make her breathe again.'' Or, ''Have you had the baby baptized?'' We had the baby baptized in the first few minutes after birth. But that child worked and struggled to live. She was just a 6-month-old-3 months premature.

We went through 3 months of waiting to get her out of the hospital. Each step of the way the doctors said her ability to live isn't our doing. It gave me a new outlook on life. Now I want to tell you the good news. The good news is that the little girl is now an outstanding English teacher in Wyoming. She is dedicated to teaching seventh graders English, and she is loving every minute of every day. The only problem she had was that the isolette hum wiped out a range of tones for her, so she cannot hear the same way that you and I do. But she can lip read very well, which, in the classroom, is very good if the kids are trying to whisper. But that has given me an appreciation for all life and that experience continues to influence my vote now and on all issues of protecting human life.

Life is such a miracle that we have to respect it and work for it every single day in every way we can. I think this bill will help in that effort, and I ask for your support for this bill.

I thank the Chair and yield the floor.

Mr. BINGAMAN. Mr. President, I believe that late-term abortion procedures should be used as sparingly as possible, when all other options have been ruled out. But I do believe that it should be permitted as a last resort, and that when doctors judge it necessary to save a woman's life or to avert grievous injury to the physical health of the mother, they should not be subject to criminal prosecution. That is why I cosponsored the Durbin amendment. This amendment outlaws all post-viability abortions, regardless of the procedure used, except to save the life of the mother or avert grievous injury to her physical health. It also requires that both the attending physician and an independent non-treating physician certify in writing that, in their medical judgment, the continuation of the pregnancy would threaten the mother's life or risk grievous injury to her physical health. Grievous injury is defined as (1) a severely debilitating disease or impairment specifically caused or exacerbated by the pregnancy or (2) an inability to provide necessary treatment for a life-threatening condition, and is limited to conditions for which termination of the pregnancy is medically indicated.

The underlying legislation, on the other hand, would not prevent a single late-term abortion as it is written. It only seeks to outlaw one procedure, which is broadly and vaguely defined. The term partial birth abortion is a political term, not a medical one. In fact, this legislation is written so vaguely that it is highly likely to be declared unconstitutional. In 19 of 21 states considering legislation similar to this legislation, courts have partially or fully enjoined the laws. These decisions have been made by judges who have been appointed by every President from President Reagan on.

Further, Mr. President, the Constitution protects a woman's right to make decisions about her pregnancy up to the point that the fetus is viable. The bill before us, and similar state bills, are vague and broad enough that this basic right is not protected, according to the vast majority of judges ruling on these laws.

For these reasons, I support the Durbin amendment and oppose the underlying bill.

Mr. LEVIN. Mr. President, the Supreme Court has ruled that a ban on all

abortions after viability is permitted under the Constitution, providing the ban contains an exception to protect the life and health of the woman.

S. 1692 does not meet that test because the exception it provides for does not include constitutionally required language relative to a woman's health.

The Supreme Court has also held that states may not ban pre-viability abortions. S. 1692 bans a specific abortion procedure that is not limited to post-viability abortions and therefore would ban certain pre-viability abortions, also making it unconstitutional.

In fact, 19 out of 21 state laws similar to S. 1692 have been held unconstitutional by the courts, including a Michigan statute. In Michigan, the U.S. District Court has held that:

> [T]he Michigan partial-birth abortion statute must be declared unconstitutional and enjoined because, under controlling precedent, it is vague and over broad and unconstitutionally imposes an undue burden on a woman's right to seek a pre-viability second trimester abortion . . .

The American College of Obstetricians and Gynecologists has continually expressed deep concern about legislation prohibiting the intact D&X procedure, which is the technical name for the so-called partial birth abortion procedure. They have urged Congress not to pass legislation criminalizing this procedure and not to supersede the medical judgment of trained physicians. They have stated the legislation, ''continues to represent an inappropriate, ill advised and dangerous intervention into medical decision-making. The amended bill still fails to include an exception for the protection for the health of the woman.''

Principally for these reasons, I oppose this legislation. I supported an alternative bill which would ban all post-viability abortions, regardless of the procedure used, except in cases where it is necessary to protect a woman's life or health. I think that approach is preferable to S. 692 which would criminalize the procedure and which fails to protect a woman's health. However, it would be even more preferable to leave this matter to the states which already have the right to ban postviability abortions by any method, as long as the ban meets the constitutional standard.

Mr. JEFFORDS. Mr. President, today we once again are debating legislation to ban the dilation and extraction, or D&X, procedure used by doctors. I am again opposed to this legislation and will once again be voting against this ban for the fifth time in as many years.

My reasons for opposing this legislation are many. Most have been discussed on the floor during the many debates on this difficult issue. First, and most importantly I believe that this bill undermines the Supreme Court's decision in Roe v. Wade to leave these critical matters in the hands of a woman, her family and her doctor. The pending legislation is an effort to chip away at these reproductive rights established in that 1973 decision and upheld by court cases since 1973. I understand many people disagree with my position. This issue has been contentious since I came to Congress in 1975.

Second, with the Roe decision, the Supreme Court wisely gave states the responsibility to restrict third-trimester abortions, so long as the life or health of the mother were not jeopardized. As of 1999, all but ten states have done so. To me, the rights of states to regulate abortions, when the life or health of the mother are not in danger, is an adequate safeguard. In the event the states pass unconstitutional regulations on this point, the appropriate remedy is with the courts. I realize that this policy leads to differences in law from state to state, but just as families differ, so too do states. As has been said before during the debate on this issue:

> When the Roe v. Wade decision acknowledged a state interest in fetuses after viability, the Court wisely left restrictions on post-viability abortions up to states. There are expert professional licensing boards, accreditation councils and medical associations that guide doctors' decision-making in the complicated and difficult matters of life and death.

Third, the legislation before us would prevent doctors from using the D&X procedure where it is necessary to save the life of the mother. This clearly goes against the holding of the Supreme Court in Roe, as it required the health of the mother be safeguarded when states regulate late-term abortions. I will not vote for a bill that is neither Constitutional, nor takes into account those situations where carrying a fetus to term would cause serious health risk for the mother. This is simply unacceptable. My vote in 1997, in favor of the Feinstein substitute amendment underscored my commitment to safeguarding a doctor's options to protect the health of the mother in cases where a late-term procedure is necessary.

Finally, I believe that women who choose to undergo a D&X procedure do so for grave reasons. We have established a delicate legal framework in which to address late-term abortions and we should not shift the decision making to the federal government.

● Mr. MCCAIN. Mr. President, we are not here today to debate the legality of abortion. We are here to discuss ending partial-birth abortion—a particularly gruesome procedure that would be outlawed today but for the President's veto last year of a national ban.

Banning partial-birth abortion goes far beyond traditional pro-life or pro-choice views. No matter what your personal opinion regarding the legalization of abortion, we should all be appalled and outraged by the practices of partial-birth abortions. This procedure is inhumane and extremely brutal entailing the partial delivery of a healthy baby who is then killed by having its vibrant brain stabbed and suctioned out of the skull.

This is simply barbaric.

Some would argue that abortion, including partial-birth abortion, is a matter of choice—a woman's choice. Respectfully, I must disagree.

What about the choice of the unborn baby? Why does a defenseless, innocent child not have a choice in their own destiny?

Some may answer that the unborn baby is merely a fetus and is not a baby until he or she leaves the mother's womb. Again, I disagree, particularly, in the case of infants who are killed by partial-birth abortions.

Most partial-birth abortions occur on babies who are between 20 and 24 weeks old. Viability, ''the capacity for meaningful life outside the womb, albeit with artificial aid'' as defined by the United States Supreme Court, is considered by the medical community to begin at 20 weeks for an unborn baby. Most, if not all, of the babies who are aborted by the partial-birth procedure could be delivered and live. Instead, they are partially delivered and then murdered. These children are never given a choice or a chance to live.

Today, we have to make a choice. We can choose to protect our nation's most valuable resource—our children. We can choose to give a tomorrow full of endless possibilities to unborn children throughout our nation. We can choose to save thousands from being murdered at the hands of abortionists.

Or we can choose to allow this barbaric procedure to continue, permitting doctors to kill more innocent, unborn children.

We each have a choice, a choice which unborn children are denied. We must make the right choice when we vote today—the choice to save thousands of unborn children by banning partial birth abortions in this country.

Today, I will choose to protect the unborn child. Today, I will once again cast my vote to ban partial birth abortions.

I want to reiterate my strong support for this bill and my unequivocal and long-standing opposition to the practice of partial birth abortion. I find it disconcerting that a few people are attempting to dilute my unequivocal support for banning this horrific procedure as well as to cast doubt on my long standing commitment to protecting the life of unborn children merely because of my vote on a procedural motion.

Yesterday, I voted against a parliamentary maneuver designed solely to end debate on S. 1593, the campaign finance reform bill. This was an unnecessary move since a unanimous consent agreement had been offered, with no known opposition, which would have allowed the chamber to temporarily lay aside the campaign finance reform bill so that the Senate could consider the partial birth abortion ban legislation. Under that procedure, when the Senate finished its work on the important bill banning partial birth abortions, we could then return to complete the debate on campaign finance reform. Instead, the opponents of

McCain-Feingold forced a vote on a maneuver which returned the bill to the Senate calendar, effectively cutting off the debate, well short of the time promised to consider this important issue.

In no way does my vote yesterday and strong support for campaign finance reform reduce my unequivocal, long-standing opposition to abortion, including the practice of partial birth abortion. I am a cosponsor of this legislation, as I was in previous years. I have voted 5 times over the past 5 years to ban this repugnant and unnecessary procedure, including 2 votes to overturn the President's veto of this legislation. When the Senate votes today on S. 1692, I will again vote for the ban.

Mr. President, I am pro-life and will continue fighting for measures which protect our nation's unborn children and provide them with an opportunity for life—the greatest gift each of us has.●

Mr. KENNEDY. Mr. President, for the fifth time in the past two years, the Republican leadership has chosen to debate and vote on legislation that President Clinton has vetoed twice and that numerous courts have ruled unconstitutional. No matter how often the Senate votes, the facts will remain the same. This bill is unconstitutional—it's a violation of the Supreme Court's decisions in Roe v. Wade and Planned Parenthood v. Casey, and the Senate should oppose it.

The Roe and Casey decisions prohibit Congress from imposing an ''undue burden'' on a woman's constitutional right to choose to have an abortion at any time up to the point where the developing fetus reaches the stage of viability. Congress can constitutionally limit abortions after the stage of viability, as long as the limitations contain exceptions to protect the life and the health of the woman.

This bill fails that constitutional test in two clear ways. It clearly imposes an undue burden on a woman's constitutional right to an abortion in cases before viability. In cases after viability, it clearly does not contain the constitutionally required exception to protect the mother's health.

Supporters of this legislation are flagrantly defying these constitutional requirements, and they know it. Similar laws have been challenged in 21 of the 30 states where they have been passed, and the results are clear. In 20 states, laws have been blocked or severely limited by the courts or by state legal action. Eighteen courts have issued temporary or permanent injunctions preventing the laws from taking effect because of constitutional defects. One court and one attorney general have limited enforcement of the law. Of the states where the laws have been blocked, six have statutes identical to the Santorum bill.

Recently, the Eighth Circuit Court of Appeals ruled that laws in three states under its jurisdiction—Arkansas, Iowa, and Nebraska—were unconstitutional. In the opinion on the Nebraska law, the court specifically held that, ''Under controlling precedents laid down by the Supreme Court, [the] prohibition places an undue burden on the right of women to choose whether to have an abortion.''

The conclusion is obvious. The supporters of the Santorum bill would rather have an issue than a law. They have rejected compromise after compromise. They have ignored President Clinton's plea to add an exemption for ''the small number of compelling cases where selection of the procedure, in the medical judgment of the attending physician, was necessary to preserve the life of the woman or avert serious adverse consequences to her health.''

In doing so, the Republican leadership has chosen to ignore the Constitution. They are also ignoring the large number of medical professionals who oppose this legislation, including the American College of Obstetricians and Gynecologists, the American Nurses Association, and the American Medical Women's Association. The American Medical Association—which once endorsed the bill—no longer supports it. The AMA withdrew its support after independent investigators hired by the organization concluded that, ''rather than focusing on its role as steward for the profession and the public health . . . the board . . . lost sight of its responsibility for making decisions which, first and foremost, benefit the patient and protect the physician-patient relationship.''

Most important, in its effort to pass this legislation, the Republican leadership has ignored the tragic situations in which some women find themselves—women like Eileen Sullivan, Erica Fox, Vikki Stella, Tammy Watts, and Viki Wilson. Women like Coreen Costello, who testified before the Senate Judiciary Committee and told us that she consulted with numerous medical experts and did everything possible to save her child. She later had the procedure that would be banned by this legislation, and, based on that experience, she told the Committee the following:

> I hope you can put aside your political differences, your positions on abortion, and your party affiliations and just try to remember us. We are the ones who know. We are the families that ache to hold our babies, to love them, to nurture them. We are the families who will forever have a hole in our hearts. . . . please put a stop to this terrible bill. Families like mine are counting on you.

For all of these reasons, I oppose the Santorum bill. We should stand with Coreen Costello and others like her, who with their doctors' advice, must make these tragic decisions to protect their lives and their health.

Mr. HATCH. Mr. President, I rise today in strong support of S. 1692, the Partial Birth Abortion Ban Act. At the outset, I would like to thank the Senator from Pennsylvania, Senator SANTORUM, for his great efforts here this week, and over the past few years, in trying to seek passage of this measure. Few people can speak on this issue with the same passion and depth of understanding as Senator SANTORUM.

As we face this vote today, it is clear that the majority of the Senate supports this bill. It is a bipartisan effort. The hope we have, however, in the face of an inevitable veto, is that a number sufficient to override this veto will vote in favor of this bill.

Mr. President, I have spoken in past years on this important legislation. As chairman of the Senate Judiciary Committee, I chaired a major hearing on this bill several years ago, and the graphic description of this procedure and the testimony I heard was compelling, even chilling.

This bill presents, really, a very narrow issue: whether one rogue abortion procedure that has probably been performed by a handful of abortion doctors in this country, that is never medically necessary, that is not the safest medical procedure available under any circumstances, and that is morally reprehensible, should be banned.

This bill does not address whether all abortions after a certain week of pregnancy should be banned or whether late-term abortions should only be permitted in certain circumstances. It bans one particular abortion procedure.

I chaired the Judiciary Committee hearing on this bill that was held on November 17, 1995. After hearing the testimony presented there as well as seeing some of the submitted material, I must say that I find it difficult to comprehend how any reasonable person could examine the evidence and continue to defend the partial-birth abortion procedure.

That procedure involves the partial delivery of an intact fetus into the birth canal. The fetus is delivered from its feet through its shoulders so that only its head remains in the uterus. Then, either scissors or another instrument is used to poke a hole in the base of the skull. This is a living baby at this point, in a late trimester of living. Once the abortionist pokes that hole in the base of the skull, a suction catheter is inserted to suck out the brains. This bill would simply ban that procedure.

The committee heard testimony from a total of 12 witnesses presenting a variety of perspectives on the bill. I wanted to ensure that both sides of this debate had a full opportunity to present their arguments on this issue, and I think that the hearing bore that out.

Brenda Shafer, a registered nurse who worked in Dr. Martin Haskell's Ohio abortion clinic for 3 days as a temporary nurse in September 1993, testified to her personal experience observing Dr. Haskell performing the procedure that would be banned by this bill. Dr. Haskell is one of only a handful of doctors who have acknowledged performing the procedure.

The committee also heard testimony from four ob-gyn doctors—two in favor

of the bill and two against—from an anesthesiologist, from an ethicist, and from three women who had personal experiences either with having a late-term abortion or with declining to have a late-term abortion. Finally, the committee also heard from two law professors who discussed constitutional and other legal issues raised by the bill.

The hearing was significant in that it permitted the issues raised by this bill to be fully aired. I think that the most important contribution of the hearing to this debate is that the hearing record puts to rest a number of inaccurate statements that have been made by opponents of the bill and that have unfortunately been widely covered in the press.

Because the Judiciary Committee hearing brought out many of the facts on this issue, I would like to go through the most important of those for my colleagues to clear up what I think have been some of the major misrepresentations—and simply points of confusion—on this bill.

The first and foremost inaccuracy that we must correct once and for all concerns the effects of anesthesia on the fetus of a pregnant woman. I must say that I am personally shocked at the irresponsibility that led some opponents of this bill to spread the myth that anesthesia given to the mother during a partial-birth abortion is what kills the fetus.

Opponents of the measure presumably wanted to make this procedure appear less barbaric and make it more palatable. In doing so, however, they have not only misrepresented the procedure, but they have spread potentially life-threatening misinformation that could prove catastrophic to women's health.

By claiming that anesthesia kills the fetus, opponents have spread misinformation that could deter pregnant women who might desperately need surgery from undergoing surgery for fear that the anesthesia could kill or brain-damage their unborn children.

Let me illustrate how widespread this misinformation has become: In a June 23, 1995, submission to the House Judiciary Constitution Subcommittee, the late Dr. James McMahon, the other of the two doctors who has admitted performing the procedure, wrote that anesthesia given to the mother during the procedure causes fetal demise.

Let me note also that if the fetus was dead before being brought down the birth canal, then this bill by definition would not cover the procedure performed to abort the fetus. The bill covers only procedures in which a living fetus is partially delivered.

An editorial in USA Today on November 3, 1995, also stated, ''The fetus dies from an overdose of anesthesia given to its mother.''

In a self-described fact sheet, circulated to Members of the House, Dr. Mary Campbell, Medical Director of Planned Parenthood, who testified of the Judiciary Committee hearing wrote:

> The fetus dies of an overdose of anesthesia given to the mother intravenously. A dose is calculated for the mother's weight, which is 50 to 100 times the weight of the fetus. The mother gets the anesthesia for each insertion of the dilators, twice a day. This induces brain death in a fetus in a matter of minutes. Fetal demise therefore occurs in the beginning of the procedure while the fetus is still in the womb.

When that statement was referenced to the medical panel at the Judiciary Committee hearing by Senator ABRAHAM, the president of the American Society of Anesthesiologists, Dr. Norig Ellison, flatly responded, ''There is absolutely no basis in scientific fact for that statement.''

The American Society of Anesthesiologists was invited to testify at our hearing precisely to clear up this obvious misrepresentation. They sought the opportunity to set the record straight.

What was terribly disturbing about this distortion was that it could endanger women's health and women's lives. The American Society of Anesthesiologists has made clear that they do not take a position on the legislation, but that they came forward out of concern for the harmful misinformation.

The spreading of this misinformation strikes me as a very sad commentary on the lengths that those who support abortion on demand, for any reason, at virtually any time during pregnancy and apparently regardless of the method, will do to defend each and any procedure, and certainly this procedure. The sacrifice of intellectual honesty is very disheartening.

As Dr. Ellison testified, he was ''Deeply concerned . . . that the widespread publicity given to Dr. McMahon's testimony may cause pregnant women to delay necessary and perhaps lifesaving medical procedures, totally unrelated to the birthing process, due to misinformation regarding the effect of anesthetics on the fetus.''

He stated that the American Society of Anesthesiologists, while not taking a position on the bill, ''. . . have nonetheless felt it our responsibility as physicians specializing in the provisions of anesthesia care to seek every available forum in which to contradict Dr. McMahon's testimony. Only in that way we believe can we provide assurance to pregnant women that they can undergo necessary surgical procedures safely, both for mother and unborn child.''

Dr. Ellison also noted that, in his medical judgment, in order to achieve neurological demise of the fetus in a partial-birth abortion procedure, it would be necessary to anaesthetize the mother to such a degree as to place her own health in jeopardy.

In short, in a partial-birth abortion, the anesthesia does not kill the fetus. The baby will generally be alive after partly being delivered into the birth canal and before having his or her skull opened and brain sucked out.

Mr. President, if this description is distasteful, that is because the procedure itself is.

That is also consistent with evidence provided by Dr. Haskell describing his use of the procedure. In his 1992 paper presented before the National Abortion Federation, which is part of the hearing record, Dr. Haskell described the procedure as first involving the forceps-assisted delivery into the birth canal of an intact fetus from the feet up to the shoulders, with the head remaining in the uterus. He does not describe taking any action to kill the fetus up until that point.

In a 1993 interview with the American Medical News, Dr. Haskell acknowledged that roughly two-thirds of the fetuses he aborts using the partial-birth abortion procedure are alive at the point at which he kills them by inserting a scissors in the back of the head and suctioning out the brain.

Finally, in a letter to me dated November 9, 1995, Dr. Watson Bowes of the University of North Carolina Medical School wrote, ''Although I have never witnessed this procedure, it seems likely from the description of the procedure by Dr. Haskell that many if not all of the fetuses are alive until the scissors and the suction catheter are used to remove brain tissue.''

Simply put, anesthesia given to a mother does not kill the baby she is carrying.

Let me move on to the next misrepresentation. Another myth that the hearing record debunks is that the procedure can be medically necessary in late-term pregnancies where the health of the mother is in danger or where the fetus has severe abnormalities.

Now, there were two witnesses at the hearing who testified as to their experiences with late-abortions in circumstances in which Dr. McMahon's performed the procedure. Both women, Coreen Costello and Viki Wilson, received terrible news late in their pregnancies that the children they were carrying were severely deformed and would be unable ot survive for very long.

I would like to make it absolutely clear that nothing in the bill before us would prevent women in Ms. Costello's and Ms. Wilson's situations from choosing to abort their children. That question is not before us, and it is not one that we face in considering this narrow bill.

I also would like to point out that I have the utmost sympathy for women—and their husbands and families—who find themselves receiving the same tragic news that those women received.

Regardless of whether they aborted the child or decided to go through with the pregnancy, which is what another courageous witness at our hearing, Jeannie French of Oak Park, Illinois, chose to do—and as a result, her daughter Mary's heart valves were donated to other infants—their experiences are horrendous ones that no one should have to go through.

The testimony of all three witnesses was among the most heart-wrenching and painful testimony I have ever heard before the committee. My heart goes out to those three women and their families as well as any others in similar situations.

However, the fact is that medical testimony in the record indicates that even if an abortion were to be performed under such circumstances, a number of other procedures could be performed, such as the far more common classical D&E procedure or an induction procedure.

When asked whether the exact procedure Dr. McMahon used would ever be medically necessary—even in cases like those described by Ms. Costello and Ms. Wilson—several doctors at our hearing explained that it would not. Dr. Nancy Romer, a practicing Ob-Gyn and clinical professor in Dayton, Ohio, stated that she had never had to resort to that procedure and that none of the physicians that she worked with had ever had to use it.

Dr. Pamela Smith, Director of Medical Education in the Department of Obstetrics and Gynecology at the Mount Sinai Medical Center in Chicago, stated that a doctor would never need to resort to the partial-birth abortion procedure.

This ties in closely to what I consider the next misrepresentation made about the partial-birth abortion procedure: the claim that in some circumstances a partial-birth abortion will be the safest option available for a late-term abortion. Testimony and other evidence adduced at the Judiciary Committee hearing amply demonstrate that this is not the case.

An article published in the November 20, 1995, issue of the American Medical News quoted Dr. Warren Hern as stating, ''I would dispute any statement that this is the safest procedure to use.'' Dr. Hern is the author of ''Abortion Practice,'' the Nation's most widely used textbook on abortion standards and procedures. He also stated in that interview that he ''has very strong reservations'' about the partial-birth abortion procedure banned by this bill.

Indeed, referring to the procedure, he stated, ''You really can't defend it. I'm not going to tell somebody else that they should not do this procedure. But I'm not going to do it.''

In fairness to Dr. Hern, I note that he does not support this bill in part because he feels this is the beginning of legislative efforts to chip away at abortion rights. But, his statement regarding the partial-birth abortion procedure certainly sheds light on the argument made by opponents that it is the safest procedure for late-term abortions.

Another misrepresentation that should be set straight concerns claims that the partial-birth abortion procedure that would be banned by this bill is, in fact, performed only in later-term pregnancies where the life of the mother is at risk or where the fetus is suffering from severe abnormalities that are incompatible with life.

I certainly do not dispute that in a number of cases the partial-birth abortion procedure has been performed where the life of the mother was at risk or where the fetus was severely deformed.

Substantial available evidence indicates, however, that the procedure is not performed solely or primarily where the mother's life is in danger, where the mother's health is gravely at risk, or where the fetus is seriously malformed in a manner incompatible with life.

The fact of the matter is—and I know this is something that opponents of the bill have not faced—this procedure is being performed where there are only minor problems with the fetus, and for purely elective reasons.

Most important, however, medical testimony at our hearing indicated that a health exception in this bill is not necessary because other abortion procedures are in fact safer and better for women's health.

Now, let me be perfectly clear that I do not doubt that in some cases this procedure was done where there were life-threatening indications.

However, I simply must emphasize two points.

First, those cases are by far in the minority. We should get the facts straight so that our colleagues and the American people understand what is going on here.

Second, the most credible testimony at our hearing—confirmed by other available evidence—indicates that even where serious maternal health issues exist or severe fetal abnormalities arise, there will always be other, safer abortion procedures available that this bill does not touch.

On that note, I would like to close by highlighting a statement made at our hearing by Helen Alvare of the National Conference of Catholic Bishops. She remarked that opponents of this bill keep asking whether enacting it would be the first step in an effort to ban all abortions.

In her view, however, the real question should be whether allowing this procedure would serve as a first step toward legalized infanticide. I urge the bill's opponents to ask themselves this question. What is the real purpose of this procedure?

That is the fundamental problem with this procedure, It involves killing a partially delivered baby.

Let me say to my colleagues in the Senate that the evidence presented more than confirms my view that this procedure is never medically necessary and should be banned.

This evidence, regardless of one's view on the broader issue of abortion, provides ample justification for an ''aye'' vote on S. 1692.

I hope my colleagues will agree.

Mrs. BOXER. Mr. President, I will be brief.

The courts in twenty States have said the Santorum law that has basically been adopted in those States is unconstitutional. Senator SANTORUM, in an effort to fix his bill, sent up a modification to the desk which he believes has narrowed the definition of what he means by the term ''partial-birth abortion,'' which is not a medical term.

I have letters I have put in the RECORD from the obstetricians and gynecologists organization saying that, in fact, the new language doesn't do anything to narrow the definition; the same problem still holds.

This ban is so vague, it could impact all abortions. That is why the courts say it is wrong. There is no exception for the health of a woman. That also goes against Roe. And 51 of us voted in favor of Roe. I hope we will vote no. I believe at least 35 of us or so will do that. That will be enough to sustain the veto. I hope more of my colleagues will consider standing with the life and health of a woman and voting no on this legislation.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President, the amendment I offered to modify the language, directly on point, addresses the Eighth Circuit concern. It specifically talks about the baby having to be intact, living outside the mother, before the baby is killed.

The concern of the Eighth Circuit was that other forms of abortion that are performed in utero could be involved. This is absolutely, positively clear. We are not talking about that. We ban a particular procedure. All other procedures would be legal under this bill. So there is no undue burden.

Second, regarding the issue of health that Senator BOXER brings up, I have hundreds and hundreds of letters from obstetricians who say this is never, never medically necessary, and is never the only alternative, and it is never the preferred alternative. I have entered into the RECORD where the AMA has said that, and other organizations, 600 obstetricians.

On the other side is one organization, ACOG, which says, also, that it is never the only option, but says it may be necessary, or it may be the preferred procedure. For 3 years, we have asked for an example of when it would be the preferred procedure. They have never given us an example; never have they provided an example that backs up their specious claim that this is in some way, somehow, somewhere necessary.

It is not medically necessary. There is no health exception needed because it is an unhealthy procedure. This is the opportunity to draw the line in the sand about what is protected by the Constitution and what is not. A child three-quarters born deserves some protection.

Mr. President, 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.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE), the Senator from Florida (Mr. MACK), and the Senator from New Hampshire (Mr. GREGG) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 340 Leg.]

YEAS—63

Abraham	Dorgan	Lugar
Allard	Enzi	McCain
Ashcroft	Fitzgerald	McConnell
Bayh	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Gramm	Nickles
Bond	Grams	Reid
Breaux	Grassley	Roberts
Brownback	Hagel	Roth
Bunning	Hatch	Santorum
Burns	Helms	Sessions
Byrd	Hollings	Shelby
Campbell	Hutchinson	Smith (NH)
Cochran	Hutchison	Smith (OR)
Conrad	Inhofe	Specter
Coverdell	Johnson	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thompson
Daschle	Leahy	Thurmond
DeWine	Lincoln	Voinovich
Domenici	Lott	Warner

NAYS—34

Akaka	Graham	Murray
Baucus	Harkin	Reed
Bingaman	Inouye	Robb
Boxer	Jeffords	Rockefeller
Bryan	Kennedy	Sarbanes
Cleland	Kerrey	Schumer
Collins	Kerry	Snowe
Dodd	Kohl	Torricelli
Durbin	Lautenberg	Wellstone
Edwards	Levin	Wyden
Feingold	Lieberman	
Feinstein	Mikulski	

NOT VOTING—3

Chafee	Gregg	Mack

The bill (S. 1692), as amended and modified, was passed, as follows:

S. 1692

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 ''Partial-Birth Abortion Ban Act of 1999''.

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.

''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Any physician who, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both. This paragraph shall not apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury. This paragraph shall become effective one day after enactment.

''(b)(1) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion deliberately and intentionally—

''(A) vaginally delivers some portion of an intact living fetus until the fetus is partially outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the fetus while the fetus is partially outside the body of the mother; and

''(B) performs the overt act that kills the fetus while the intact living fetus is partially outside the body of the mother.

''(2) As used in this section, the term 'physician' means a doctor of medicine or osteopathy legally authorized to practice medicine and surgery by the State in which the doctor performs such activity, or any other individual legally authorized by the State to perform abortions: *Provided, however,* That any individual who is not a physician or not otherwise legally authorized by the State to perform abortions, but who nevertheless directly performs a partial-birth abortion, shall be subject to the provisions of this section.

''(c)(1) The father, if married to the mother at the time she receives a partial-birth abortion procedure, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d)(1) A defendant accused of an offense under this section may seek a hearing before the State Medical Board on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness or injury.

''(2) The findings on that issue are admissible on that issue at the trial of the defendant. Upon a motion of the defendant, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

''(e) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

''74. Partial-birth abortions ..... 1531''.

SEC. 3. SENSE OF CONGRESS CONCERNING ROE V. WADE AND PARTIAL BIRTH ABORTION BANS.

(a) FINDINGS.—Congress finds that—

(1) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973)); and

(2) no partial birth abortion ban shall apply to a partial-birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that partial birth abortions are horrific and gruesome procedures that should be banned.

SEC. 4. SENSE OF CONGRESS CONCERNING A WOMAN'S LIFE AND HEALTH.

It is the sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in any reproductive health legislation passed by Congress.

SEC. 5. SENSE OF CONGRESS CONCERNING ROE V. WADE.

(a) FINDINGS.—Congress finds that—

(1) reproductive rights are central to the ability of women to exercise their full rights under Federal and State law;

(2) abortion has been a legal and constitutionally protected medical procedure throughout the United States since the Supreme Court decision in Roe v. Wade (410 U.S. 113 (1973));

(3) the 1973 Supreme Court decision in Roe v. Wade established constitutionally based limits on the power of States to restrict the right of a woman to choose to terminate a pregnancy; and

(4) women should not be forced into illegal and dangerous abortions as they often were prior to the Roe v. Wade decision.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Roe v. Wade was an appropriate decision and secures an important constitutional right; and

(2) such decision should not be overturned.

Mr. BROWNBACK. Mr. President, I want to speak for a brief period. The reason I want to speak is to read into the RECORD a great speech that was given by a Nobel Laureate for Peace prize winner in 1979. It fits in with the culmination of what we discussed today, the partial-birth abortion ban. That vote has taken place and we have had extended discussion on that. I think this is actually a very fitting final conclusion to this debate.

Mr. President, this speech is titled ''The Gift of Peace.'' It was given by Mother Teresa, Nobel Laureate, on December 11, 1979. I think it relates to a lot of what we have talked about here today. I will read it. I think it puts a good summary on it.

Mother Teresa said:

As we have gathered here together to thank God for the Nobel Peace Prize, I think it will be beautiful that we pray the prayer of St. Francis of Assisi which always surprises me very much—we pray this prayer every day after Holy Communion, because it is very fitting for each one of us, and I always wonder that 4–500 years ago as St. Francis of Assisi composed this prayer that they had the same difficulties that we have today, as we compose this prayer that fits very nicely for us also. I think some of you already have got it—so we will pray together.

Let us thank God for the opportunity that we all have together today, for this gift of peace that reminds us that we have been created to live that peace, and Jesus became man to bring that good news to the poor. He being God became man in all things like us except sin, and he proclaimed very clearly that he had come to give the good news. The news was peace to all of good will and this is something that we all want—the peace of heart—and God loved the world so much that he gave his son—it was a giving—it is as much as if to say it hurt God to give, because he loved the world so much that he gave his son, and he gave him to Virgin Mary, and what did she do with him?

As soon as he came in her life—immediately she went in haste to give that good news, and as she came into the house of her cousin, the child—the unborn child—the

child in the womb of Elizabeth, lit with joy. He was that little unborn child, was the first messenger of peace. He recognized the Prince of Peace, he recognized that Christ has come to bring the good news for you and for me. And as if that was not enough—it was not enough to become a man—he died on the cross to show that greater love, and he died for you and for me and for that leper and for that man dying of hunger and that naked person lying in the street not only of Calcutta, but of Africa, and New York, and London, and Oslo—and insisted that we love one another as he loves each one of us. And we read that in the Gospel very clearly—love as I have loved you—as I love you—as the Father has loved me, I love you—and the harder the Father loved him, he gave him to us, and how much we love one another, we, too, must give each other until it hurts. It is not enough for us to say: I love God, but I do not love my neighbour. St. John says you are a liar if you say you love God and you don't love your neighbour. How can you love God whom you do not see, if you do not love your neighbour whom you see, whom you touch, with whom you live. And so this is very important for us to realize that love, to be true, has to hurt. It hurt Jesus to love us, it hurt him. And to make sure we remember his great love he made himself bread of life to satisfy our hunger for his love. Our hunger for God, because we have been created for that love. We have been created in his image. We have been created to love and be loved, and then he has become man to make it possible for us to love as he loved us. He makes himself the hungry one—the naked one—the homeless one—the sick one—the one in prison—the lonely one—the unwanted one—and he says: You did it to me. Hungry for our love, and this is the hunger of our poor people. This is the hunger that you and I must find, it may be in our own home.

I never forget an opportunity I had in visiting a home where they had all these old parents of sons and daughters who had just put them in an institution and forgotten maybe. And I went there, and I saw in that home they had everything, beautiful things, but everybody was looking toward the door. And I did not see a single one with their smile on their face. And I turned to the sister and I asked: How is that? How is it that the people they have everything here, why are they all looking toward the door, why are they not smiling? I am so used to see the smile on our people, even the dying ones smile, and she said: This is nearly every day, they are expecting, they are hoping that a son or daughter will come to visit them. They are hurt because they are forgotten, and see—this is where love comes. That poverty comes right there in our own home, even neglect to love. Maybe in our own family we have somebody who is feeling lonely, who is feeling sick, who is feeling worried, and these are difficult days for everybody. Are we there, are we there to receive them, is the mother there to receive the child?

I was surprised in the waste to see so many young boys and girls given into drugs, and I tried to find out why—why is it like that, and the answer was: Because there is no one in the family to receive them. Father and mother are so busy they have no time. Young parents are in some institution and the child takes back to the street and gets involved in something. We are talking of peace. These are things that break peace, but I feel the greatest destroyer of peace today is abortion, because it is a direct war, a direct killing—direct murder by the mother herself. And we read in the Scripture, for God says very clearly. Even if a mother could forget her child—I will not forget you—I have curved you in the palm of my hand. We are curved in the palm of His hand so close to Him that unborn child has been curved in the hand of God. And that is what strikes me most, the beginning of that sentence, that even if a mother could forget something impossible—but even if she could forget—I will not forget your. And today the greatest means—the greatest destroyer of peace is abortion. And we who are standing here—our parents wanted us. We would not be here if our parents would do that to us. Our children, we want them, we love them, but what of the millions. Many people are very, very concerned with the children in India, with the children of Africa where quite a number die, maybe of malnutrition, of hunger and so on, but millions are dying deliberately by the will of the mother. And this is what is the greatest destroyer of peace today. Because if a mother can kill her own child—what is left for me to kill you and you to kill me—there is nothing between. And this I appeal in India, I appeal everywhere: Let us bring the child back, and this year being the child's year: What have we done for the child? At the beginning of the year I told, I spoke everywhere and I said: Let us make this year that we make every single child born, and unborn, wanted. And today is the end of the year, have we really made the children wanted? I will give you something terrifying. We are fighting abortion by adoption, we have saved thousands of lives, we have sent words to all the clinics, to the hospitals, police stations—please don't destroy the child, we will take the child. So every hour of the day and night it is always somebody, we have quite a number of unwedded mothers—tell them come, we will take care of you, we will take the child from you, and we will get a home for the child. And we have a tremendous demand for families who have no children, that is the blessing of God for us. And also, we are doing another thing which is very beautiful—we are teaching our beggars, our leprosy patients, our slum dwellers, our people of the street, natural family planning.

And in Calcutta alone in six years—it is all in Calcutta—we have had 61,273 babies less from the families who would have had, but because they practice this natural way of abstaining, of self-control, out of love for each other. We teach them the temperature meter which is very beautiful, very simple, and our poor people understand. And you know what they have told me? Our family is healthy, our family is united, and we can have a baby whenever we want. So clear—these people in the street, those beggars—and I think that if our people can do like that how much more you and all the others who can know the ways and means without destroying the life that God has created in us. The poor people are very great people. They can teach us so many beautiful things. The other day one of them came to thank and said: You people who have evolved chastity you are the best people to teach us family planning. Because it is nothing more than self-control out of love for each other. And I think they said a beautiful sentence. And these are people who maybe have nothing to eat, maybe they have not a home where to live, but they are great people. The poor are very wonderful people. One evening we went out and we picked up four people from the street. And one of them was in a most terrible condition—and I told the sisters: You take care of the other three, I take of this one that looked worse. So I did for her all that my love can do. I put her in bed, and there was such a beautiful smile on her face. She took hold of my hand, as she said one word only: Thank you—and she died.

I could not help but examine my conscience before her, and I asked what would I say if I was in her place. And my answer was very simple. I would have tried to draw a little attention to myself, I would have said I am hungry, that I am dying, I am cold, I am in pain, or something, but she gave me much more—she gave me her grateful love. And she died with a smile on her face. As that man whom we picked up from the drain, half eaten with worms, and we brought him to the home. I have lived like an animal in the street, but I am going to die like an angel, loved and cared for. And it was so wonderful to see the greatness of that man who could speak like that, who could die like that without blaming anybody, without cursing anybody, without comparing anything. Like an angel—this is the greatness of our people. And that is why we believe what Jesus has said: I was hungry—I was naked—I was homeless—I was unwanted, unloved, uncared for—and you did it to me. I believe that we are not real social workers. We may be doing social work in the eyes of the people, but we are really contemplatives in the heart of the world. For we are touching the body of Christ 24 hours. We have 24 hours in this presence, and so you and I. You too try to bring that presence of God in your family, for the family that prays together stays together. And I think that we in our family we don't need bombs and guns, to destroy to bring peace—just get together, love one another, bring that peace, that joy, that strength of presence of each other in the home. And we will be able to overcome all the evil that is in the world. There is so much suffering, so much hatred, so much misery, and we with our prayer, with our sacrifice are beginning at home. Love begins at home, and it is not how much we do, but how much love we put in the action that we do. It is to God Almighty—how much we do it does not matter, because He is infinite, but how much love we put in that action. How much we do to Him in the person that we are serving. Some time ago in Calcutta we had great difficulty in getting sugar, and I don't know how the word got around to the children, and a little boy of four years old, Hindu boy, went home and told his parents: I will not eat sugar for three days, I will give my sugar to Mother Teresa for her children. After three days his father and mother brought him to our house. I had never met them before, and this little one could scarcely pronounce my name, but he knew exactly what he had come to do. He knew that he wanted to share his love. And this is why I have received such a lot of love from you all. From the time that I have come here I have simply been surrounded with love, and with real, real understanding love. It could feel as if everyone in India, everyone in Africa is somebody very special to you. And I felt quite at home I was telling Sister today. I feel in the Convent with the Sisters as if I am in Calcutta with my own Sisters. So completely at home here, right here. And so here I am talking with you—I want you to find the poor here, right in your own home first. And begin love there. Be that good news to your own people. And find out about your next-door neighbor—do you know who they are? I had the most extraordinary experience with a Hindu family who had eight children. A gentleman came to our house and said: Mother Teresa, there is a family with eight children, they had not eaten for so long—do something. So I took some rice and I went there immediately. And I saw the children—their eyes shining with hunger—I don't know if you have ever seen hunger. But I have seen it very often. And she took the rice, and divided the rice, and she went out. When she came back I asked her—where did you go, what did you do? And she gave me a very simple answer: They are hungry also. What struck me most was that she knew—and who are they, a Muslim family—and she knew. I didn't bring more rice that evening

because I wanted them to enjoy the joy of sharing. But there was those children, radiating joy, sharing the joy with their mother because she had the love to give. And you see this is where love begins—at home. And I want you—and I am very grateful for what I have received. It has been a tremendous experience and I go back to India—I will be back by next week, the 15th I hope—and I will be able to bring your love.

And I know well that you have not given from your abundance, but you have given until it hurts you. Today the little children they gave—I was so surprised—there is so much joy for the children that are hungry. That the children like themselves will need love and care and tenderness, like they get so much from their parents. So let us thank God that we have had this opportunity to come to know each other, and this knowledge of each other has brought us very close. And we will be able to help not only the children of India and Africa, but will be able to help the children of the whole world, because as you know our Sisters are all over the world. And with this Prize that I have received as a Prize of Peace, I am going to try to make the home for many people that have no home. Because I believe that love begins at home, and if we can create a home for the poor—I think that more and more love will spread. And we will be able through this understanding love to bring peace, be the good news to the poor. The poor in our own family first, in our country and in the world. To be able to do this, our Sisters, our lives have to be woven with prayer. They have to be woven with Christ to be able to understand, to be able to share. Because today there is so much suffering—and I feel that the passion of Christ is being relived all over again—are we there to share that passion, to share that suffering of people. Around the world, not only in the poor countries, but I found the poverty of the West so much more difficult to remove. When I pick up a person from the street, hungry, I give him a plate of rice, a piece of bread, I have satisfied. I have removed that hunger. But a person that is shut out, that feels unwanted, unloved, terrified, the person that has been thrown out from society—that poverty is so hurtable and so much, and I find that very difficult. Our Sisters are working amongst that kind of people in the West. So you must pray for us that we may be able to be that good news, but we cannot do that without you, you have to do that here in your country. You must come to know the poor, maybe our people here have material things, everything, but I think that if we all look into our own homes, how difficult we find it sometimes to smile at each other, and that the smile is the beginning of love. And so let us always meet each other with a smile, for the smile is the beginning of love, and once we begin to love each other naturally we want to do something. So you pray for our Sisters and for me and for our Brothers, and for our co-workers that are around the world. That we may remain faithful to the gift of God, to love Him and serve Him in the poor together with you. What we have done we would not have been able to do if you did not share with your prayers, with your gifts, this continual giving. But I don't want you to give me from your abundance, I want that you give me until it hurts. The other day I received 15 dollars from a man who has been on his back for twenty years, and the only part that he can move is his right hand. And the only companion that he enjoys is smoking. And he said to me: I do not smoke for one week, and I send you this money. It must have been a terrible sacrifice for him, but see how beautiful, how he shared, and with that money I bought bread and I gave to those who are hungry with a joy on both sides, he was giving and the poor were receiving. This is something that you and I—it is a gift of God to us to be able to share our love with others. And let it be as it was for Jesus. Let us love one another as he loved us. Let us love Him with undivided love. And the joy of loving Him and each other—let us give now—that Christmas is coming so close. Let us keep that joy of loving Jesus in our hearts. And share that joy with all that we come in touch with. And that radiating joy is real, for we have no reason not to be happy because we have Christ with us. Christ in our hearts, Christ in the poor that we meet, Christ in the smile that we give and the smile that we receive. Let us make that one point: That no child will be unwanted, and also that we meet each other always with a smile, especially when it is difficult to smile.

I never forget some time ago about 14 professors came from the United States from different universities. And they came to Calcutta to our house. Then we were talking about home for the dying in Calcutta, where we have picked up more than 36,000 people only from the streets of Calcutta, and out of that big number more than 18,000 have died a beautiful death. They have just gone home to God; and they came to our house and we talked of love, of compassion, and then one of them asked me: Say, Mother, please tell us something that we will remember, and I said to them: Smile at each other, make time for each other in your family. Smile at each other. And then another one asked me: Are you married, and I said: Yes, and I find it sometimes very difficult to smile at Jesus because he can be very demanding sometimes. This is really something true, and there is where love comes—when it is demanding, and yet we can give it to Him with joy. Just as I have said today, I have said that if I don't go to Heaven for anything else I will be going to Heaven for all the publicity because it has purified me and sacrificed me and made me really something ready to go to Heaven. I think that this is something, that we must live life beautifully, we have Jesus with us and He loves us. If we could only remember that God loves me, and I have an opportunity to love others as He loves me, not in big things, but in small things with great love, then Norway becomes a nest of love. And how beautiful it will be that from here a centre for peace of war has been given. That from here the joy of life of the unborn child comes out. If you become a burning light in the world of peace, then really the Nobel Peace Prize is a gift of the Norwegian people. God bless you!

I simply wanted to put Mother Teresa's speech here again as a reminder to us of one of the great people of the world of our time, one that we have had the pleasure of having in this body, and that at the face of all this, we are really talking about peace. We are talking about a caring peace.

I hope that we can move forward as a society, whether we want to do it by laws or not by laws. If we want to do it, we are persuading people's hearts. What we are talking about is the peace of that individual, and peace of mind, caring, caring through adoption.

I hope we can move our hearts—all of us, whether we disagree or agree on the legislation—forward to reach out to that child and to those children the way she did.

DAY OF NATIONAL CONCERN ABOUT YOUNG PEOPLE AND GUN VIOLENCE

Mr. DASCHLE. Mr. President, today has been designated by the Senate as a ''Day of National Concern about Young People and Gun Violence.'' Sadly, thus far, the Senate seems indifferent to that fact.

Despite repeated acts of gun violence, the conference on the juvenile justice bill, which was convened 77 days ago, has yet to complete its business. While the conference is stalled, more and more children are losing their lives.

Every day in the United States, 12 children under the age of 19 are killed with guns—1 child every 2 hours. Every day, three children commit suicide using a firearm. Every day, approximately six children are murdered by gunfire. Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America, more than the total number of soldiers lost in the Vietnam war. In fact, homicide is the third leading cause of death among children ages 5 to 14.

That is why Senator MURRAY and others worked so hard to pass the resolution that declared today, this day, the ''Day of National Concern about Young People and Gun Violence.''

The good news is that the number of children dying from gunfire has declined. Moreover, children across the country are engaged in positive endeavors to rid their communities of violence and to encourage their friends to find peaceful ways to settle disputes.

This week, the Democrats in the House of Representatives hosted 300 teenagers from across the country for a conference entitled ''Voices Against Violence.'' At this conference, teens discussed their concerns about violence and explored ideas for addressing this pressing problem.

Senate Democrats believe we, in the Senate, must join America's children and do our part to stem that violence. That is why we fought so hard to pass a comprehensive juvenile justice bill that included common sense gun safety provisions, money for programs designed to prevent violence before it occurs, and measures to ensure that those few kids who are truly dangerous are punished appropriately.

On May 20th the Senate passed the juvenile justice bill, and on June 17th the House passed their juvenile justice bill. After waiting weeks, on August 5th—77 days ago—the juvenile justice conference had its first and only meeting. Yesterday marked the 6-month anniversary of the Columbine tragedy, and it is time for the stalling to stop.

The Y2K legislation conference report was produced 14 days after the Senate passed the bill, and the Republican tax cut conference report was produced only 5 days after the Senate voted on that package. Why don't we have the same commitment to producing legislation to combat youth violence?

The conference should be working around the clock to produce a bill the

President can sign before the end of this session. We ought to use this day and every day to ensure that this juvenile justice bill is passed and to ensure that we live up to the expectations of all who said on the day when we passed the ''Day of National Concern about Young People and Gun Violence'' legislation that it was more than just words, it was more than just a rhetorical commitment, it meant sincerely that the Senate was serious about addressing this issue. Indeed, we remind our colleagues that thus far, our children have waited too long.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I commend the Democratic leader, Senator DASCHLE, for bringing to the attention of the Senate this extremely important day, October 21. It is the Day of National Concern about Young People and Gun Violence. This is a day that all Members in the Senate have recognized as a day we want young people everywhere to take a pledge to not bring a gun to school and to resolve their conflicts without using a gun. It is a very important message.

This is a bipartisan message. Senator Kempthorne and I began this effort 4 years ago. This year, Senator JOHN WARNER and I put this resolution forward in a bipartisan way. It was supported by all Members of the Senate. It is a simple message to young children. Millions of them today took the pledge and joined with others in their community to take the power of reducing violence into their own hands.

As leaders of the United States, we have a responsibility to do all we can to reduce youth violence in this country. We need to stand behind these young kids who are taking violence and the issue of violence in their own hands and say we, as the leaders of this country, stand with you.

I commend Senator DASCHLE for his statement, for bringing to the attention of the Senate our responsibility as adults to reduce the number of guns to which our young kids have access, and urge our colleagues to move forward on these critical issues that have been left behind in this session of Congress.

I yield the floor.

Mr. LEAHY. Mr. President, yesterday was the 6 month anniversary of the shooting at Columbine High School in Littleton, CO. Fourteen students and a teacher lost their lives in that tragedy on April 20, 1999. But still the Congressional leadership refuses to send to the President comprehensive juvenile justice legislation.

This is shameful.

As we have for months now, Senate and House Democrats stand ready to work with Republicans to enact into law an effective juvenile justice conference report that includes reasonable gun safety provisions. Yesterday, all the House and Senate Democratic conferees sent a letter to Senator HATCH and Congressman HYDE calling for an open meeting of the juvenile justice conference.

We need to bring this up. Vote it up. Vote it down. I don't know what everybody is scared of. But at least let's vote.

This delay is simply because of the opposition of the gun lobby to any new firearm safety laws. Even though the Senate passed the Hatch-Leahy Juvenile Justice Bill in May, we still have not moved forward on a juvenile justice conference report.

I hope the majority will hear the call of our nation's law enforcement officers to act now to pass a strong and effective juvenile justice conference report.

Ten national law enforcement organizations, representing thousands of law enforcement officers, yesterday endorsed the Senate-passed gun safety amendments and support loophole-free firearm laws: International Association of Chiefs of Police; International Brotherhood of Police Officers; Police Executive Research Forum; Police Foundation; Major Cities Chiefs; Federal Law Enforcement Officers Association; National Sheriffs Association; National Association of School Resource Officers; National Organization of Black Law Enforcement Executives; and Hispanic American Police Command Officers Association.

Law enforcement officers in this country need help in keeping guns out of the hands of people who should not have them. I am not talking about people who use guns for hunting or for sport, but about criminals and unsupervised children.

The thousands of law enforcement officers represented by these organizations are demanding that Congress act now to pass a strong and effective juvenile justice conference report. As a conferee, I am ready to work with Republicans and Democrats to do just that.

According to press reports, the Republicans are meeting and having sensitive negotiations over gun proposals. Apparently, the Republicans on the conference and the Republican leadership met last Thursday to hammer out an agreement on guns. They were not successful. Bicameral Republican meetings cannot be confused with bipartisan conference meetings. Only in open conference meetings with an opportunity for full debate will we be able to resolve the differences in the juvenile justice bills and get a law enacted.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

I hope we get to work soon and finish what we started in the juvenile justice conference. It is well past the time for Congress to act.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LOTT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. LOTT. Madam President, as in executive session, I ask unanimous consent that on Monday, October 25, it be in order for the majority leader, after consultation with the Democratic leader, to proceed to executive session in order to consider the following nominations on the Executive Calendar: Nos. 253, 254, 255, 257, 278, and 279.

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that Calendar No. 159, Marsha Berzon, and Calendar No. 208, Richard Paez, be added.

Mr. LOTT. Madam President, I object to the addition of those nominees at this time, although we are working to see if at some point one or both of these nominees could be considered.

Mr. DASCHLE. Madam President, on behalf of a number of colleagues on this side, I will be compelled to object at this time.

The PRESIDING OFFICER. The objection is heard.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of the conference report to accompany the Interior appropriations bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The report will be stated.

The clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2466, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 20, 1999.)

Mr. LOTT. Madam President, I further ask consent that the conference report be considered as read, the report be agreed to, with the motion to reconsider laid upon the table, and I ask consent that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

THOMAS PAINE MEMORIAL

Mr. CRAIG. Madam President, seven years ago legislation was enacted, with my support, to create a memorial on the National Mall honoring Thomas Paine. A site has been selected and approved at 1776 Constitution Ave. However, the memorial project needs to be reauthorized until 2003 in order to raise the necessary funding to complete construction. Today I want to spend a moment to recognize the great American patriot, Thomas Paine.

Thomas Paine thrived on new ideas, was broad minded and progressive. Through brilliantly written persuasion, he advocated four concepts which have since become cornerstones of American society and governance: independence, representation, unity, and leadership. Thomas Paine was the first patriot to call for a ''Declaration of Independence'' and a ''Continental Charter'' which proposed the basic principles of our constitution: ''securing freedom and property . . . and above all things, the free exercise of religion.''

Another cornerstone was laid when Paine had the foresight and courage to publicly advocate a representative, democratic/republican form of government for this country. He influenced George Washington and numerous other Revolution leaders as he stressed that government was a necessary evil which could only become safe when it was representative and altered by frequent elections. The function of government's role in society ought only be to regulate society and therefore be as simple as possible.

Paine also introduced our status as a united, sovereign country with due regard for individual and states rights. He coined the phrases ''Free and Independent States of America'' and ''United States of America.''

The last cornerstone that Thomas Paine set for our country was the concept of a world leader fighting for human rights. Paine publicly denounced chattel slavery and was the first patriot to publish a defense of the rights of women in America. In his papers American Crisis I, Paine wrote:

> These are the times that try men's souls. . . . Tyranny, like hell, is not easily conquered; . . . What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods, and it would be strange indeed if so celestial an article as freedom should not be highly rated.

Paine has often been quoted by the leaders of this country on the great ideas of American independence, freedom and democracy—concepts which he was and still is unmatched in expressing. Without Paine's vision and initiative, our country would not be the republican world power that it is today.

I am honored to have been able to help authorize his memorial seven years ago. I introduced S. 1681 to reauthorize the memorial until 2003 and I am glad that language from S. 1681 has been included in this bill to let this important work continue. Americans will be remembering Thomas Paine for generations to come, because of what we are doing today.

Mr. MURKOWSKI. Madam President, as chairman of the Energy and Natural Resources Committee, I rise today to congratulate Senator GORTON on his good work on the fiscal year 2000 Interior appropriations bill. I know the negotiations which led to this conference report were difficult but I believe Senator GORTON and the other Senate conferees did an excellent job under these trying circumstances. I hope that President Clinton recognizes this and signs this appropriations bill into law.

Today, I want to highlight one particular program which has been the subject of recent focus both in the Congress and in the Clinton Administration—the Land and Water Conservation Fund. The LWCF Act authorizes the expenditure of monies from the LWCF for two purposes only: the acquisition of Federal land by the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the United States Forest Service; and formula grants to states for park and recreation projects. The LWCF Act creates a balance—between the State and local communities and the Federal government; between urban and rural communities; between the western and eastern states—for the development of outdoor recreation resources.

Unfortunately, over the last four years the balance between the state and Federal-sides of the LWCF has been eliminated. With the action of the Clinton Administration and the Congress to shut-down the state-side LWCF matching grant program in fiscal year 1996, the LWCF has become a Federal-only land acquisition program. As I have expressed before, I believe the loss of this balance is a tragic mistake and serves to increase the already significant pressure on the Federal government to meet the recreation demands of the American public.

I have worked tirelessly over the last 3 years to restore the state-side LWCF matching grant program. This year those efforts have reaped results. Interior conferees provided $20 million for the state-side matching grant program. While I wish more money could have been provided, with tough budget targets, it was not easy to find $20 million in such a lean bill. It is a start.

I also would like to thank Senator GORTON for ensuring that no limitations are placed on the expenditure of this money. It is important that States and local governments have the flexibility to determine how best to meet the recreation needs of their citizens.

There may be a need for changes to the state-wide LWCF matching grant program. However, it is not appropriate to make these changes on an appropriations bill. The President's budget proposal sought to fundamentally restructure the state-side matching grant program authorized by the LWCF Act. The LWCF state-side program is a formula grant program which provides monies to States and local communities for the planning, acquisition, and development of parks and recreation facilities. The President proposed to replace this program with a competitive grant program to the States for the purchase of land and open space planning. This proposal would have changed the focus of the state-side program and undercut the Federalism inherent in the existing program. The Federal government should not dictate a one-size fits all mandate for the administration of this program.

State-side LWCF matching grants, which address the highest priority needs of Americans for outdoor recreation, have helped finance well over 37,500 park and recreation projects throughout the United States. The state-side of the LWCF has played a vital role in providing recreational and educational opportunities to millions of Americans. The state-side program has worked because it has provided States and local communities—not the Federal government—with the flexibility to determine how best to meet the recreational needs of its residents. This $20 million will begin the process of saving this important program.

The Interior conference report also provides more than $230 million for land acquisition by the four Federal land management agencies including $40 million for the acquisition of Baca Ranch in New Mexico. A few months ago the President announced an agreement to purchase this property for $101 million. I have not taken a position on the merits of the Baca Ranch acquisition but have an interest in this matter as chairman of the authorizing committee.

No money can be appropriated from the Land and Water Conservation Fund for the acquisition of Federal land, including Baca Ranch, in the absence of an authorization. The Federal-side LWCF program provides monies for the Federal land management agencies to acquire lands otherwise authorized for acquisition. The LWCF Act does not provide an independent basis for Federal land acquisition. Rather, the LWCF Act establishes a funding mechanism for the acquisition of Federal lands which have been separately authorized. Section 7 of the statute specifies, with limited exceptions, that LWCF monies cannot be used for a Federal land purchase ''unless such acquisition is otherwise authorized by law.''

The Interior conference report recognizes this limitation by making the acquisition of the Baca Ranch contingent

on the enactment of authorizing legislation. No matter what the fate of the Interior appropriations bill this contingency must be included. It is bad public policy to disregard the terms of the LWCF Act and expend this significant amount of money for the purchase of additional Federal property absent a thorough, and open, public review. This review can be best done in the authorizing committee. I want to thank Senator GORTON, who sits on the Energy and Natural Resources Committee, for recognizing the need for specific authorizing legislation and including this contingency.

The Interior conference report also requires that the General Accounting Office review and report on the Baca Ranch appraisal. The Uniform Relocation Assistance and Real Property Acquisition Act requires an appraisal of the fair market value of private property the Federal government desires to acquire, whether through negotiations or condemnation. An appraisal has been done on the Baca Ranch. However, the appraisal was conducted not by the Federal government but rather the seller. While I have no reason to doubt the validity of the appraisal, before Congress spends this significant amount of money to purchase the Baca Ranch, Congress owes it to the American taxpayer to ensure that the $101 million sale price represents the actual fair market value of the property. The General Accounting Office is the appropriate entity to conduct this review and report to the appropriators and the authorizers.

As many of us remember from two years ago, the conditions imposed on the Baca Ranch purchase are consistent with the requirements the Senate imposed on the Headwaters Forest and New World Mine purchases. Unfortunately, these conditions were eliminated in conference and both acquisitions were authorized on the fiscal year 1998 Interior appropriations bill. That is wrong. Clearly by agreeing to placing these limitations on the Baca Ranch acquisition, the House has realized that authorizing, the Headwaters Forest and New World Mine acquisitions in the appropriations bill was bad public policy. It is the role of the authorizing committee—not the appropriators—to make sure that any addition to the Federal estate is warranted.

There has been talk about the next step in the process. There are rumors that the President will not sign this conference report because he is disappointed that his Lands Legacy proposal was not totally funded. I hope that is not true but if it is I find this reasoning nonsensical. The Lands Legacy proposal is nothing but budget gimmicky. It seeks to charge against the $900 million LWCF ceiling the increased funding of a variety of programs not authorized to derived monies from the LWCF. These programs, which may or may not warrant increased Federal funding, already have independent authorizations. By engaging in this accounting game, the President artificially reduces the amounts available for programs authorized by the LWCF Act, including the state-side matching grant program. If the President seeks to fund these programs from the LWCF, he needs to introduce appropriate authorizing legislation and work with the Energy and Natural Resources Committee to accomplish this goal.

Finally—and most disturbing to me as chairman of the Energy and Natural Resources Committee—are indications that the Clinton Administration wants to permanently authorize the use of revenues from the Outer Continental Shelf for the Lands Legacy proposal in either the Interior appropriations bill or an omnibus appropriations bill. I support the use of OCS revenues as a permanent funding source for a variety of important conservation programs, in fact I introduced S. 25, the Conservation and Reinvestment Act of 1999, to accomplish this goal.

However, no matter how strong my support is for this goal, providing this authorization on any appropriations bill is wrong. This proposition is extremely controversial. In the Energy and Natural Resources Committee, we have held hearing after hearing on S. 25 and other OCS revenue sharing proposals. Since completion of those hearings, committee members have struggled to reach a compromise. We have struggled because, while every committee member cares about the conservation of this nation's natural resources, we each have a different vision as to how best to conserve and protect these resources. But no matter how difficult this challenge, we will continue to strive to reach an agreement that is acceptable not only to the Energy and Natural Resources Committee but also to the Senate.

What the Clinton administration is contemplating would be a unrivaled usurpation of the authorizing committees. If the most significant piece of conservation legislation introduced in the last 30 years is enacted on an appropriations bill without any public input or participation, all of us who are authorizers should turn in our gavels.

AFRICAN GROWTH AND OPPORTUNITY ACT—MOTION TO PROCEED

Mr. LOTT. I ask unanimous consent that the Senate proceed to Calendar No. 215, H.R. 434, the trade bill.

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I now move to proceed to Calendar No. 215.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Madam President, the Senator from Iowa has been generous enough to let me speak a very short while on this measure, to tell you at the time we get on the bill the chairman of the Finance Committee, who cannot be here at this moment, will offer a manager's amendment which includes the sub-Saharan Africa bill which we are now technically on, with the Caribbean Basin Initiative bill, as well as the reauthorization of the Generalized System of Preferences and the Trade Adjustment Assistance programs. These measures have been reported by the Committee on Finance by an all but unanimous vote, voice vote, in all these cases. We very much hope we will bring this to a successful conclusion.

At stake is two-thirds of a century of American trade policy going back to the Reciprocal Trade Agreements Act of 1934 for which there is a history. Cordell Hull began the policy, under President Roosevelt.

In 1930, the Senate and the House passed what became known as the Smoot-Hawley tariff. If you were to make a short list of five events that led to the Second World War, that would be one of them. The tariffs went to unprecedented heights here. As predicted, imports dropped by two-thirds, but as was not predicted so did exports. What had been a market correction—more than that, the stock market collapse in 1929—moved into a long depression from which we never emerged until the Second World War.

The British went off free trade to Commonwealth preferences, the Japanese began the Greater East Asian Co-prosperity Sphere, and in 1933, with unemployment at 25 percent, Adolph Hitler came into power as Chancellor of Germany. That sort of misses our memory. In 1934, Cordell Hull, Secretary of State, began the Reciprocal Trade Agreements program which was designed to bring down, by bilateral negotiations, the levels of tariffs. This has continued through administration after administration without exception since that time.

I would like to note in the bill we have before us that there are two measures of very large importance, both of which have expired. Unless we move now, we will again lose immeasurably important trade provisions for us.

The first of these is the Trade Adjustment Assistance program, which is now in its 37th year. I can stand here as one of the few persons—I suppose the only—who served in the administration of John F. Kennedy. I was an Assistant Secretary of Labor. President Kennedy had sent up a very ambitious bill, the Trade Expansion Act. It was really the only major legislation of his first term. It required, in order to meet the legitimate concerns of southern textile manufacturers and northern clothing unions—needle trades, let's say—that we get a long-term cotton textile agreement which Secretary Blumenthal, Secretary Hickman Price, Jr., and I negotiated in Geneva successfully. True to their word, the Southern Senators came right up to this measure and voted for it. But we added something special, which was trade adjustment assistance.

We agreed in a free trading situation, or freer trade situation, the economy at large and the population at large would be better off, but some would lose. Trade adjustment assistance was to deal with that situation. It had been first proposed, oddly, by a fine labor leader, David MacDonald, of the United Steel Workers, in 1954, saying if we are going to have lower barriers to trade, we are going to lose some jobs; gain others. It was based on a modest and fair request from American labor: If some workers are to lose their jobs as a result of freer trade that benefits the country as a whole, a program should be established to help those workers find new employment.

It was Luther Hodges, Secretary of Commerce under President Kennedy, who came before the Finance Committee to propose this measure. Secretary Hodges was the Governor of North Carolina, was he not? A wonderful man; I recall working with him. I know the Senator from South Carolina would. He said to the Finance Committee that ''the Federal Government has a special responsibility in this case. When the Government has contributed to economic injuries, it should also contribute to the economic adjustments required to repair them.''

This has been in law, and we added a special program for NAFTA, and for firms as well. It has been there for 37 years. The program has now expired. The continuing resolution keeps it going for 3 weeks or whatever, but if we lose this we lose a central feature of social legislation that has allowed us to become the world's greatest trading nation with the most extraordinary prosperity in the course of a generation.

There is also the matter of the Generalized System of Preferences for the developing world. It was a response to a plea by developing countries that the industrial world ought to give them an opportunity and a bit of incentive to compete in world markets; not to beg for aid, just to buy and sell. It has been in our legislation since the Trade Act of 1974, which makes it a quarter century in place. It was renewed in 1984. It is now on life support. We got a 15-month extension in 1993; a 10-month extension in 1994; 10 months in early 1996; 13 months in early 1997; 12 months in 1998.

We have responsibility in both of these matters. The Finance Committee has met that responsibility. In due course, we will bring this measure to the floor for what we hope will be a successful vote on renewal of Trade Adjustment Assistance and a 5-year reauthorization of the Generalized System of Preferences.

I do not want to keep the Senate any longer. I see my distinguished colleague is on the floor. I thank my friend from Iowa, and I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, it is an agreed fact among our colleagues in the Senate there is no member more steeped in history and erudite in its intellectual history than our distinguished senior Senator from New York, Mr. MOYNIHAN. I agree with him absolutely with respect to Trade Adjustment Assistance and the Reciprocal Trade Agreements Act and a variety of initiatives made since that time.

I have to oppose the motion because I am the one who objected, of course, to this so-called sub-Sahara/CBI bill.

One, with respect to Smoot-Hawley, it did not cause the depression and World War II. I want to disabuse anybody's mind from that particular suggestion. The stock market crash occurred in October 1929, and Smoot-Hawley was not passed until 8 months later in June of 1930.

At that particular time, slightly less than 1 percent of the GNP was in international trade. It is now up to 17 percent. At that time trade did not have that big an effect on the GNP or the economy of the United States itself. True, Germany, Europe, and everybody else was in a depression, and we entered the depression as a result of the crash.

Along came Cordell Hull. I want to emphasize one concept: the Reciprocal Trade Act of 1934; reciprocity; not foreign aid but foreign trade; a thing of value for an exchange of value. We learned that in Contracts 101 as lawyers.

Somehow over the past several years we have gotten into ''we have to do something.'' We are the most powerful Nation militarily and economically; perhaps not the richest. We do not have the largest per capita income. We are down to about No. 8 or 9. We are not the richest, but we are very affluent comparatively speaking.

The urge is there, and I understand that urge to want to help, but we gave at the office. Let me tell you when I gave at the office, for my textile friends.

We have been giving and giving and giving. We had a hearing before the International Trade Commission. It was the Eisenhower administration at that particular time. I came to testify as the Governor of South Carolina. The finding was in June of 1960. It was in early March of 1960. I was chased around the room by none other than Tom Dewey. He was a lawyer for the Japanese. They were not a concern at the particular time. Ten percent of textiles consumed in America was being imported, and if we went beyond the 10 percent, it was determined that it would devastate the economy, particularly the textile economy of the United States of America.

I am looking around this room, and I can tell you that over two-thirds—that is a 2-year-old figure; I bet it is up to 70 percent—but two-thirds of the clothing I am looking at, not 10 percent, is imported.

When I say we gave at the office again and again—I can go to Desert Storm, and I will do that, and how we gave Turkey a couple of billion dollars in increased textile imports, how we bought this crowd off, and every time we have a crisis, whatever it is, we give to people who ask for our help.

My point is, at that particular time, I left that hearing. I had a good Republican friend who knew President Eisenhower. We checked in with Jerry Parsons. I can still see him in the outer office. He said: The Chief can see you now. We went in and saw President Eisenhower and he was committed to helping the textile industry. But by June, it had gone the other way.

As a young Democratic southern Governor, I said: I am going to try that fellow Kennedy. I had never been with him, but I came up in August and sat down with Mike Feldman. He is still alive and can verify this. He was legislative assistant to John F. Kennedy. I can show my colleagues the office in the old Russell Building. We sat down and agreed that I will write this letter as a Governor and Senator Kennedy will write back because being from Massachusetts, he understood the desperate nature of the textile economy at that time. We exchanged letters. I will have to get that letter because our revered leader of that particular administration was, of course, and is still revered now, the Senator from New York, Mr. MOYNIHAN. He knows this more intimately than I, but I know this particular part of it.

We sat down and agreed because there was a national security provision. Before the President could take executive action, there had to be a finding that a particular commodity was important to the national security of the United States of America. We got the Secretary of Labor Arthur Goldberg, Secretary of Commerce Luther Hodges, Secretary of State Dean Rusk, Secretary McNamara of Defense, and Doug Dillon, Secretary of the Treasury. He was most interested. I sat down and talked with Secretary Dillon. He was fully briefed from my northern textile friends.

Incidentally, the Northern Textile Association met last weekend down in my hometown with Karl Spilhaus. Bill Sullivan previously ran the organization.

We brought in witnesses. We had hearings. And about April 26 they made a finding. Steel was the most important industry to our national economy and second most important to our national security was textiles. We could not send our soldiers to war in a Japanese uniform, and I used to add to that, and Gucci shoes.

Eighty-six percent of the shoes in this Chamber today are imported. The shoe industry is practically gone. Textiles are about gone, and Washington is telling them: You have to get high-tech, high-tech, global economy, global competition, retrain—it sounds like Mao Tse-tung running around reeducating the people, getting them skills.

We are closing down our knitting mills, one in particular was the Oneida

Mill. They made T-shirts. They had 487 employees. The average age was 47.

Tomorrow morning, let's say we have done it Washington's way, we have re-educated and trained the 487 employees, and now they are skilled computer operators. Are you going to hire a 47-year-old computer operator or the 21-year-old computer operator? You are not going to take on those health costs; you are not going to take on those retirement costs.

The little town of Andrew, SC, is high and dry, as are many other towns with so-called low unemployment, low inflation. Since NAFTA, South Carolina has lost 31,700 textile jobs. The reason I know that figure is because I talked with the Northern Textile Association last weekend. I am briefed on this particular subject.

What we have in the CBI/sub-Sahara—the intent is good, to help—but we cannot afford any longer to give away these critical industries important to our national security.

Specifically, I was with Akio Morita in Chicago in the early eighties. He was talking about the Third World developing and the developing countries. He said they must develop a strong manufacturing capacity in order to become a nation state.

Later on he said ''And by the way, Senator, the world power that loses its manufacturing capacity will cease to be a world power.''

Look at the back page of the U.S. News & World Report of last week, and the comments our friend Mort Zuckerman. You can see we are getting a divided society. We are losing those middle-class jobs. Henry Ford said: I want my workers to make enough to be able to buy what they are making. And our strong manufacturing economy has been drained overnight.

I will bring a list of the particular items, including textiles where import penetration is high. So when you get and look at the CBI, and you look at the sub-Sahara, it is NAFTA without—and I don't think NAFTA worked at all—without the advantages of NAFTA; namely, the side agreements on the environment, the side agreements on labor, the reciprocity. There is no reciprocity. If we are going to let their products come in duty free, we should tell them to lower their tariffs.

So this is a bad bill, to begin with. It should not have passed, almost unanimously, in that Finance Committee. They ought to look at these things more thoroughly. But the point is, we have to maintain these manufacturing jobs.

I can remember when I was a child—and I know the distinguished Senator from New York would remember—the last call for breakfast, Don McNeil and ''Breakfast Club'' up there in Chicago.

I feel like this is sort of the last call tonight for my textile friends. We will get into it more thoroughly because it isn't just the textile people. The truth is, I didn't carry Anderson, Greenville, and Spartanburg Counties, which have all the textile votes. They are going to be voting—you watch them—for George W. Bush. They have already made up their mind. They don't care about the campaign. We had them going Democratic only one time since Kennedy, and that was just momentarily for Jimmy Carter. We gave Barry Goldwater more votes, in the 1964 race, than he got in Arizona; percentage-wise and number-wise, both.

Mr. MOYNIHAN. No?

Mr. HOLLINGS. Oh, yes. Barry used to love to kid me about that. So I know from whence I am coming. It is just that it is terrible to see this thing happen all around you. And the new, jobs and all the so-called new employment is going into retailing, and they are getting paid next to nothing. They will not even assume the health costs and everything else of that kind. So it is a real issue.

And they always do this to me. They did NAFTA right at the end of the session. Then on GATT, I had to make them come back after the election. Now we have another 10 days, and they want to raise it. And I have to make the same motion not to proceed.

I do appreciate the leadership and the brilliance of my leader, Senator MOYNIHAN, of our Finance Committee. I thank him for his courtesy. But I am going to have to continue to object to moving to consider and proceeding on this particular measure.

I yield the floor.

Mr. MOYNIHAN. Bravissimo.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Chair.

Madam President, it is my privilege, for a few moments, to take the place of our distinguished chairman of the Senate Finance Committee, who will be here shortly, and in my capacity as chairman of that committee's Subcommittee on International Trade, to speak for our side in support of this legislation.

From the standpoint of speaking for our side, this is pretty much a bipartisan approach that will have overwhelming support. It is all the more a privilege to work for legislation that does have such broad bipartisan support.

So, Madam President, I rise in support of the motion to proceed to H.R. 434. When we have the opportunity, we intend to offer a managers' amendment. And we would do that as a substitute for the House-passed language. That substitute will include the Senate Finance Committee's reported bills on Africa, an expansion of the Caribbean Basin Initiative, an extension of the Generalized System of Preferences, and the reauthorization of the Trade Adjustment Assistance Act.

I want to explain the intent behind these different Finance Committee bills that will be grouped together in the managers' amendment.

Africa, as everyone knows, has undergone significant changes, as recently as the last decade. Many of those changes have been enormously positive: an end to apartheid in South Africa, a groundswell in support of democracy in a number of the sub-Saharan countries, and a new openness to using the power of free markets to drive economic growth, with the resultant raising of living standards.

At the same time, there is no continent that has suffered more from the ravages of war, disease, hunger, and just simple want than Africa. The daily news has more often been filled with the images of violence and starvation than the small seeds of economic hope.

The question before us is, How can our great country, the United States, help the transition that Africans themselves have begun?

There are many problems we might try to address and an equal number of approaches to solving those problems. I am not going to argue that our managers' amendment we will offer is an entire panacea; nor is it equal to the tasks that our African partners have before them in the sense that if there is going to be real change there, it has to come from within.

Instead, what our approach attempts to do is to take a small but very significant step towards opening markets to African trade. The intent is to encourage productive investment there as a means of building a market economy and doing it from the ground up.

It is a means of giving Africans the opportunity to guide their own economic destiny rather than the economic policies of the past that attempted to dictate a particular model of development that was based upon so much government control of the economy.

The strongest endorsement I can offer for moving this legislation comes from these African countries themselves. Every one of the sub-Saharan African nations eligible for the benefits under this proposal has endorsed our efforts. There was a recent full-page advertisement in Roll Call that you may have seen recounting the number of U.S. organizations that support this initiative. They range from the NAACP to the Southern Christian Leadership Conference to the National Council of Churches.

Our supporters include such notables as Coretta Scott King, Andrew Young, and Robert Johnson—the head of Black Entertainment Television who testified eloquently about the need to create new economic opportunities in Africa when he appeared before our Senate Finance Committee.

The effort to move the bill also enjoys broad bipartisan support that I have already alluded to and complimented our colleagues on. It goes beyond bipartisanship in this body. It goes to the President himself because in his State of the Union Address, he identified this bill as one of his top foreign policy and trade priorities. The Finance Committee's ranking member, as you have already heard, Senator

MOYNIHAN, is a cosponsor and public supporter of the Africa bill, along with being a tireless advocate of trade expansion in both word and deed over several decades.

The distinguished minority leader was one of the first to recognize the need for a special focus on Africa in trade terms when he called for such a program as part of the Uruguay Round implementing legislation that passed this body 4 years ago. And, the very fact the majority leader has found time for us to debate this bill this late in this session, when there is so much pressure to address other issues, is indicative of our majority leader's support.

So in summation, you can see strong bipartisan support exists for the managers' amendment, and that the managers' amendment will also include the Caribbean Basin Initiative.

The approach adopted by the Finance Committee is consistent with the administration's own proposal. It is also broadly consistent with the proposal introduced by Senator GRAHAM, who has also been a tireless advocate on behalf of the Caribbean Basin Initiative and the opportunity that that bill and that program provide for the beneficiary countries in the Caribbean and Central America.

In substance, the managers' amendment on CBI adopts an approach similar to that afforded sub-Saharan Africa under the proposed bill. Indeed, both of those proposals build on the model established with the passage of the original CBI legislation, I believe, now, 15 or 16 years ago.

In fact, it was 1983 that that bill was adopted. When it was adopted, the region was beset with economic problems and wrenched with civil strife. The goal of the original legislation was to encourage new economic opportunities and a path towards both political and economic renewal. It accomplished that by offering a unilateral grant of tariff preferences designed to encourage productive investment, economic growth, and the resultant higher standard of living.

The original Caribbean Basin Initiative, which we made permanent in 1990, recognized that economic hope was essential to peace and political stability throughout the region. However, since 1990 we have had the intervening negotiation of the North American Free Trade Agreement, and that undercut the preferences initially offered to the Caribbean and Central American beneficiaries of the Caribbean Basin Initiative.

So the managers' amendment we will offer is an attempt to restore that margin of preference to the Caribbean producers and the economic opportunity the original CBI legislation was designed to create.

It is also an attempt to respond to the hardships the region has faced due to natural disaster. That region, as we know, including both the Caribbean and Central America, has been hard hit in the past 2 years by a series of hurricanes that in some instances devastated much of the existing economic infrastructure. No one can forget the pictures of devastation we saw of the Dominican Republic, Guatemala, and Honduras following Hurricane Mitch—homes, farms, factories, we saw on television, literally washing away overnight, buried in clay.

Members of the Finance Committee and many of our other colleagues had the opportunity to meet recently with the presidents of a number of Central American countries. Those presidents indicated that the single most important action we in the United States and our Government could take in their interest was not foreign assistance but economic opportunity to compete in a growing regional market.

They saw this proposed legislation as a fulfillment of the promise extended by this Congress in that original legislation of 1983, the promise for a new economic relationship with the Caribbean and Central America. We must continue to fulfill that promise as, hopefully, our country keeps its promises, and not act as a charity but as a continuation of the leadership we have shown in our continent and our hemisphere, leadership that has put us on the cusp of the ultimate goal of the 21st century version of the Monroe Doctrine, a hemisphere of democratically elected governments, a hemisphere of free markets, and a hemisphere with rising standards of living.

By moving this legislation forward, we will help these economies continue to grow and we will be investing in important markets that will become more integrated with our own, a market integration that benefits the United States as well.

In light of that fact, it might be worth mentioning the importance of this legislation to one industry in particular, the textile industry, something the Senator from South Carolina has addressed but from a different point of view than I. When I say textile industry, I mean everyone from a farmer growing cotton to the yarn spinner, the fabric maker, the apparel manufacturer, producers of textile manufacturing equipment, as well as the wholesalers and retailers, everything from the farm to the consumer. The Africa bill and the Caribbean Basin Initiative bills are drafted to create a win-win situation for both our trading partners and for our own domestic industries.

The managers' amendment we will offer takes a different approach than that of the House bill. Our bill is designed to create a partnership between America and industries, not to the benefit of one or the other, but to the benefit of both regions. Our proposal would accomplish that by affording preferential tariff and also preferential quota treatment to apparel made from American-made fabric, and it would be American-made fabric in order to qualify.

This does two things: First, it gives American firms an incentive to build a strong partnership with firms in both Africa and the Caribbean. Secondly, it helps establish a platform from which the American textile industry can compete in this global market.

I want to refer to the industry's own analysis. That analysis shows that the approach adopted by our Senate Finance Committee offers real benefits to U.S. industry and to U.S. employment. It gives our industry a fighting chance in the years to come, as textile quotas are gradually eliminated pursuant to the World Trade Organization agreement on textiles.

The reason I raise this point goes back to the efforts of our committee and our chairman to reestablish a bipartisan consensus on trade. In my view, the textile industry and all of its related parts will face significant economic adjustment as a result of the World Trade Organization textiles agreement. That adjustment has already begun to take place.

What the industry found, however, based on its experience under NAFTA, is that partnering with Mexican firms or investing there for joint United States-Mexican production made our own United States firms very competitive. They discovered that United States firms became competitive even in the face of fierce competition they faced from textile industries in the developing world, and particularly the countries of China and India.

The Finance Committee bills would broaden the base from which American firms could produce for the world market. In the context of the Uruguay Round, we made an implicit commitment to the textile industry to allow them a period of adjustment to a new economic reality. I am proud to support the proposed legislation and to make good on that promise by encouraging the industry to compete globally as well as locally.

Through our managers' amendment, we intend to propose something that would take two other significant steps. The first is the renewal of the Generalized System of Preferences. We call that GSP for short. The GSP program has been on our statutes since 1975. GSP affords a grant of tariff preferences to developing countries generally, although not as extensive as those the proposal offers to Africa and to the Caribbean. GSP is generally described as a unilateral grant of preferences, and that is a very accurate description.

What is little known is that the program has had more profound benefits for U.S. trade than is captured by that fairly significant description that doesn't describe the program so well.

The original GSP program was instrumental in obtaining the commitment of continental powers like Great Britain to give up, finally, the highly discriminatory tariff systems they enforced in their economic relations with their former colonies. In other words, the creation of the GSP was instrumental in eliminating discriminatory

trade barriers that distorted trade and thwarted our exporters' access to markets throughout the entire developing world.

That beneficial program—GSP—has been around a while and accomplished a lot of good, but it has lapsed; it lapsed a few months ago, in June. So our managers' amendment would propose its renewal.

The managers' amendment will also renew our Trade Adjustment Assistance programs. As my colleagues know, I am a strong supporter of free and fair trade. But I have, at the same time, consistently taken the view that those who benefit from expanding trade must look out for those who may be injured by the process of economic adjustment that trade brings.

The Trade Adjustment Assistance programs are one part of that commitment. They offer assistance to both workers and firms that have faced a significant increase in import competition as they adjust to these new economic conditions. They have been on the books since the Trade Expansion Act of 1962. And the committee has made every effort to ensure that they are renewed to fulfill the bargain on trade policy originally struck with U.S. firms and U.S. workers over 30 years ago. So what we do with this reauthorization is keep our contract with these industries, and if trade unfairly affects them, we will be able to help them in a transition period. That is something we should do. It has worked well and we propose to continue it.

There is, however, a real urgency to their renewal at this time. As I have said, they have lapsed and, unless they are renewed promptly, they will fall out of the budget baseline and will, in the future, need a revenue offset.

In the context of the current debate over trade and trade policy, I view these programs as a minimum downpayment on reestablishing a bipartisan consensus on trade matters. And so I urge our colleagues to support the motion to proceed to the bill in order to renew these essential programs.

Having discussed the intent behind each of the measures I intend to move as a part of the Senate substitute, I want to add one last point. We have before us in this legislation an opportunity to reestablish a strong measure of bipartisan support for what we in the Finance Committee view as an important trade and foreign policy initiative. So let us take this step and let us move forward in a way that will benefit Africa and the Caribbean—a way that will benefit much of the rest of the developing world—and a way that will serve our own national interests as well.

And we propose this legislation with the U.S. national interest in mind, because we are cognizant of the fact that if we in the Congress do not look out for the interests of the American worker, we can't expect anybody else to do it. But when we can have the benefits of protecting our workers and creating jobs and expanding our economy and still help the rest of the world through these policies—and we have done that—we should continue to do that because, as President Kennedy said, ''Trade, not aid.''

For an American populace that doesn't like foreign aid, I hope that they will join us in the Congress behind these bipartisan efforts to promote our national interests and strengthen our world leadership through these trade policies that help us, as well as helping these developing nations.

I yield the floor.

Madam 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. BROWNBACK. Madam 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. BROWNBACK. Madam President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY MONEY FOR AMERICA'S FARMERS

Mr. GRASSLEY. Madam President, I would like to say a few words about the $69 billion annual U.S. Department of Agriculture appropriations bill that happens to contain $8.7 billion in emergency money for American farmers.

This legislation was sent from Capitol Hill to the President's desk last Wednesday, October 13. Every day the President delays signing this bill is one more day relief money is not in the farmers' pockets at this time of the lowest prices in 25 years.

Naturally, I know the White House is entitled to a few days to review the document for signature by the President. But that process does not and should not take 8 days that the bill has been sitting on the President's desk, particularly considering the emergency economic crisis in American agriculture.

Since September 30, President Clinton has been engaged in a strategy to confuse the public and to try to get Congress to accept tax and spending increases. The only conclusion I can draw is that the President has decided to use the agricultural relief bill for leverage in the political game we have seen with the budget this year. If that is true—and I hope it is not true, based on some comments made by Secretary Glickman; but the fact remains, the President has not signed the bill containing emergency relief for farmers—then, of course, it is unforgivable on the part of the President, given the terrible situation our farmers face.

Again, prices remain at 25-year lows. The package we moved through Congress is critical to helping farmers' cash-flow. President Clinton has given speeches about helping farmers. Why isn't he taking, then, affirmative action and putting pen to paper to help the farmers who he knows have tremendous needs at a time of prices being at 25-year lows?

Last year, an election year, the President immediately signed the supplemental spending bill that contained more than $5 billion, when this crisis in agriculture started 12 months ago. The U.S. Department of Agriculture had those funds in the mail to farmers within 10 days. The President has already lost 7 days in that process. This year, of course, is a sharp contrast with getting the bill signed and getting the money to the farmers. Every day that President Clinton delays is one more day that farmers don't have the assistance Congress passed and they desperately need.

I happen to know that the President understands American agriculture, being the Governor of the State of Arkansas for as long as he was. I know that one time, in his first couple years in office, he looked me in the eye at a meeting at the Blair House and he said, ''I understand farming more than any other President of the United States ever has.'' I believe that, but he doesn't show an understanding of the crisis in agriculture at this particular time, as he has waited now too many days to sign this bill.

I urge the President this very evening to sign this bill so that the farmers who are in crisis—which he has even given speeches on, recognizing farming is in crisis—can have the help of the $2.7 billion provided for in this legislation.

I yield the floor.

NOMINATION OF JUSTICE RONNIE WHITE

Mr. LEAHY. Madam President, for many months I had been calling for a fair vote on the nomination of Justice Ronnie White to the federal court. Instead, the country witnessed a party line vote as all 54 Republican members of the Senate present that day voted against confirming this highly qualified African-American jurist to the federal bench. I believe that vote to have been unprecedented—the only party line vote to defeat a judicial nomination I can find in our history.

There was brief debate on this nomination and two others the night before the vote. At that time, I attempted, as best I could through questions in the limited opportunity allotted, to clarify the record of this outstanding judge with respect to capital punishment appeals and to outline his background and qualifications.

I noted that Justice White had, in fact, voted to uphold the imposition of

the death penalty 41 times. I observed that other members of the Missouri Supreme Court, including members of the Court appointed by Republican governors, had similar voting records and more often than not agreed with Justice White, both when he voted to uphold the death penalty and when he joined with a majority of that Court to reverse and remand such cases for resentencing or a new trial. Of the 59 capital punishment cases that Justice White has reviewed, he voted with the majority of that Court 51 times—41 times to uphold the death penalty and 10 times to reverse for serious legal error.

As best I can determine, in only six of these 59 cases did Justice White dissent from the imposition of a death penalty, and in only three did he do so with a dissent that was not joined by other members of the court. That is hardly the record that the Senate was told about Monday and Tuesday of the first week in October, when it was told that Justice White was an anti-death penalty judge, someone who was ''procriminal and activist with a slant toward criminals,'' someone with ''a serious bias against a willingness to impose the death penalty,'' someone who seeks ''at every turn'' to provide opportunities for the guilty to ''escape punishment,'' and someone ''with a tremendous bent toward criminal activity.''

The opposition to Justice White presented a distorted view by concentrating on two lone dissents out of 59 capital punishment cases. Making matters worse, the legal issues involved in those cases were not even discussed. Instead, the opposition was concentrated on the gruesome facts of the crimes.

I believe it was another member of the Missouri Supreme Court, one of those appointed by a Republican governor of Missouri, who wrote in his own sole dissent in a gruesome case of kidnaping, rape, and murder of a teenage girl:

> Occasionally, the heinousness of a crime, the seeming certainty of the same result if the case is remanded and the delay occasioned by a second remand tempt one to wink at procedural defects. Nevertheless, the cornerstone of any civilized system of justice is that the rules are applied evenly to everyone no matter how despicable the crime.—*State* v. *Nunley*, 923 S.W.2d 911, 927 (Mo. 1996) (Holstein, J., dissenting).

Indeed, in his dissent in State v. Johnson, Justice White makes a similar point when he notes:

> This is a very hard case. If Mr. Johnson was in control of his faculties when he went on this murderous rampage, then he assuredly deserves the death sentence he was given. But the question of what Mr. Johnson's mental status was on that night is not susceptible of easy answers. . . . This is an excellent example of why hard cases make bad law. While I share the majority's horror at this carnage, I cannot uphold this as an acceptable standard of representation for a defendant accused of capital murder.—*State* v. *Johnson*, 968 S.W.2d 123, 138 (Mo. 1998).

Although you would never know the legal issue involved in this case from the discussion before the Senate, the appellate decision did not turn on the grizzly facts or abhorrence of the crimes, but difficult legal questions concerning the standard by which an appellate court should evaluate claims of ineffective assistance of counsel. Justice White sought to apply the standard set by the United States Supreme Court in *Strickland* v. *Washington*, 466 U.S. 668 (1984), and reiterated in *Kyles* v. *Whitley*, 514 U.S. 419 (1995). Thus, the dispute between Justice White and the majority was whether an appellant may succeed if he shows that there was a ''reasonable probability'' of a different result, or whether he is required to show that the counsel's unprofessional conduct was outcome-determinative and thus the ''most likely'' reason why his defense was unsuccessful. Indeed, the case turns on an issue similar to that being currently considered by the United States Supreme Court this term. Far from creating a ''new ground'' for appeal or urging a ''lower legal standard'' of review, Justice White's dissent sought to apply what he understood to be the current legal standard to the gruesome facts of a difficult case.

Likewise troubling was the use by those who opposed the nomination of Justice White's dissent in the *Kinder* case, a 1996 decision. *State* v. *Kinder*, 942 S.W.2d 313 (Mo. 1996). That case also arose from brutal crimes, which were, or course, detailed for the Senate. What is troubling is the characterization of the legal issue on appeal by Justice White's detractors. Justice White did not say that the case was ''contaminated by racial bias'' because the trial judge ''had indicated that he opposed affirmative action and had switched parties based on that.'' The dissent did not turn on the political affiliation of the judge or his opposition to affirmative action. In fact, Justice White expressly stated that the trial judge's position on affirmative action was ''irrelevant to the issue of bias.''

Rather, the point of the dissent was that the majority opinion was changing the law of Missouri by reinterpreting state law precedent and restricting it in an artificially truncated way to avoid the recusal of the trial judge, which Missouri law at that time required.

The case led to long and complicated opinions by the majority and dissent. The opposition to Justice White chose to characterize the case as if the trial judge was accused of racial bias merely for not favoring affirmative action policies. In fact, the trial judge was facing an election and had issued a press release less than a week before the defendant's trial. The defendant was an indigent, unemployed African-American man. The judge's statement read, in pertinent part:

> The truth is that I have noticed in recent years that the Democrat party places too much emphasis on representing minorities such as homosexuals, people who don't want to work, and people with a skin that's any color but white. . . . While minorities need to be represented, or [sic] course, I believe the time has come for us to place much more emphasis and concern on the hardworking taxpayers in this country.—*Kinder*, 942 S.W.2d at 321.

As Justice White's dissent correctly points out, the holding of the case rewrote Missouri Supreme Court precedent instead of following it. Without regard to the principles of *stare decisis*, following precedent, and avoiding judicial activism, the majority reversed Missouri law (without acknowledging that fact) to achieve a desired result. The majority opinion rests on the narrow proposition that only ''judicial statements'' that raise a doubt as to the judge's willingness to follow the law provide a basis for disqualification, and ''distinguished'' this case from controlling precedent because the evidence of racial bias was contained in what the majority characterized as a ''political statement.'' Justice Limbaugh, who had dissented from the earlier Missouri Supreme Court decision on which Justice White relied, wrote the majority opinion in *Kinder*, which stated:

> To the extent the comments can be read to disparage minorities, there is little point in defending them, even as the political act they were intended to be. But they are a political act, not a judicial one, and as such, they do not necessarily have any bearing on the judge's in-court treatment of minorities.—*Id.* The majority opinion created a rule that consciously disregards political statements of a judge evidencing racial bias.

In his dissent, Justice White, quoting from the earlier Missouri Supreme Court decision, wrote: '''[F]undamental fairness requires that the trial judge be free of the appearance of prejudice against the defendant as an individual and against the racial group on which the defendant is a member.'' He noted that ''conduct suggesting racial bias 'undermines the credibility of the judicial system and opens the integrity of the judicial system to question.''' *Kinder*, 942 S.W.2d at 341, citing *State* v. *Smulls*, 935 S.W.2d 9, 25–27 (Mo. 1986).

I believe that fairminded people who read and consider Justice White's dissent in *Kinder* will appreciate the strength of his legal reasoning. Certainly that was the reaction of Stuart Taylor, Jr. in his article in the October 16 National Journal and of Benjamin Wittes in his October 13 column in the Washington Post. Through the *Kinder* decision, the Missouri Supreme Court has created new law that provides very narrow restrictions on judges' conduct. Indeed, a Missouri criminal trial judge could now apparently lead a KKK rally one night and spout racial hatred, epithets and calls for racial conflict, and preside over the criminal trial of an African-American defendant the next morning—so long as he did not say anything offensive as a ''judicial statement'' in connection with the trial.

Fairness and credibility are important values for all government actions, and especially important to the guarantee of due process that makes our

justice system the best in the world. Those same qualities of fairness, credibility, and integrity are essential to the Senate confirmation process.

It is worth noting that many of the same critics of Justice White's opinion in the Kinder case adopt the opposite posture and a different standard when it comes to evaluating Judge Richard Paez, a nominee who has been held up without a vote for 44 months. Judge Paez is roundly criticized for a reference in a speech he gave in which he commented on the early stages of an initiative effort that later became Proposition 209 in California. Those who led the Republican fight against Justice White reverse themselves when it comes to opposing the Hispanic nominee from California and criticize him for much more circumspect comments predicting the likely reaction to that initiative in the Hispanic community. These critics would not only disqualify Judge Paez from hearing a case involving Proposition 209, but would disqualify him from confirmation as a federal appellate judge.

Justice White's detractors contend that they oppose ''judicial activism,'' which they define as a judge substituting his personal will for that of the legislature. However, in none of the cases on which they rely is a statute implicated. Instead, in each of these cases Justice White appears to be following controlling precedent. In the Kinder case, it is the majority that changed the law of Missouri. Likewise in the Johnson case, it was the majority that reached out to distinguish that case and alter the way in which the governing legal standard for review was to be applied.

Finally, the third case on which the opposition to Justice White relies, *State* v. *Damask*, 936 S.W.2d 565 (Mo. 1996), is not concerned with legislative action either. In this case, the Court upheld the constitutionality of law enforcement checkpoints without warrants or reasonable suspicion. The majority reached out to distinguish the case from governing precedent, changed the rules under which it viewed the governing facts, and challenged the factual basis on which the lower courts had based their conclusions.

In his dissent in Damask, Justice White relied on the authority of the United States Supreme Court in *Delaware* v. *Prouse*, 440 U.S. 648 (1979). *See also Galberth* v. *U.S.*, 590 A.2d 990 (D.C. App. 1991). His ruling expressly recognizes the importance of combating drug trafficking and, relying on the record of the cases, concludes that the checkpoints were the types of discretionary investigatory stops forbidden by governing precedent. Justice White worried that these operations had not been approved by politically accountable public officials and that the courts should not substitute their judgment for law enforcement authorities and public officials who were responsible and accountable for designing such operations. *See State* v. *Canton*, 775 S.W.2d 352 (Mo. App. 1989); *State* v. *Welch*, 755 S.W.2d 624 (Mo. App. 1988); Note, ''The Constitutionality of Drug Enforcement Checkpoints in Missouri,'' 63 Mo. L. Rev. 263 (1998). I wonder how we all might feel if instead of seizing marijuana, the armed men in camouflage fatigues shining flashlights into the faces of motorists in an isolated area late at night were seizing firearms.

Another decision that has not been mentioned in the course of this debate on Justice White's nomination is the decision of the people of Missouri to retain Justice White as a member of their Supreme Court. Although initially appointed, pursuant to Missouri law Justice White went before the voters of Missouri in a retention election in 1996. I am informed that he received over 1.1 million votes and a favorable vote of 64.7 percent.

All of the cases on which the opposition to Justice White relied were decided before his hearing and before he was twice reported favorably by a bipartisan majority of the Senate Judiciary Committee in May 1998 and July 1999. Although Justice White was first nominated to the federal bench in 1997, the Judiciary Committee did not receive negative comments about him until quite recently. No law enforcement opposition of any kind was received by the Committee of the Senate in 1997 or 1998.

This year, Justice White was renominated with significant fanfare in January and major newspapers in the state reported on the status on the nomination. I began repeated calls for his consideration by February. The Committee finally proceeded to reconsider and report his nomination, again, in July 1999. Still, the Judiciary Committee received no opposition from Missouri law enforcement.

The first contact the Judiciary Committee received from Missouri law enforcement was a strong letter of support and endorsement from the Chief of Police of the St. Louis Metropolitan Police Department. I thank Colonel Henderson for contacting the Committee and sharing his views with us. I have recently read that the Missouri Police Chiefs Association, representing 465 members across the state, does not get involved in judicial nominations. I understand that policy because it is shared by many law enforcement organizations that I know. I also appreciate that when asked by a reporter recently, the president of the Missouri Police Chiefs Association described Justice White as ''an upright, fine individual'' and that he knew Justice White personally and really had ''a hard time seeing that he's against law enforcement'' and never thought of him as ''procriminal.''

The Missouri State Lodge of the Fraternal Order of Police has indicated on behalf of its 4,500 dedicated law enforcement officer members in Missouri, that they view Justice White's record as ''one of a jurist whose record on the death penalty has been far more supportive of the rights of victims than of the rights of criminals.'' They see his record as having voted to reverse the death penalty ''in far fewer instances than the other Justices on the Court'' and note that he ''also voted to affirm the death penalty in 41 cases.'' The Missouri Fraternal Order of Police expresses its regret for ''the needless injury which has been inflicted on the reputation of Justice White'' and concludes that ''our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary.'' I thank President Thomas W. Mayer and all the FOP members in Missouri for speaking out on behalf of this fine judge and sharing their perspective with us.

I certainly understand and appreciate Sheriff Kenny Jones deciding to write to fellow sheriffs about this nomination. Sheriff Jones' wife was killed in the brutal rampage of James Johnson, from whose conviction and sentence Justice White dissented on legal grounds concerning the lack of competent representation the defendant received during the trial. All Senators give their respect and sympathy to Sheriff Jones and his family.

I also understand the petition sent by the Missouri Sheriffs Association to the Judiciary Committee as a result of Sheriff Jones' letter to other Missouri sheriffs. In early October, the Judiciary Committee received that petition along with a copy of Justice White's dissent in the Johnson case with a cover letter dated September 27. It is a statement of support for Sheriff Jones and shows remarkable restraint. The 63 Missouri county sheriffs and 9 others who signed the petition ''respectfully request that consideration be given to [Justice White's dissenting opinion in Johnson] as a factor in the appointment to fill this position of U.S. District Judge.''

I want to assure the Missouri Sheriffs Association and all Senators that I took their concern seriously and reconsidered the dissent in that case to see whether I saw in it anything disqualifying or anything that would lead me to believe that Justice White would not support enforcement of the law. I respect them for having contacted us and for the way in which they did so. It is terribly hard to continue to honor those we have loved and lost by respecting the rule of law that guarantees constitutional rights to those accused, tried, and convicted of killing innocent members of our dedicated law enforcement community.

Whether the nomination of Justice White or consideration of the legal issues considered in his opinions ''sparked strong concerns'' among Missouri law enforcement officers, or whether controversy about this nomination was otherwise generated, I am not in position to know. I do know this: I respect and consider seriously the views of law enforcement officers. As a former State's Attorney and former

Vice President of the National District Attorneys Association, I hear often from local prosecutors, police and sheriffs, both in Vermont and around the country. I work closely with local law enforcement and national law enforcement organizations on a wide variety of issues. I know from my days in local law enforcement that there are often disagreements between police and prosecutors and with judges about cases. I respect that difference and understand it.

With respect to the views expressed by law enforcement representatives on Justice Ronnie White's nomination, both for and against, I say the following: I have considered each of the letters produced during the course of the Senate debate and reconsidered the cases to which they refer. I respectfully disagree that those decisions present a basis to vote against the confirmation of Justice Ronnie White to the federal court. Far from presenting a pattern of ''procriminal jurisprudence'' or ''tremendous bent toward criminal activity,'' they are dissents well within the legal mainstream and well supported by precedent and legal authority. Further, if considered in the context of his body of work, achievements, and qualifications, they present no basis for voting against this highly qualified and widely respected nominee. I conclude, as did the Missouri State Lodge of the Fraternal Order of Police, that ''our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary.''

With all due respect, I do not believe that any constituency or interest group, even one as important as local law enforcement, is entitled to a Senate veto over a judicial nomination. Each Senator is elected to vote his or her conscience on these judicial appointments, not any special interest or party line. When Senators do not vote their conscience, they risk the debacle that we witnessed on October 5th, when a partisan political caucus vote resulted in a fine man and highly qualified nominee being rejected by all Republican Senators on a party line vote.

It is too late for the Senate to undo the harm done to Justice White. What the Senate can do now is to make sure that partisan error is not repeated. The Senate should ensure that other minority and women candidates receive a fair vote. We can start with the nominations of Judge Richard Paez and Marsha Berzon, which have been held up far too long without Senate action. It is past time for the Senate to do the just thing, the honorable thing, and vote to confirm each of these highly qualified nominees. Let us start the healing process. Let us vote to confirm Judge Richard Paez and Marsha Berzon before this session ends.

I ask unanimous consent that a copy of the October 21, 1999 letter from the Missouri State Fraternal Order of Police be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FRATERNAL ORDER OF POLICE,
MISSOURI STATE LODGE,
October 21, 1999.

Sheriff PHILIP H. MCKELVEY,
President, National Sheriff's Association, Alexandria, VA.

DEAR SHERIFF MCKELVEY: I am writing on behalf of the more than 4,500 members of the Missouri State Fraternal Order of Police to express my great consternation at your organization's recent opposition to the confirmation of Justice Ronnie White to the Federal bench, an opposition which I sincerely hope was not simply politically motivated.

The record of Justice White is one of a jurist whose record on the death penalty has been far more supportive of the rights of victims than of the rights of criminals. While in fact voting 17 times for death penalty reversals, he has voted to do so in far fewer instances than the other Justices on the Court. In addition, Justice White has also voted to affirm the death penalty in 41 cases.

The Fraternal Order of Police is no stranger to fighting to see that justice is served for slain law enforcement officers and their families. Our organization has been at the forefront of bringing to justice Munia Abu-Jamal, establishing a nationwide boycott of individuals and organizations which financially support the efforts of this convicted cop killer. In addition, the FOP led the fight against President Clinton's clemency of 16 convicted Puerto Rican terrorists responsible for a wave of bombing attacks on U.S. soil and the wounding of three New York City police officers.

Unfortunately however, nothing can undo the needless injury which has been inflicted on the reputation of Justice White, and our nation has been deprived of an individual who surely would have proven to be an asset to the Federal Judiciary.

On behalf of the membership of the Fraternal Order of Police, I would encourage you to exercise greater judgment in future battles of this sort. It is a great disservice to the members of your organization, and the nation as a whole, to choose to do otherwise.

Sincerely,

THOMAS W. MAYER,
President, Missouri State FOP.

COMMERCE–JUSTICE–STATE APPROPRIATIONS CONFERENCE REPORT

Mr. JEFFORDS, I rise today to express my profound disappointment that the Conference Report to the Fiscal Year 2000 Commerce, Justice, State and the Judiciary Appropriations bill removed language that was in the Senate passed bill to expand Federal jurisdiction in investigating hate crimes.

The language inserted in the Senate passed bill would expand Federal jurisdiction in investigating hate crimes by removing the requirement in Federal hate crime law that only allows federal prosecution if the perpetrator is interfering with a victim's federally protected right like voting or attending school. It would also extend the protection of current hate crime law to those who are victimized because of their gender, sexual orientation, or disability.

Any crime hurts our society, but crimes motivated by hate are especially harmful. Many states, including my state of Vermont, have already passed strong hate crimes laws, and I applaud them in this endeavor. An important principle of the amendment that was in the Senate-passed bill was that it allowed for Federal prosecution of hate crimes without impeding the rights of states to prosecute these crimes.

The adoption of this amendment by the Senate was an important step forward in ensuring that the perpetrators of these harmful crimes are brought to justice. The American public knows that Congress should pass this legislation, and it is unfortunate that the conferees did not retain this important language.

Congress should pass this legislation, and I will work to ensure that this legislation is enacted into law in the very near future.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, at the close of business yesterday, Wednesday, October 20, 1999, the Federal debt stood at $5,669,462,199,918.75 (Five trillion, six hundred sixty-nine billion, four hundred sixty-two million, one hundred ninety-nine thousand, nine hundred eighteen dollars and seventy-five cents).

One year ago, October 20, 1998, the Federal debt stood at $5,543,686,000,000 (Five trillion, five hundred forty-three billion, six hundred eighty-six million).

Five years ago, October 20, 1994, the Federal debt stood at $4,709,361,000,000 (Four trillion, seven hundred nine billion, three hundred sixty-one million).

Ten years ago, October 20, 1989, the Federal debt stood at $2,876,433,000,000 (Two trillion, eight hundred seventy-six billion, four hundred thirty-three million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,793,029,199,918.75 (Two trillion, seven hundred ninety-three billion, twenty-nine million, one hundred ninety-nine thousand, nine hundred eighteen dollars and seventy-five cents) during the past 10 years.

NOMINATIONS

Mrs. BOXER. Madam President, as my colleagues know, I have been urging the Majority Leader to schedule Senate debate and votes on two nominees for the Ninth Circuit Court of Appeals —Marsha Berzon and Richard Paez. Judge Paez was first nominated 45 months ago. Ms. Berzon's nomination has been pending for almost 2 years.

I know that the Majority Leader supports the nomination of Glenn McCullough to the Board of Directors of the Tennessee Valley Authority.

I have no objection to voting on Mr. McCullough. I voted him favorably out of the Environment and Public Works Committee this week.

What I do object to is keeping the nominations of Judge Paez and Marsha Berzon from the Senate floor long after they have been voted out of committee.

So I have no problem with Senator LOTT's nominee, who has been waiting

for a Senate vote for two days—as long as Senator LOTT and the Republican majority also consider those who have been waiting years for a vote.

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 10:57 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2670. An act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

ENROLLED BILL SIGNED

At 3:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1663. An act to recognize National Medal of Honor sites in California, Indiana, and South Carolina.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:54 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House 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. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed on today, October 21, 1999, by the President pro tempore (Mr. THURMOND):

H.R. 2841. An act to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5724. A communication from the Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Scale Requirements for Accurate Weights, Repairs, Adjustments, and Replacement After Inspection'', received October 8, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5725. 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 ''Milk in the New England and Other Marketing Areas; Final Rule; Delay of Effective Date—(DA–97–12)'', received October 7, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5726. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Tuberculosis in Cattle and Bison; State Designations; California, Pennsylvania, and Puerto Rico'' (Docket #99–063–1), received October 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5727. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Animal Welfare; Perimeter Fence Requirements'' (Docket #95–029–2), received October 19, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5728. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Belgium Because of BSE'' (Docket #97–115–2), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5729. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Change in Disease Status of Luxembourg Because of BSE'' (Docket #97–118–2), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5730. A communication from the Congressional Review Coordinator, Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Oriental Fruit Fly; Removal of Quarantined Area'' (Docket #99–044–2), received October 14, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5731. 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 ''Pyriproxyfen; Pesticide Tolerance'' (FRL #6381–3), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5732. 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 ''Pyrithiobac Sodium Salt; Time-Limited Pesticide Tolerance'' (FRL #6386–5), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5733. 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 ''Tebufenozide; Benzoic Acid, 3,5-dimethyl1-1(1,1-dimethylethyl)-2-(-4-thylbenzoy;) hydrazide, Pesticide Tolerance'' (FRL #6382–6), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5734. 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 ''Sethoxydim; Pesticide Tolerances for Emergency Exemptions'' (FRL #6385–9), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5735. 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 ''Metolachlor; Extension of Tolerance for Emergency Exemptions'' (FRL #6386–1), received October 15, 1999; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5736. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Revision 1 of Regulatory Guide 8.15, 'Acceptable Programs for Respiratory Protection' '', received October 15, 1999; to the Committee on Environment and Public Works.

EC–5737. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Guide 1.181, 'Content of the Updated Final Safety Analysis Report in Accordance with 10 CFR 50.71(e)' '', received October 14, 1999; to the Committee on Environment and Public Works.

EC–5738. 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 ''Approval and Promulgation of Air Quality Implementation Plans; Maryland; VOCs from Paint, Resin and Adhesive Manufacturing and Adhesive Application'' (FRL #6460–1), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5739. 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 ''Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision: Kern County Air Pollution Control District, Yolo-Solano Air Quality Management District'' (FRL #6452–3), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5740. 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 ''Approval and Promulgation of Implementation Plans; Tennessee: Approval of Revisions to the Knox County Portion of the Tennessee SIP Regarding Use of LAER for Major Modifications and Revisions to the Tennessee SIP Regarding the Coating of Miscellaneous Metal Parts'' (FRL #6453–8), received October 14, 1999; to the Committee on Environment and Public Works.

EC–5741. 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 ''Approval and Promulgation of Implementation Plans; Oklahoma; Recodification of Regulations'' (FRL #6457–

7), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5742. 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 ''Approval and Promulgation of Implementation Plans; Revisions to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program'' (FRL #6461–8), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5743. 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 ''National Priorities List for Uncontrolled Hazardous Waste Sites'' (FRL #6462–1), received October 19, 1999; to the Committee on Environment and Public Works.

EC–5744. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, two reports entitled ''Issuance of Final Guidance: Ecological Risk Assessment and Risk Management Principles for Superfund Sites'' and ''The Brownfields Economic Redevelopment Initiative: Proposal Guidelines for Brownfields Assessment Demonstration Pilots''; to the Committee on Environment and Public Works.

EC–5745. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Acushnet River, MA (CGD01–99–174)'' (RIN2115–AE47) (1999–0049), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5746. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Thames River, CT (CGD01–99–178)'' (RIN2115–AE47) (1999–0051), received October 19, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5747. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Drawbridge Regulations; Harlem River, Newtown Creek, NY (CGD01–99–175)'' (RIN2115–AE47) (1999–0050), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5748. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Stone Mountain Productions; Tennessee River Mile 463.5–464.5, Chattanooga, TN (CGD08–99–060)'' (RIN2115–AE46) (1999–0040), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5749. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Regatta Regulations; SLR; Night in Venice, Great Egg Harbor, City of Ocean City, NJ (CGD05–99–016)'' (RIN2115–AE46) (1999–0041), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5750. A communication from the Chief, Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fire Protection Measures for Towing Vessels (USCG–1998–4445)'' (RIN2115–AF66) (1999–0001), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5751. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone off Alaska; Inseason Adjustment to Required Observer Coverage'', received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5752. A communication from the Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Hazardous Materials Regulations: Editorial Corrections and Clarifications'' (RIN2137–AD38), received October 14, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5753. A communication from the Chief, Accounting Policy Division, Common Carrier Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled ''Federal-State Joint Board on Universal Service, Access Charge Reform'' (FCC 99–290) (CC Doc. 96–45), received October 15, 1999; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2112. A bill to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

H. J. Res. 62. A joint resolution to grant the consent of Congress to the boundary change between Georgia and South Carolina.

S. 1235. A bill to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1485. A bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1713. A bill to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

S. 1753. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act.

EXECUTIVE REPORTS OF A COMMITTEE

The following executive reports of a committee were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Michael O'Neill, of Maryland, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Joe Kendall, of Texas, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

John R. Steer, of Virginia, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Ruben Castillo, of Illinois, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for the remainder of the term expiring October 31, 1999.

Diana E. Murphy, of Minnesota, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2005.

Diana E. Murphy, of Minnesota, to be Chair of the United States Sentencing Commission.

Sterling R. Johnson, Jr., of New York, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2001.

William Sessions, III, of Vermont, to be a Member of the United States Sentencing Commission for a term expiring October 31, 2003.

Timothy B. Dyk, of the District of Columbia, to be United States Circuit Judge for the Federal Circuit.

Richard Linn, of Virginia, to be United States Circuit Judge for the Federal Circuit.

Paul L. Seave, of California, to be United States Attorney for the Eastern District of California for a term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

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 Mr. BREAUX (for himself and Mr. MACK):

S. 1759. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Ms. SNOWE, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1760. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. GRAMM):

S. 1761. A bill to direct the Secretary of the Interior, through the Bureau of Reclamation, to conserve and enhance the water supplies of the Lower Rio Grande Valley; to the Committee on Energy and Natural Resources.

By Mr. COVERDELL (for himself and Mrs. LINCOLN):

S. 1762. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ALLARD:

S. 1763. A bill to amend the Solid Waste Disposal Act to reauthorize the Office of Ombudsman of the Environmental Protection Agency, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1764. A bill to make technical corrections to various antitrust laws and to references to such laws; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1765. A bill to prohibit post-viability abortions; to the Committee on the Judiciary.

By Mr. MCCAIN (for himself and Mr. BURNS):

S. 1766. A bill to amend the Internal Revenue Code of 1986 to provide for a deferral of tax on gain from the sale of telecommunications businesses in specific circumstances of a tax credit and other incentives to promote diversity of ownership in telecommunications businesses; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1767. A bill to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ABRAHAM:

S. 1768. A bill to amend the Congressional Budget Act of 1974 to protect Social Security surpluses through strengthened budgetary enforcement mechanisms; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. GRAMS:

S.J. Res. 36. A joint resolution recognizing the late Bernt Balchen for his many contributions to the United States and a lifetime of remarkable achievements on the centenary of his birth, October 23, 1999; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BREAUX (for himself, and Mr. MACK):

S. 1759. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

THE FUEL TAX EQUALIZATION CREDIT FOR SUBSTANTIAL POWER TAKEOFF VEHICLES ACT

Mr. BREAUX. Mr. President, today I rise to introduce the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act. This bill upholds a long-held principle in the application of the Federal fuels excise tax, and restores this principle for certain single engine ''dual-use'' vehicles.

This long-held principle is simple: fuel consumed for the purpose of moving vehicles over the road is taxed, while fuel consumed for ''off-road'' purposes is not taxed. The tax is designed to compensate for the wear and tear impacts on roads. Fuel used for a non-propulsion ''off-road'' purpose has no impact on the roads. It should not be taxed as if it does. Mr. President, this bill is based on this principle, and it remedies a problem created by IRS regulations that control the application of the federal fuels excise tax to ''dual-use'' vehicles.

Dual-use vehicles are vehicles that use fuel both to propel the vehicle on the road, and also to operate separate, on-board equipment. The two prominent examples of dual-use vehicles are concrete mixers, which use fuel to rotate the mixing drum, and sanitation trucks, which use fuel to operate the compactor. Both of these trucks move over the road, but at the same time, a substantial portion of their fuel use is attributable to the non-propulsion function.

Mr. President, the current problem developed because progress in technology has outstripped the regulatory process. In the past, dual-use vehicles commonly had two engines. IRS regulations, written in the 1950s, specifically exempt the portion of fuel used by the separate engine that operates special equipment such as a mixing drum or a trash compactor. These IRS regulations reflect the principle that fuel consumed for non-propulsion purposes is not taxed.

Today, however, typical dual-use vehicles use only one engine. The single engine both propels the vehicle over the road and powers the non-propulsion function through ''power takeoff.'' A major reason for the growth of these single-engine, power takeoff vehicles is that they use less fuel. And a major benefit for everyone is that they are better for the environment.

Power takeoff was not in widespread use when the IRS regulations were drafted, and the regulations deny an exemption for fuel used in single-engine, dual-use vehicles. The IRS defends its distinction between one-engine and two-engine vehicles based on possible administrative problems if vehicle owners were permitted to allocate fuel between the propulsion and non-propulsion functions.

Mr. President, our bill is designed to address the administrative concerns expressed by the IRS, but at the same time, restore tax fairness for dual-use vehicles with one engine. The bill does this by establishing an annual tax credit available for taxpayers that own a licensed and insured concrete mixer or sanitation truck with a compactor. The amount of the credit is $250 and is a conservative estimate of the excise taxes actually paid, based on information compiled on typical sanitation trucks and concrete mixers.

In sum, as a fixed income tax credit, no audit or administrative issue will arise about the amount of fuel used for the off-road purpose. At the same time, the credit provides a rough justice method to make sure these taxpayers are not required to pay tax on fuels that they shouldn't be paying. Also, as an income tax credit, the proposal would have no effect on the highway trust fund.

Mr. President, I would like to stress that I believe the IRS' interpretation of the law is not consistent with long-help principles under the tax law, despite their administrative concerns. Quite simply, the law should not condone a situation where taxpayers are required to pay the excise tax on fuel attributable to non-propulsion functions. This bill corrects an unfair tax that should have never been imposed in the first place. I urge my colleagues to cosponsor this important piece of legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1759

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 ''Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act''.

SEC. 2. REFUNDABLE CREDIT FOR TAXPAYERS OWNING COMMERCIAL POWER TAKEOFF VEHICLES.

(a) IN GENERAL.—Section 34 of the Internal Revenue Code of 1986 (relating to certain uses of gasoline and special fuels) is amended by adding at the end the following new subsection:

''(c) CREDIT FOR COMMERCIAL POWER TAKEOFF VEHICLES.—

''(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year the amount of $250 for each qualified commercial power takeoff vehicle owned by the taxpayer as of the close of the calendar year in which or with which the taxable year of the taxpayer ends.

''(2) QUALIFIED COMMERCIAL POWER TAKEOFF VEHICLE.—For purposes of this subsection, the term 'qualified commercial power takeoff vehicle' means any highway vehicle described in paragraph (3) which is propelled by any fuel subject to tax under section 4041 or 4081 if such vehicle is used in a trade or business or for the production of income (and is licensed and insured for such use).

''(3) HIGHWAY VEHICLE DESCRIBED.—A highway vehicle is described in this paragraph if such vehicle is—

''(A) designed to engage in the daily collection of refuse or recyclables from homes or businesses and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a load compactor, or

''(B) designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

''(4) EXCEPTION FOR VEHICLES USED BY GOVERNMENTS, ETC.—No credit shall be allowed under this subsection for any vehicle owned by any person at the close of a calendar year if such vehicle is used at any time during such year by—

''(A) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

''(B) an organization exempt from tax under section 501(a).

''(5) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction under this subtitle for any tax imposed by subchapter B of chapter 31 or part III of subchapter A of chapter 32 for any taxable year shall be reduced (but not below zero) by the amount of the credit determined under this subsection for such taxable year.''

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 1999.

Mr. MACK. Mr. President, I am pleased to join my colleague, Senator JOHN BREAUX, in introducing the Fuel Tax Equalization Credit for Substantial Power Takeoff Act.

This bill would create a simple mechanism to reimburse owners of concrete mixers and sanitation trucks for the Federal excise taxes that they pay on fuels used to power the off-road function of their vehicles.

Today, IRS regulations impose the Federal fuels excise tax on ''single engine, dual-use vehicles.'' Two prominent examples of such single-engine, dual-use vehicles are concrete mixers and sanitation trucks. The IRS taxes the entire amount of fuel used in these vehicles, despite the fact that a substantial portion of the fuel consumed is used to power an off-road function—the trash compactor of a sanitation truck, or the rotating drum of the cement truck.

Mr. President, the Federal fuels excise tax is meant to pay for our Nation's roads. If fuel is used for an off-road purpose, it is a well-established principle that we do not tax the fuel. In this case, fuels used to power the trash compactor or rotate the drum on a concrete mixer do not result in wear and tear on the roads and, therefore, should not be taxes.

Contrary to this well-established principle, the IRS imposes the excise tax on single engine, dual-use vehicles. The simple reason given by the IRS for this distinction is administrative convenience. But the convenience of the IRS is no reason to overtax diesel fuel consumers.

Mr. President, our bill corrects the discrepancy created under IRS regulations, and does so without creating any administrative red tape. The $250 income tax credit crafted in the bill would be easy to administer. While it will not fully and precisely compensate these truck owners for the taxes paid on fuel used off-road, this credit has been calculated based on industry data and using conservative estimates, and reduces a tax that these truck owners should not be paying in the first place. Therefore, I urge my colleagues to join Senator BREAUX and me in supporting this important piece of legislation.

By Mr. BIDEN (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Ms. COLLINS, Mr. DASCHLE, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mr. EDWARDS, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. MOYNIHAN, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. ROTH, Mr. SARBANES, Mr. SCHUMER, Mr. SPECTER, Ms. SNOWE, Mr. TORRICELLI, and Mr. WELLSTONE):

S. 1760. A bill to provide reliable officers, technology, education, community prosecutors, and training in our neighborhoods; to the Committee on the Judiciary.

PROTECTION ACT OF 1999 OR PROVIDING RELIABLE OFFICER, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS AND TRAINING IN OUR NEIGHBORHOODS

Mr. BIDEN. Mr. President, when we passed the 1994 crime bill and created the COPS Program, there were some skeptics. There were people who thought community policing was nothing more than social work and that the program would not work.

Do you remember what I said to the skeptics? I told them that either this program was going to work and we would be geniuses or that it would flop and we would be run out of town. There is an old saying that success has a thousand fathers but failure is an orphan. Now, there are a thousand people all claiming to be the parent of this program simply because it has worked so darn well.

In 1994, we set a goal of funding 100,000 police officers by the year 2000. We met that goal last May—months ahead of schedule. As of today, there have been 103,000 officers funded and 55,000 officers deployed to the streets. The COPS Programs is ahead of schedule and under budget.

Because of COPS, the concept of community policing has become law enforcement's principal weapon fighting crime. Community policing has redefined the relationship between law enforcement and the public. But, more importantly, it has reduced crime. And that is what we attempted to do.

All across the country, from Wilmington to Washington—from Connecticut to California, we are seeing a dramatic decline in crime. Just this week, the FBI released its annual crime statistics which showed that once again, for the seventh year in a row, crime is down. In fact, since 1994, violent crime is down 17.6 percent. And just last year, violent crime was down 6.4 percent nationwide from the year before. But, we can't let that slow us down.

And that's why I'm here today. I am proud of our accomplishments, but we cannot become complacent. We have a unique opportunity here. Some people say if crime down, why put more cops on the streets? Well it's simple math: more cops equals less crime. If we know one thing it is this: if a crime is going to be committed and there is a cop on one street corner and not one the other, guess where the crime is going to be committed? Not where the cop is, I would guess.

Maybe someday we will reach the point where crime is so low that we don't have to take pro-active steps any longer. But, we are not there yet. Our children and our parents are still at great risk out there and it should not be that way. Nor does it have to be that way. And why more cops on the street, it won't be that way.

That is why today, I introduced a bill to continue this program for the next 5 years. It's called ''PROTECTION''—''Providing reliable officers, technology, education, community prosecutors and training in our neighborhoods.'' This bill will put up to 50,000 more officers on the street.

It will also allow police officers to be reimbursed for college or graduate school, because we all know that overcoming crime problems requires something more than just more cops. It requires cops who understand the importance of prevention and community relations. The legislation also provides funding for new technology so that law enforcement can purchase high-tech equipment to put them on equal footing with sophisticated criminals. And it provides for funding for community prosecutors—to expand the community policing concept to engage the whole law enforcement community in fighting crime. It has all the things that law enforcement told me that they needed to do their jobs.

I am proud to say that this legislation has the support of all the major law enforcement organizations and that 49 of my colleagues have told me that they support this legislation. Forty-five of them will join me today in cosponsoring this legislation—including 5 Republicans. I want to recognize my friends on the other side of the aisle and thank them for listening to their constituents, their mayors and their police chiefs who said: We can not do this without your help.

I hope that even more will join us today. I ask the rest of my colleagues—there are 50 more of you—will you be with us on this? Will you listen to everyone who is asking for help? Will you listen to your police chiefs and your mayors? Will you stand up and be counted among those who say enough is enough—and I'm going to do something about crime? I'm going to put more police officers on the street. I'm going to support the most effective law enforcement program of our time.

I hope that we can put politics aside on this one and all join forces to support the folks who do so much for us each and every day. The people who put their safety on the line so that we may be more secure. It is then, that I will know that we have all put our Nation's interest first.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1760

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 ''Providing Reliable Officers, Technology, Education, Community prosecutors, and Training In Our Neighborhoods Act of 1999'' or ''PROTECTION Act''.

SEC. 2. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting ''and prosecutor'' after ''increase police''; and

(2) inserting ''to enhance law enforcement access to new technologies, and'' after ''presence,''.

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after ''Nation'' the following: '', or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts''; and

(ii) by striking ''and'' at the end;

(B) in subparagraph (C), by—

(i) striking ''or pay overtime''; and

(ii) striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education.''; and

(2) in paragraph (2) by striking all that follows SUPPORT SYSTEMS.—'' and inserting ''Grants pursuant to—

''(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

''(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

''(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.''.

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting ''integrity and ethics'' after ''specialized''; and

(B) by inserting ''and'' after ''enforcement officers'';

(2) in paragraph (7) by inserting ''school officials, religiously-affiliated organizations,'' after ''enforcement officers'';

(3) by striking paragraph (8) and inserting the following:

''(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;'';

(4) in paragraph (10) by striking ''and'' at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.''.

(d) TECHNICAL ASSISTANCE.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting ''use up to 5 percent of the funds appropriated under subsection (a) to'' after ''The Attorney General may'';

(B) by inserting at the end the following: ''In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.'';

(2) in paragraph (2) by inserting ''under subsection (a)'' after ''the Attorney General''; and

(3) in paragraph (3)—

(A) by striking ''the Attorney General may'' and inserting ''the Attorney General shall'';

(B) by inserting ''regional community policing institutes'' after ''operation of''; and

(C) by inserting ''representatives of police labor and management organizations, community residents,'' after ''supervisors,''.

(e) TECHNOLOGY AND PROSECUTION PROGRAMS.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

''(e) LAW ENFORCEMENT TECHNOLOGY PROGRAM.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

''(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

''(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

''(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

''(f) COMMUNITY-BASED PROSECUTION PROGRAM.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

''(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

''(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

''(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.''.

(f) RETENTION GRANTS.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–2) is amended by inserting at the end the following:

''(d) RETENTION GRANTS.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).''.

(g) DEFINITIONS.—

(1) CAREER LAW ENFORCEMENT OFFICER.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended by inserting after ''criminal laws'' the following: ''including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.''.

(2) SCHOOL RESOURCE OFFICER.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd–8) is amended—

(A) by striking subparagraph (A) and inserting the following:

''(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;

(B) by striking subparagraph (E) and inserting the following:

''(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for

the implementation of prevention/intervention programs within the schools;''; and

(C) by adding at the end the following:

''(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

''(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

''(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

''(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.''.

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

''(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

''(i) $1,150,000,000 for fiscal year 2000;

''(ii) $1,150,000,000 for fiscal year 2001;

''(iii) $1,150,000,000 for fiscal year 2002;

''(iv) $1,150,000,000 for fiscal year 2003;

''(v) $1,150,000,000 for fiscal year 2004; and

''(vi) $1,150,000,000 for fiscal year 2005.''; and

(2) in subparagraph (B)—

(A) by striking ''3 percent'' and inserting ''5 percent'';

(B) by striking ''1701(f)'' and inserting ''1701(g)'';

(C) by striking the second sentence and inserting ''Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.'';

(D) by striking ''85 percent'' and inserting ''$600,000,000''; and

(E) by striking ''1701(b),'' and all that follows through ''of part Q'' and inserting the following: ''1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).''.

● Mr. EDWARDS. Mr. President, I rise today in support of the 21st Century Community Policing Initiative Act. I am proud to be an original co-sponsor of this legislation, introduced by Senators BIDEN and SCHUMER, that I believe is crucial to our efforts to fight crime.

This important bill would re-authorize the successful Community Oriented Policing Services (COPS) program through the year 2005. Because of the COPS program, there are over 100,000 more police officers on the beat than there were before this program was implemented in 1994. This represents a nearly 20 percent increase in police presence nationwide.

By extending the COPS program, the 21st Century Community Policing Initiative Act will help put up to 50,000 more police on the streets over the next five years. It will also provide $350 million a year in grants to law enforcement agencies to assist them in acquiring new technology to enhance crime fighting efforts. This means better communications systems so cops in different jurisdictions can talk to each other; state of the art investigative tools like DNA analysis; and the means to target crime hot spots.

This legislation would also provide $200 million per year in grants for community-wide prosecutors. This aspect of the bill would expand the community policing concept to engage the whole community in preventing and fighting crime. The cops have been so successful in their jobs that the next step is to provide more prosecutors to help get criminals off the streets.

Mr. President, one of the best ways to fight crime is to have more well-trained police officers on our streets and in our schools, and to provide them with the latest equipment and technology. The COPS program has helped achieve these goals, and has in turn helped to make our communities safer places for our children, families, and businesses.

The COPS program has been a tremendous asset to my state of North Carolina. As of October 20th, the COPS program had provided North Carolina with grants of over $135 million. From Alexander Mills to Zebulon, North Carolina communities have received COPS funding to help law enforcement agencies hire an additional 2,602 police officers to patrol neighborhoods and protect our schools.

In August, I met with police officers and sheriffs from across North Carolina to learn more about how the COPS program is helping to keep local communities safe. I heard from law enforcement officers from the larger cities such as Raleigh and Charlotte. I also spoke with officers from smaller, rural areas like North Wilkesboro and Randolph County. The one clear message that I got from all of these officers is that the COPS program is working and should be continued.

Mr. President, crime rates in big cities are generally higher than they are in smaller towns. An increased police presence can help deter crime in these urban areas. However, officers I met with from less populated regions of North Carolina emphasized to me that even one more cop can make a world of difference to a community that lacks its own resources to hire more police officers. In these situations, the COPS program can step in and provide these communities with the additional help they need.

One of the most interesting and persuasive arguments to renew the COPS program was also one that I heard during these conversations with North Carolina police officers. They told me that when people think of the COPS program, they immediately think of more officers policing the streets. However, one of the most important roles that the COPS program has played is to provide funds for law enforcement agencies to work in partnership with education officials to solve problems of crime in and around schools.

Officers are not just placed in the schools to instill discipline. They act as counselors, coaches and mentors for children. And they are reaching out to students by offering safe after-school activities. North Carolina officers told me that these efforts are some of the best kinds of crime prevention measures that we can take.

By connecting with at-risk youth, these school-based officers have become trusted adult authority figures that kids will run to in times of trouble, instead of running away from them.

Many police chiefs and sheriffs credit community policing and COPS support with dramatic drops in crime rates around the nation. Since the inception of the COPS program, violent crime in North Carolina is down 7% and aggravated assault has fallen by 8%. According to a report issued by the State Bureau of Investigation, the state's murder rate fell 3% from 1997 to 1998. And, the country's crime rate is at its lowest in 25 years.

These statistics are encouraging, but now is not the time to eliminate a program that has substantially contributed to declining crime rates. We still have a long way to go to insuring that people are walking crime-free streets and children are attending crime-free schools.

Continuation of the COPS program is one significant way that we can continue to make progress towards these goals.

Mr. President, during debate on the juvenile crime bill, Senator BIDEN offered an amendment that would have re-authorized the COPS program through 2005. I voted for this amendment which was endorsed by many law enforcement organizations including the National Fraternal Order of Police and the International Association of Chiefs of Police. Unfortunately, the amendment failed by the slimmest of margins (48–50). However, I am confident that upon reconsideration of the question whether it is necessary to renew the COPS program, my colleagues will realize how effective and valuable the program has been, not only to their individual states, but to the nation as a whole.

I want to thank Senators BIDEN and SCHUMER for their efforts to re-authorize the COPS program and I urge all of

my colleagues to support the 21st Century Community Policing Initiative Act.●

By Mr. COVERDELL (for himself and Mrs. LINCOLN):

S. 1762. A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such act or related laws; to the Committee on Agriculture, Nutrition, and Forestry.

SMALL WATERSHED REHABILITATION ACT OF 1999

Mr. COVERDELL. Mr. President, we have a national problem that greatly affects Georgia if not addressed. Since 1944, under a federal program administered by the United States Department of Agriculture's Natural Resources Conservation Service, over 10,400 small watershed dams were constructed in 46 states. These dams were planned and designed with a 50 year lifespan. The purpose of this program was to provide flood control, water quality improvement, rural water supply assurance, fish and wildlife habitat protection, recreation, and irrigation.

Communities depend upon these watershed projects. However, many of these dams have reached their life expectancy and are badly in need of repair. Currently, the United States Department of Agriculture has neither the authority nor funds for rehabilitation of watershed structures. The legislation I introduce today along with Senator LINCOLN, the Small Watershed Rehabilitation Act of 1999, provides a needed and critical solution to this growing crisis for rural America.

The state of Georgia alone has 357 small watershed dams, 69 of which will reach the end of their designed lifespan within the next 10 years. It is my understanding that 121 dams in Georgia need to be modified to meet state dam safety laws and protect residential and commercial development downstream from the dams while 8 dams need repairs and modifications to extend their useful life and help prevent future environmental and economic losses. Since fiscal year 1996, the state of Georgia has appropriated over $4.6 million to bring these structures in compliance with the Georgia Safe Dams Act. However, state and local communities do not have enough financial resources available to rehabilitate these watersheds dams in a timely fashion.

The legislation Senator LINCOLN and I are introducing lays out a procedure and a funding mechanism for a rehabilitation process that would ultimately save these dams across the nation, including those located in Georgia. The bill authorizes $60 million a year from 2000 to 2009 and requires the Secretary of Agriculture to establish a system of ranking and approving rehabilitation requests on need and merit. Specifically, the legislation calls for $5 million to be used annually by the Secretary to assess the true needs of the entire program in the first two years of the program's existence. Under this program, 65 percent would be funded by the federal government while the remaining 35 percent would be funded locally. Recent flooding in the southeast from Hurricane Floyd and Irene make enactment of this legislation an even more pressing matter.

This bi-partisan legislation has been endorsed by Governor Roy Barnes of Georgia and a wide range of other Georgia state and local officials and national associations.

I would like to thank Senator LINCOLN for her leadership, and for working with me on this important legislation. This bill is a Senate companion to legislation introduced by Representative FRANK LUCAS of Oklahoma. We look forward to working with him on securing its enactment.

Mr. President, I ask unanimous consent that the text of the bill and letters of support be priinted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1762

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 ''Small Watershed Rehabilitation Act of 1999''.

SEC. 2. REHABILITATION OF WATER RESOURCE STRUCTURAL MEASURES CONSTRUCTED UNDER CERTAIN DEPARTMENT OF AGRICULTURE PROGRAMS.

The Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.) is amended by adding at the end the following new section:

''SEC. 14. REHABILITATION OF STRUCTURAL MEASURES NEAR, AT, OR PAST THEIR EVALUATED LIFE EXPECTANCY.

''(a) DEFINITIONS.—For purposes of this section:

''(1) REHABILITATION.—The term 'rehabilitation', with respect to a structural measure constructed as part of a covered water resource project, means the completion of all work necessary to extend the service life of the structural measure and meet applicable safety and performance standards. This may include (A) protecting the integrity of the structural measure, or prolonging the useful life of the structural measure, beyond the original evaluated life expectancy, (B) correcting damage to the structural measure from a catastrophic event, (C) correcting the deterioration of structural components that are deteriorating at an abnormal rate, (D) upgrading the structural measure to meet changed land use conditions in the watershed served by the structural measure or changed safety criteria applicable to the structural measure, or (E) decommissioning the structural measure, including removal or breaching.

''(2) COVERED WATER RESOURCE PROJECT.—The term 'covered water resource project' means a work of improvement carried out under any of the following:

''(A) This Act.

''(B) Section 13 of the Act of December 22, 1944 (Public Law 78–534; 58 Stat. 905).

''(C) The pilot watershed program authorized under the heading 'FLOOD PREVENTION' of the Department of Agriculture Appropriation Act, 1954 (Public Law 156; 67 Stat. 214).

''(D) Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.; commonly known as the Resource Conservation and Development Program).

''(3) ELIGIBLE LOCAL ORGANIZATION.—The term 'eligible local organization' means a local organization or appropriate State agency responsible for the operation and maintenance of structural measures constructed as part of a covered water resource project.

''(4) STRUCTURAL MEASURE.—The term 'structural measure' means a physical improvement that impounds water, commonly known as a dam, which was constructed as part of a covered water resource project.

''(b) COST SHARE ASSISTANCE FOR REHABILITATION.—

''(1) ASSISTANCE AUTHORIZED.—The Secretary may provide financial assistance to an eligible local organization to cover a portion of the total costs incurred for the rehabilitation of structural measures originally constructed as part of a covered water resource project. The total costs of rehabilitation include the costs associated with all components of the rehabilitation project, including acquisition of land, easements, and rights-of-ways, rehabilitation project administration, the provision of technical assistance, contracting, and construction costs, except that the local organization shall be responsible for securing all land, easements, or rights-of-ways necessary for the project.

''(2) AMOUNT OF ASSISTANCE; LIMITATIONS.—The amount of Federal funds that may be made available under this subsection to an eligible local organization for construction of a particular rehabilitation project shall be equal to 65 percent of the total rehabilitation costs, but not to exceed 100 percent of actual construction costs incurred in the rehabilitation. However, the local organization shall be responsible for the costs of water, mineral, and other resource rights and all Federal, State, and local permits.

''(3) RELATION TO LAND USE AND DEVELOPMENT REGULATIONS.—As a condition on entering into an agreement to provide financial assistance under this subsection, the Secretary, working in concert with the eligible local organization, may require that proper zoning or other developmental regulations are in place in the watershed in which the structural measures to be rehabilitated under the agreement are located so that—

''(A) the completed rehabilitation project is not quickly rendered inadequate by additional development; and

''(B) society can realize the full benefits of the rehabilitation investment.

''(c) TECHNICAL ASSISTANCE FOR WATERSHED PROJECT REHABILITATION.—The Secretary, acting through the Natural Resources Conservation Service, may provide technical assistance in planning, designing, and implementing rehabilitation projects should an eligible local organization request such assistance. Such assistance may consist of specialists in such fields as engineering, geology, soils, agronomy, biology, hydraulics, hydrology, economics, water quality, and contract administration.

''(d) PROHIBITED USE.—

''(1) PERFORMANCE OF OPERATION AND MAINTENANCE.—Rehabilitation assistance provided under this section may not be used to perform operation and maintenance activities specified in the agreement for the covered water resource project entered into between the Secretary and the eligible local organization responsible for the works of improvement. Such operation and maintenance activities shall remain the responsibility of the local organization, as provided in the project work plan.

''(2) RENEGOTIATION.—Notwithstanding paragraph (1), as part of the provision of financial assistance under subsection (b), the

Secretary may renegotiate the original agreement for the covered water resource project entered into between the Secretary and the eligible local organization regarding responsibility for the operation and maintenance of the project when the rehabilitation is finished.

''(e) APPLICATION FOR REHABILITATION ASSISTANCE.—An eligible local organization may apply to the Secretary for technical and financial assistance under this section if the application has also been submitted to and approved by the State agency having supervisory responsibility over the covered water resource project at issue or, if there is no State agency having such responsibility, by the Governor of the State. The Secretary shall request the State dam safety officer (or equivalent State official) to be involved in the application process if State permits or approvals are required. The rehabilitation of structural measures shall meet standards established by the Secretary and address other dam safety issues. At the request of the eligible local organization, personnel of the Natural Resources Conservation Service of the Department of Agriculture may assist in preparing applications for assistance.

''(f) JUSTIFICATION FOR REHABILITATION ASSISTANCE.—In order to qualify for technical or financial assistance under this authority, the Secretary shall require the rehabilitation project to be performed in the most cost-effective manner that accomplishes the rehabilitation objective. Since the requirements for accomplishing the rehabilitation are generally for public health and safety reasons, in many instances being mandated by other State or Federal laws, no benefit-cost analysis will be conducted and no benefit-cost ratio greater than one will be required. The benefits of and the requirements for the rehabilitation project shall be documented to ensure the wise and responsible use of Federal funds.

''(g) RANKING OF REQUESTS FOR REHABILITATION ASSISTANCE.—The Secretary shall establish such system of approving rehabilitation requests, recognizing that such requests will be received throughout the fiscal year and subject to the availability of funds to carry out this section, as is necessary for proper administration by the Department of Agriculture and equitable for all eligible local organizations. The approval process shall be in writing, and made known to all eligible local organizations and appropriate State agencies.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $60,000,000 for each of the fiscal years 2000 through 2009 to provide financial and technical assistance under this section.

''(i) ASSESSMENT OF REHABILITATION NEEDS.—Of the amount appropriated pursuant to subsection (h) for fiscal years 2000 and 2001, $5,000,000 shall be used by the Secretary, in concert with the responsible State agencies, to conduct an assessment of the rehabilitation needs of covered water resource projects in all States in which such projects are located.

''(j) RECORDKEEPING AND REPORTS.—

''(1) SECRETARY.—The Secretary shall maintain a data base to track the benefits derived from rehabilitation projects supported under this section and the expenditures made under this section. On the basis of such data and the reports submitted under paragraph (2), the Secretary shall prepare and submit to Congress an annual report providing the status of activities conducted under this section.

''(2) GRANT RECIPIENTS.—Not later than 90 days after the completion of a specific rehabilitation project for which assistance is provided under this section, the eligible local organization that received the assistance shall make a report to the Secretary giving the status of any rehabilitation effort undertaken using financial assistance provided under this section.''.

STATE OF GEORGIA,
OFFICE OF THE GOVERNOR,
Atlanta, June 16, 1999.

Hon. PAUL COVERDELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR PAUL: The purpose of this correspondence is to encourage your strong and active support for H.R. 728, the Small Watershed Rehabilitation Amendment of 1999. H.R. 728 was introduced by Representative Frank D. Lucas of Oklahoma and amends the Watershed Protection and Flood Prevention Act (P.L. 83–566, 16 U.S.C. 1001 et seq.) by adding a new section to provide federal cost-share for rehabilitation of structural measures that are near, at, or past their evaluated life expectancy. Cost-share assistance will be provided to local watershed, conservation and other districts that have the legal responsibility for the safety and conditions of watershed dams throughout the United States. The need for funding by H.R. 728 results from the fact that the United States Department of Agriculture now has neither the authority nor funds for rehabilitation of watershed structures.

To date, there have been over 10,400 watershed dams constructed with the help of federal cost-share funds, primarily through Public Law 83–566, the Watershed Protection and Flood Prevention Act. Georgia has 351 watershed structures as a result of this program. Many of these dams are nearing, or are already at the end of, their design lifetime—50 years—and are in need of significant rehabilitation to maintain structural integrity and dam safety. Twenty-two of Georgia's Soil and Water Conservation Districts have primary responsibility for operating and maintaining these 351 dams, and many of our districts share responsibility with local governments on the remaining structures. Since FY96, the state of Georgia has appropriated over $4.6 million to bring these structures in compliance with the Georgia Safe Dams Act.

These watershed structures provide over $16 million of benefits each year to Georgia communities by protecting urban and rural infrastructures, as well as personal property, from flooding and flood damage. These dams also protect irreplaceable natural resources through an effective watershed approach.

Representative Lucas is currently seeking co-sponsors for this bill in the House. Congressmen Nathan Deal and Saxby Chambliss have already become co-sponsors of H.R. 728. I would like to ask for your support in co-sponsoring this legislation; it is important to Georgia's soil and water conservation districts and the state of Georgia.

Thank you.

Sincerely,

ROY E. BARNES.

OFFICE OF THE COMMISSIONER,
Pickens County, GA, October 20, 1999.

Senator PAUL COVERDELL,
Russell Senate Office Bldg., Washington, DC.

DEAR SENATOR COVERDELL: I certainly appreciate and support your effort to introduce the Small Watershed Rehabilitation Act 1999.

As you know, these watershed structures are very well placed in 19 sites throughout our County preventing major runoff, erosion and flooding.

Even though our efforts to maintain them are ongoing we are somewhat limited by budget and time restraints due to routine County maintenance.

Sincerely,

FRANK MARTIN,
Commissioner.

PAULDING COUNTY BOARD
OF COMMISSIONERS,
Dallas, GA, October 20, 1999.

Hon. PAUL COVERDELL,
Russell Senate Office Building, Washington, DC.

DEAR SENATOR COVERDELL: I would like to offer you my support for the Small Watershed Rehabilitation Senate Bill that you will be introducing. I appreciate your efforts on behalf of Paulding County. If there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

BILL CARRUTH,
Chairman.

PAULDING COUNTY
BOARD OF COMMISSIONERS,
Dallas, GA, October 20, 1999.

Hon. PAUL COVERDELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COVERDELL: In reference to the Small Watershed Rehabilitation Senate Bill that you will be introducing, I want to offer you my support in your efforts to get this passed. I appreciate your time and effort in what you are doing for Paulding County and if there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

HAL ECHOLS,
Post III Commissioner.

PAULDING COUNTY
BOARD OF COMMISSIONERS,
Dallas, GA, October 20, 1999.

Hon. PAUL COVERDELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COVERDELL: In reference to the Small Watershed Rehabilitation Senate Bill that you will be introducing, I want to offer you my support in your efforts to get this passed. I appreciate your time and effort in what you are doing for Paulding County and if there is ever anything I can do for you, please don't hesitate to give me a call.

Sincerely,

ROGER LEGGETT,
Post II Commissioner.

PAULDING COUNTY
BOARD OF COMMISSIONERS,
Dallas, GA, October 20, 1999.

Hon. PAUL COVERDELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR COVERDELL: I am in total support of the Watershed Dam bill you will be introducing. We have many watershed dams in Paulding County that are in need of repair.

If you need any additional, please call me.

Sincerely,

MIKE J. POPE,
Commissioner, Post I.

COBB COUNTY BOARD
OF COMMISSIONERS,
Marietta, GA, October 19, 1999.

Hon. PAUL COVERDELL,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR COVERDELL: I want to formally endorse your sponsorship of legislation to amend the Watershed Protection and Flood Prevention Act, in order to provide financial assistance to local entities working

to rehabilitate structural measures constructed as part of a covered water resource project.

Having federal financial assistance available to address a portion of the costs for the rehabilitation of structures that impound water can ensure that appropriate revenues and support will be available as Cobb County works to extend the service life of these structures.

Finally, I appreciate the effort on behalf of Congress to address the safety concerns associated with the maintenance of these aging structures. The protection of life and property is a priority and assistance in this effort is most appreciated.

Please know that I aggressively support this legislation and your sponsorship.

Sincerely,

BILL BYRNE,
Chairman.

GWINNETT COUNTY,
Office of the County Administrator,
October 19, 1999.

Senator PAUL D. COVERDELL,
Colony Square, Atlanta, GA.

SENATOR COVERDELL: I appreciate the opportunity to give input on the Watershed Rehabilitation Legislation. I have reviewed the draft bill, and it appears to be in our best interest for this legislation to pass. It provides 65% rehabilitation funding for existing soil conservation service dams. This funding can also be used to extend the life of the dams, correct accelerated deterioration, correct damage from a catastrophic event, or upgrade the dam to meet changed land use conditions in the watershed.

It appears that no funding is currently available for this work, and since Gwinnett County has responsibility for 14 of the referenced dams, we support this draft legislation. If you have any questions or need additional information, please feel free to call me at (770) 822–7021. Thank you.

Sincerely,

CHARLOTTE NASH,
County Administrator.

HABERSHAM COUNTY,
OFFICE OF COUNTY COMMISSIONERS,
Clarkesville, GA, October 20, 1999.

To: Mr. RICHARD GUPTON.

Subject: Small Watershed Rehabilitation Act of 1999.

DEAR SIR: We fully support Senator Paul Coverdell's effort to obtain federal funds to up grade and maintain the watershed dams in our county. These dams have provided and are still providing much needed flood protection and other benefits including municipal water. The cost of bringing these dams up to safe dams standards far exceeds our budget. Any help from the federal level is certainly a wise use of tax dollars.

Sincerely,

JERRY L. TANKSLEY,
Chairman.

CITY OF HOGANSVILLE,
E. MAIN STREET,
Hogansville, GA, October 21, 1999.

HONORABLE PAUL COVERDELL: The reservoir here in Hogansville was built in the mid 1970's primarily for the purpose of flood control. It has served the community exceptionally well in its intended purpose.

It can't be overstated as to how important the maintenance of the dam is to the integrity of the dam and the safety to the community immediately downstream.

As with anything we do, it does cost to properly maintain the dam and these costs escalate each year. It is extremely important that we receive Federal financial assistance with the maintenance of the dam at our reservoir.

Sincerely,

DAVID ALDRICH,
City Manager.

UPPER CHATTAHOOCHEE RIVER SOIL AND WATER CONSERVATION DISTRICT,
October 20, 1999.

Re Watershed Dam Rehabilitation.

Mr. RICHARD GUPTON.

DEAR MR. GUPTON: I would like to express our strongest support for Senator Coverdell's Bill to provide assistance to repair the watershed dams across the county and especially important to me the dams in Forsyth County.

I have been a supervisor in Forsyth County for over five years and have seen first hand the tremendous benefits that these structures have provided the citizens of Forsyth County.

As these dams approach 40 and 50 years old the District has seen the urgent need for federal assistance in performing necessary repairs and upgrades to meet new regulations and standards. This assistance is urgently needed to upgrade these structures so they can continue to provide benefits in the year to come.

Sincerely,

LEONARD RIDINGS,
District Supervisor.

BARTOW COUNTY
COMMISSIONER'S OFFICE,
October 21, 1999.

Senator PAUL COVERDELL,
U.S. Senate, Washington, DC.
Re Watershed Dams Legislation.

DEAR SENATOR COVERDELL: As County Commissioner, I support the legislation currently being considered on watershed dams.

Bartow County has seven watershed dams. This legislation, if passed, would benefit many counties, like Bartow that have several of these dams to maintain.

Thank you for your endorsement of this legislation.

Very truly yours,

CLARENCE BROWN,
SOLE COMMISSIONER,
Bartow County, GA.

NATIONAL WATERSHED COALITION,
October 4, 1999.

Hon. PAUL D. COVERDELL,
U.S. Senate, Washington, DC.

DEAR SENATOR COVERDELL, Recently I have heard you might be considering introducing a Small Watershed Rehabilitation Bill in the Senate, much like H.R. 728 that is working its way through the House of Representatives. This letter is to support you in that endeavor, and offer the resources of the National Watershed Coalition (NWC) in that support.

Our NWC represents local watershed project sponsors at the national level. For many years they have been telling us that our nation's small watershed structures, which provide invaluable benefits to society, in some instances are in vital need of rehabilitation and upgrading to meet current standards. In many cases, these local sponsors, no matter how much they would like to be able to accomplish these mandated upgrades, simply do not have the financial capability to do so, and are not likely to get that capability soon. Your own state of Georgia has been a national leader in recognizing this problem and assisting these local project sponsors with technical and financial help. Even with Georgia's own statewide rehabilitation program, more is needed. We believe that since the federal government worked with these local sponsors in planning and building these structures, and since much of the required upgrading is as a result of changed federal policies, it just makes sense that the federal government assist with the rehabilitation on a cost-sharing basis much as they did the original construction.

Within the next 10 years, 69 of Georgia's 357 watershed structures will reach the end of their designed lifespan. Georgia has about 130 structures that need some modification, and the cost estimate is $85 million. The cost of rehabilitating these structures can be expensive. Two dams were recently modified in Georgia's Etowah River and Raccoon Creek Watersheds at a cost of nearly $750,000 each. With rehabilitation, these very worthwile structures will continue to provide benefits to society for years to come. It has been estimated these watershed projects provide $2.20 in benefits for every $1.00 of cost. That is the kind of federal investment we ought to be protecting.

The NWC is pleased you are considering introducing such a bill, and will help.

Sincerely,

W.R. ''BILL'' HAMM,
Chairman.

NATIONAL WATERSHED COALITION,
Burke, VA.

NATIONAL WATERSHED COALITION—WHAT IS IT?—WHO IS IT?

The National Watershed Coalition is a nonprofit organization consisting of national, regional, state, and local associations and organizations that have joined forces to advocate the use of the watershed or hydrologic unit concept when assessing natural resources issues. Additionally, we are pooling our resources to support and strengthen USDA's Small Watershed Protection and Flood Prevention Programs (PL 534 & 566) as we believe they represent the best available planning and implementation vehicles for water and land resource management. The Coalition also supports other water resources programs employing total resource based principles in planning, and the rehabilitation of older projects.

The affairs of the Coalition are managed by a steering committee made up of representatives of all participating national, regional, and state organizations and associations. Current steering committee membership includes: Alabama Association of Conservation Districts; Arkansas Watershed Coalition; Associated General Contractors of America; Association of State Dam Safety Officials; Association of State Floodplain Managers; Association of Texas Soil & Water Conservation Districts; Interstate Council on Water Policy; Iowa Watersheds; Kansas Association of Conservation Districts; Land Improvement Contractors of America; Lower Colorado River Authority, Texas; Mississippi Association of Conservation Districts; Missouri Watershed Association; National Association of Conservation Districts; National Association of Flood and Stormwater Management Agencies; National Association of State Conservation Agencies; New Mexico Watershed Coalition; North Carolina Association of Soil & Water Conservation Districts; Oklahoma Association of Conservation Districts; Oklahoma Conservation Commission; Pennsylvania Division of Conservation Districts; Soil & Water Conservation Society; South Carolina Association of Conservation Districts; South Carolina Land Resources Conservation Commission; State Association of Kansas Watersheds; Tennessee Association of Conservation Districts; Texas Association of Watershed Sponsors; Texas State Soil & Water Conservation Board; Tombigbee River Valley Water Management District, Mississippi; Town Creek Water

Management District of Lee, Pontotoc, Prentiss & Union Counties, Mississippi; Virginia Association of Soil & Water Conservation Districts; West Virginia Soil & Water Conservation District Supervisors Association; West Virginia State Soil Conservation Agency; and Wisconsin PL–566 Coalition.

MEMBERSHIPS

The National Watershed Coalition includes among its membership a number of supporters (local watershed sponsors and individuals), who have made voluntary tax-exempt contributions to support the Coalition's efforts. Funds obtained through memberships are used to provide information to all members, and help defray expenses of publishing the newsletter, mailings and a biennial conference. Our membership categories are individual, organization and Steering Committee.

HOW THE STEERING COMMITTEE WORKS

The steering committee meets three to four times each year to review problems and concerns about water resources issues and the PL 534 & 566 watershed programs and related authorities, and discuss recommendations on how the program can be improved. Each representative takes recommendations back to their own organization and follows up with their own membership, committees, and contacts. There is also regular communication throughout the year concerning progress made on current watershed management issues.

There is no required membership fee to become a member of the Steering Committee of the National Watershed Coalition, although some organizations do make a voluntary contribution in support. In addition, representatives of participating organizations and associations pay their own wages and expenses for attendance at committee meetings, and handle their own clerical and postage expenses inhouse. Steering committee members are encouraged to also be Individual Members.

From time to time, there has been, and may be again, solicitation for funds for specific purposes toward a common goal; however, it is understood that solicited funds are to be given entirely on a voluntary basis. The Coalition is a 501(c)(3) organization. Funds contributed to the Coalition are tax deductible.

If your organization wishes to play a more active role in this effort, we welcome your participation. All you need to do is write to the address indicated below requesting to be a part of this important effort, explaining your organization's interest and support for the watershed approach and the Small Watershed Programs, and providing the name, title, and address of the person designated to represent your group. When your organization receives its acceptance letter, you will be included on the mailing list and invited to participate in all steering committee meetings. We welcome all interested organizations.

We look forward to hearing from you. The more participation we have, the stronger our voice will be.

By Mr. DEWINE (for himself and Mr. KOHL):

S. 1764. A bill to make technical corrections to various antitrust laws and to references to such laws; to the Committee on the Judiciary.

ANTITRUST TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 1999

• Mr. KOHL. Mr. President, I rise today to co-sponsor the Antitrust Technical Corrections and Improvements Act of 1999 with my colleague MIKE DEWINE. This act makes five miscellaneous technical corrections to the antitrust laws. Companion legislation to this bill has been introduced in the House by Representatives HYDE and CONYERS.

One of the technical corrections repeals an outdated provision which applies only to the Panama Canal, one clarifies a long existing ambiguity and expressly ensures that the Sherman Act applies to the District of Columbia and the territories, and another repeals a redundant jurisdictional provision. In addition, two other provisions correct typographical errors in two antitrust statutes—the inadvertent mislabeling of an amendment to the Clayton Act passed last year and another a punctuation error in the Year 2000 Information and Readiness Disclosure Act.

The only difference between our bill and the House companion is that the House would repeal an outdated statute—the Taking Depositions in Public Act—which requires that pre-trial depositions in antitrust cases brought by the government be taken in public. This provision was enacted in 1913 at a time when antitrust cases were tried under completely different procedures from today and testimony was usually not taken in open court. In other words, back then antitrust trials were essentially conducted ''on paper.'' This statute was virtually ignored—and unused—until the past year. This provision was revived last year when, as part of its antitrust lawsuit against Microsoft, the government deposed Bill Gates.

Now, of course, people need to be deposed if they possess evidence that may be integral to the resolution of the case. But today the 1913 statute seems both unnecessary, counter-productive and, even, voyeuristic—that is, if you can have voyeurism in an antitrust context. Its need has vanished because testimony is now taken in open court in antitrust cases, as it is in any other. Indeed, requiring the depositions of prominent figures such as Bill Gates and Steve Case in controversial and widely publicized cases inevitably creates a media ''feeding frenzy'' contrary to the sound administration of justice and a sober examination of complicated legal issues.

So I would support the House provision but, at this point, my belief is that it is more important to move the underlying measure in a timely manner than to wait to develop a consensus on the deposition provision in the Senate. We'll work on that consensus here, or we'll work the differences out in conference.

Mr. President, I ask that a summary of the bill be printed in the RECORD. I look forward to working with my colleagues to turn this bill into law.

The summary of the bill follows:

SUMMARY OF THE ANTITRUST TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 1999

1. Repeal of the Antitrust Provision of the Panama Canal Act (15 U.S.C. §31)—Section 11 of the Panama Canal Act provides that no vessel owned by someone who is violating the antitrust laws may pass through the Panama Canal. With the return of the Canal to Panamanian sovereignty at the end of 1999, it is appropriate to repeal this outdated provision.

2. Clarification that Section 2 of the Sherman Act Applies to the District and the Territories (15 U.S.C. §3)—Sections 1 and 2 of the Sherman Act are two of the central provisions of the antitrust laws. Section 1 prohibits combinations or conspiracies in restraint of trade, and Section 2 prohibits monopolization. Section 3 of the Sherman Act was intended to apply these provisions to the District of Columbia and the various territories of the United States. Unfortunately, however, section 3 is ambiguously drafted and leaves it unclear whether Section 2 applies to the District of Columbia and the territories. This bill clarifies that both Section 1 and Section 2 apply to the District and the Territories.

3. Repeal of Redundant Antitrust Jurisdictional Provision in Section 77 at the Wilson Tariff Act—In 1955, Congress modernized the jurisdictional and venue provisions relating to antitrust suits by amendment Section 4 of the Clayton Act (15 U.S.C. §15). At that time, it repealed the redundant jurisdiction provision in Section 7 of the Sherman Act, but not the corresponding provision in Section 77 of the Wilson Tariff Act. It appears that this was an oversight because Section 77 was never codified and has rarely been used. Repealing Section 77 will not change any substantive rights because Section 4 of the Clayton Act provides any potential plaintiff with the same rights. Rather it simply rides the law of a confusing, redundant, and little used provision.

4. Technical Amendment to the Curt Flood Act of 1998 (Public Law 105–297)—This provision corrects an inadvertent technical error in the statutory codification of the Curt Flood Act of 1998, the statute which provided that major league baseball players are covered under the antitrust law. The Curt Flood Act was codified to a section number of the Clayton Act which was already in use. The amendment corrects this error by redesignating the statute as section 28 of the Clayton Act. This substantive change to the statute is intended.

5. Technical Amendment to the Year 2000 Information and Readiness Disclosure Act—This provision corrects a typographical error in the statute as enacted by the inserting a missing period in section 5(a)(2). No substantive change to the statute is intended.•

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1765. A bill to prohibit post-viability abortions; to the Committee on the Judiciary.

THE LATE-TERM ABORTION BAN BILL

Mrs. FEINSTEIN. Mr. President, Senator BOXER and I today are introducing a bill to ban abortions after a fetus is viable.

The bill has 3 provisions:

(1) It bans post-viability abortions.

(2) It provides an exception to the ban if, in the medical judgment of the attending physician, the abortion is necessary to preserve the life of the woman or to avert serious adverse health consequences to the woman.

(3) It includes two civil penalties:

For the first offense, a fine not to exceed $10,000. For the second offense, revocation of a physician's medical license.

This amendment is similar to S. 481 which we introduced in the previous Congress and the amendment we offered as a substitute to the ''partial-birth abortion bill'' when the Senate considered it. The major difference is that the bill we introduce today adds the penalty of revocation of the medical license for a second offense. S. 481 did not include this penalty. Both S. 481 and this bill have as the penalty for the first offense a $10,000 fine.

This bill reflects my deep belief that abortions after a fetus is viable should not take place except in the rarest of circumstances to protect the life and health of the mother. That is the intent of this bill.

The medical community has said that there are very occasionally very extraordinary and tragic circumstances when a physician may determine that a postviability abortion is the safest procedure for protecting a woman's health. These are circumstances which most of us can never imagine.

Leading medical organizations say that post-viability abortions are rare and should be rare. They say that medical decisions should be made by doctors who must determine the best procedure. For example, the American College of Obstetricians and Gynecologists, has said:

> ACOG has never supported post-viability abortions except for the constitutionally protected exception of saving the life or health of a woman.
>
> There may be circumstances where the physician and patient would reach the conclusion that this procedure [Intact Dilatation and Extraction after 16 weeks of pregnancy] is the most medically appropriate . . . there is a need for flexibility in handling unexpected situations. . . .

The California Medical Association wrote me, ''The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care . . . The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.''

Congress cannot anticipate every conceivable medical situation. Only the doctor, in consultation with the patient, based upon the woman's unique medical history and health can make this decision of how best to protect the woman's health.

This substitute is designed to protect the fetus, to protect the woman's life and health and to give the physician the latitude to make the necessary medical decisions in those rarest of circumstances.

The U.S. Supreme Court, in the 1973 Roe v. Wade decision, held that the woman's health must be the physician's primary concern and the physician must be given the discretion he or she needs to choose the most appropriate abortion method to protect the woman's life and health.

The Supreme Court has defined ''health of the mother.'' In Doe v. Bolton, the Court held that the decision of whether a woman requires an abortion for the health of the mother is a medical judgment to ''be exercised in light of all factors—physical, emotional, psychological, familial, and the woman's age—relevant to the well-being of the patient.'' In so doing, the Court further recognized a doctor's important role in determining whether an abortion is necessary.

I believe that the language of this bill—unlike S. 1692, Senator SANTORUM's bill and the substitute offered yesterday by Senator DURBIN—has a meaningful health exception for the woman and is constitutional.

The decision to have an abortion—by the mother, the father, the physician—is never an easy one. It is the most wrenching decision any woman could ever have to make. It is a profoundly, impossibly difficult decision in the late stages of pregnancy.

No physician would perform a postviability abortion without extended and serious consideration. Because the physician's action has consequences for human life and the action should not be undertaken except in the gravest of circumstances, the substitute includes two penalties. It creates for the first offense a $10,000 fine; for the second offense, revocation of the physician's license.

I oppose post-viability abortions. They are wrong, except to save the mother's life and health. Late-term abortions are rare and they should be rare.

I will vote against S. 1692, Senator SANTORUM's bill, because it is not constitutional. It does not include adequate protections for a woman's health.

I believe this bill is a far preferable approach. Its penalties represent grave consequences for violations. It protects the fetus except in extraordinary circumstances that could have serious adverse consequences for the mother's health. It protects a woman's life and health.

I hope my colleagues will join me in passing this bill.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 1767. A bill to amend the Elementary and Secondary Education Act of 1965 to improve Native Hawaiian education programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

NATIVE HAWAIIAN EDUCATION REAUTHORIZATION ACT

Mr. INOUYE. Mr. President, I rise today to introduce a bill, on behalf of myself and Senator AKAKA, that would provide for the reauthorization of the Native Hawaiian Education Act.

First enacted into law in 1988 as part of the Elementary and Secondary Education Act, the Native Hawaiian Education Act provides support for the education of native Hawaiian students in furtherance of the United States' trust responsibility to the native people of Hawaii.

Mr. President, I am sad to report that while these programs are beginning to demonstrate an improved pattern of academic performance and achievement, we still have a way to go, as the following statistics would indicate.

Education risk factors continue to start even before birth for many native Hawaiian children, including late or no prenatal care, high rates of births to unmarried native Hawaiian mothers, and high rates of births to teenage parents.

Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

Both public and private schools continue to show a pattern of lower percent ages of native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

Native Hawaiian students continue to be over-represented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

Native Hawaiian continue to be under-represented in institutions of higher education and among adults who have completed four or more years of college;

Native Hawaiian continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawaii; and

Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

In the 1988, National Assessment of Educational Progress, Hawaiian fourth graders ranked 39 among groups of students from 39 States in reading.

Mr. President, because Hawaiian students rank among the lowest groups of students nationally in reading, and because native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawaii.

Mr. President, there was a time in the history of Hawaii when there were very high rates of literacy and integration of traditional culture and Western Education among native Hawaiians. These high rates were attributable to the Hawaiian language-based public school system established in 1840 by King Kamehameha III.

Mr. President, if we are to reverse the course of these downward trends in

educational achievement and academic performance of native Hawaiian students, it is critical that the initiatives authorized by the Native Hawaiian Education Act be reauthorized.

Mr. President, I respectfully request unanimous consent that the text of this measure be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1767

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 ''Native Hawaiian Education Reauthorization Act''.

SEC. 2. NATIVE HAWAIIAN EDUCATION.

Part B of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7901 et seq.) is amended to read as follows:

''PART B—NATIVE HAWAIIAN EDUCATION

''SEC. 9201. SHORT TITLE.

''This part may be cited as the 'Native Hawaiian Education Act'.

''SEC. 9202. FINDINGS.

''Congress finds the following:

''(1) Native Hawaiians are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago, whose society was organized as a nation and internationally recognized as a nation by the United States, Britain, France, and Japan, as evidenced by treaties governing friendship, commerce, and navigation.

''(2) At the time of the arrival of the first non-indigenous people in Hawai'i in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient subsistence social system based on a communal land tenure system with a sophisticated language, culture, and religion.

''(3) A unified monarchal government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawai'i.

''(4) From 1826 until 1893, the United States recognized the sovereignty and independence of the Kingdom of Hawai'i, which was established in 1810 under Kamehameha I, extended full and complete diplomatic recognition to the Kingdom of Hawai'i, and entered into treaties and conventions with the Kingdom of Hawai'i to govern friendship, commerce and navigation in 1826, 1842, 1849, 1875, and 1887.

''(5) In 1893, the sovereign, independent, internationally recognized, and indigenous government of Hawai'i, the Kingdom of Hawai'i, was overthrown by a small group of non-Hawaiians, including United States citizens, who were assisted in their efforts by the United States Minister, a United States naval representative, and armed naval forces of the United States. Because of the participation of United States agents and citizens in the overthrow of the Kingdom of Hawai'i, in 1993 the United States apologized to Native Hawaiians for the overthrow and the deprivation of the rights of Native Hawaiians to self-determination through Public Law 103–150 (107 Stat. 1510).

''(6) In 1898, the joint resolution entitled 'Joint Resolution to provide for annexing the Hawaiian Islands to the United States', approved July 7, 1898 (30 Stat. 750), ceded absolute title of all lands held by the Republic of Hawai'i, including the government and crown lands of the former Kingdom of Hawai'i, to the United States, but mandated that revenue generated from the lands be used 'solely for the benefit of the inhabitants of the Hawaiian Islands for educational and other public purposes'.

''(7) By 1919, the Native Hawaiian population had declined from an estimated 1,000,000 in 1778 to an alarming 22,600, and in recognition of this severe decline, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108), which designated approximately 200,000 acres of ceded public lands for homesteading by Native Hawaiians.

''(8) Through the enactment of the Hawaiian Homes Commission Act, 1920, Congress affirmed the special relationship between the United States and the Native Hawaiians, which was described by then Secretary of the Interior Franklin K. Lane, who said: 'One thing that impressed me . . . was the fact that the natives of the island who are our wards, I should say, and for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.'.

''(9) In 1938, Congress again acknowledged the unique status of the Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781, chapter 530; 16 U.S.C. 391b, 391b–1, 392b, 392c, 396, 396a), a provision to lease lands within the National Parks extension to Native Hawaiians and to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance.'.

''(10) Under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', approved March 18, 1959 (73 Stat. 4), the United States transferred responsibility for the administration of the Hawaiian Home Lands to the State of Hawai'i but reaffirmed the trust relationship between the United States and the Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and amendments to such Act affecting the rights of beneficiaries under such Act.

''(11) In 1959, under the Act entitled 'An Act to provide for the admission of the State of Hawaii into the Union', the United States also ceded to the State of Hawai'i title to the public lands formerly held by the United States, but mandated that such lands be held by the State 'in public trust' and reaffirmed the special relationship that existed between the United States and the Hawaiian people by retaining the legal responsibility to enforce the public trust responsibility of the State of Hawai'i for the betterment of the conditions of Native Hawaiians, as defined in section 201(a) of the Hawaiian Homes Commission Act, 1920.

''(12) The United States has recognized and reaffirmed that—

''(A) Native Hawaiians have a cultural, historic, and land-based link to the indigenous people who exercised sovereignty over the Hawaiian Islands, and that group has never relinquished its claims to sovereignty or its sovereign lands;

''(B) Congress does not extend services to Native Hawaiians because of their race, but because of their unique status as the indigenous people of a once sovereign nation as to whom the United States has established a trust relationship;

''(C) Congress has also delegated broad authority to administer a portion of the Federal trust responsibility to the State of Hawaii;

''(D) the political status of Native Hawaiians is comparable to that of American Indians and Alaska Natives; and

''(E) the aboriginal, indigenous people of the United States have—

''(i) a continuing right to autonomy in their internal affairs; and

''(ii) an ongoing right of self-determination and self-governance that has never been extinguished.

''(13) The political relationship between the United States and the Native Hawaiian people has been recognized and reaffirmed by the United States, as evidenced by the inclusion of Native Hawaiians in—

''(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

''(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

''(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.);

''(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

''(E) the National Historic Preservation Act (16 U.S.C. 470 et seq.);

''(F) the Native American Languages Act (25 U.S.C. 2901 et seq.);

''(G) the American Indian, Alaska Native, and Native Hawaiian Culture and Art Development Act (20 U.S.C. 4401 et seq.);

''(H) the Job Training Partnership Act (29 U.S.C. 1501 et seq.) and the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

''(I) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.).

''(14) In 1981, Congress instructed the Office of Education to submit to Congress a comprehensive report on Native Hawaiian education. The report, entitled the 'Native Hawaiian Educational Assessment Project', was released in 1983 and documented that Native Hawaiians scored below parity with regard to national norms on standardized achievement tests, were disproportionately represented in many negative social and physical statistics indicative of special educational needs, and had educational needs that were related to their unique cultural situation, such as different learning styles and low self-image.

''(15) In recognition of the educational needs of Native Hawaiians, in 1988, Congress enacted title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (102 Stat. 130) to authorize and develop supplemental educational programs to address the unique conditions of Native Hawaiians.

''(16) In 1993, the Kamehameha Schools Bishop Estate released a 10-year update of findings of the Native Hawaiian Educational Assessment Project, which found that despite the successes of the programs established under title IV of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988, many of the same educational needs still existed for Native Hawaiians. Subsequent reports by the Kamehameha Schools Bishop Estate and other organizations have generally confirmed those findings. For example—

''(A) educational risk factors continue to start even before birth for many Native Hawaiian children, including—

''(i) late or no prenatal care;

''(ii) high rates of births by Native Hawaiian women who are unmarried; and

''(iii) high rates of births to teenage parents;

''(B) Native Hawaiian students continue to begin their school experience lagging behind other students in terms of readiness factors such as vocabulary test scores;

''(C) Native Hawaiian students continue to score below national norms on standardized education achievement tests at all grade levels;

''(D) both public and private schools continue to show a pattern of lower percentages of Native Hawaiian students in the uppermost achievement levels and in gifted and talented programs;

''(E) Native Hawaiian students continue to be overrepresented among students qualifying for special education programs provided to students with learning disabilities, mild mental retardation, emotional impairment, and other such disabilities;

''(F) Native Hawaiians continue to be underrepresented in institutions of higher education and among adults who have completed 4 or more years of college;

''(G) Native Hawaiians continue to be disproportionately represented in many negative social and physical statistics indicative of special educational needs, as demonstrated by the fact that—

''(i) Native Hawaiian students are more likely to be retained in grade level and to be excessively absent in secondary school;

''(ii) Native Hawaiian students have the highest rates of drug and alcohol use in the State of Hawai'i; and

''(iii) Native Hawaiian children continue to be disproportionately victimized by child abuse and neglect; and

''(H) Native Hawaiians now comprise over 23 percent of the students served by the State of Hawai'i Department of Education, and there are and will continue to be geographically rural, isolated areas with a high Native Hawaiian population density.

''(17) In the 1998 National Assessment of Educational Progress, Hawaiian fourth-graders ranked 39th among groups of students from 39 States in reading. Given that Hawaiian students rank among the lowest groups of students nationally in reading, and that Native Hawaiian students rank the lowest among Hawaiian students in reading, it is imperative that greater focus be placed on beginning reading and early education and literacy in Hawai'i.

''(18) The findings described in paragraphs (16) and (17) are inconsistent with the high rates of literacy and integration of traditional culture and Western education historically achieved by Native Hawaiians through a Hawaiian language-based public school system established in 1840 by Kamehameha III.

''(19) Following the overthrow of the Kingdom of Hawai'i in 1893, Hawaiian medium schools were banned. After annexation, throughout the territorial and statehood period of Hawai'i, and until 1986, use of the Hawaiian language as an instructional medium in education in public schools was declared unlawful. The declaration caused incalculable harm to a culture that placed a very high value on the power of language, as exemplified in the traditional saying: 'I ka 'ōlelo nō ke ola; I ka 'ōlelo nō ka make. In the language rests life; In the language rests death.'.

''(20) Despite the consequences of over 100 years of nonindigenous influence, the Native Hawaiian people are determined to preserve, develop, and transmit to future generations their ancestral territory and their cultural identity in accordance with their own spiritual and traditional beliefs, customs, practices, language, and social institutions.

''(21) The State of Hawai'i, in the constitution and statutes of the State of Hawai'i—

''(A) reaffirms and protects the unique right of the Native Hawaiian people to practice and perpetuate their culture and religious customs, beliefs, practices, and language; and

''(B) recognizes the traditional language of the Native Hawaiian people as an official language of the State of Hawai'i, which may be used as the language of instruction for all subjects and grades in the public school system.

''SEC. 9203. PURPOSES.

''The purposes of this part are to—

''(1) authorize and develop innovative educational programs to assist Native Hawaiians in reaching the National Education Goals;

''(2) provide direction and guidance to appropriate Federal, State, and local agencies to focus resources, including resources made available under this part, on Native Hawaiian education, and to provide periodic assessment and data collection;

''(3) supplement and expand programs and authorities in the area of education to further the purposes of this title; and

''(4) encourage the maximum participation of Native Hawaiians in planning and management of Native Hawaiian education programs.

''SEC. 9204. NATIVE HAWAIIAN EDUCATION COUNCIL AND ISLAND COUNCILS.

''(a) ESTABLISHMENT OF NATIVE HAWAIIAN EDUCATION COUNCIL.—In order to better effectuate the purposes of this part through the coordination of educational and related services and programs available to Native Hawaiians, including those programs receiving funding under this part, the Secretary is authorized to establish a Native Hawaiian Education Council (referred to in this part as the 'Education Council').

''(b) COMPOSITION OF EDUCATION COUNCIL.—The Education Council shall consist of not more than 21 members, unless otherwise determined by a majority of the council.

''(c) CONDITIONS AND TERMS.—

''(1) CONDITIONS.—At least 10 members of the Education Council shall be Native Hawaiian education service providers and 10 members of the Education Council shall be Native Hawaiians or Native Hawaiian education consumers. In addition, a representative of the State of Hawai'i Office of Hawaiian Affairs shall serve as a member of the Education Council.

''(2) APPOINTMENTS.—The members of the Education Council shall be appointed by the Secretary based on recommendations received from the Native Hawaiian community.

''(3) TERMS.—Members of the Education Council shall serve for staggered terms of 3 years, except as provided in paragraph (4).

''(4) COUNCIL DETERMINATIONS.—Additional conditions and terms relating to membership on the Education Council, including term lengths and term renewals, shall be determined by a majority of the Education Council.

''(d) NATIVE HAWAIIAN EDUCATION COUNCIL GRANT.—The Secretary shall make a direct grant to the Education Council in order to enable the Education Council to—

''(1) coordinate the educational and related services and programs available to Native Hawaiians, including the programs assisted under this part;

''(2) assess the extent to which such services and programs meet the needs of Native Hawaiians, and collect data on the status of Native Hawaiian education;

''(3) provide direction and guidance, through the issuance of reports and recommendations, to appropriate Federal, State, and local agencies in order to focus and improve the use of resources, including resources made available under this part, relating to Native Hawaiian education, and serve, where appropriate, in an advisory capacity; and

''(4) make direct grants, if such grants enable the Education Council to carry out the duties of the Education Council, as described in paragraphs (1) through (3).

''(e) ADDITIONAL DUTIES OF THE EDUCATION COUNCIL.—

''(1) IN GENERAL.—The Education Council shall provide copies of any reports and recommendations issued by the Education Council, including any information that the Education Council provides to the Secretary pursuant to subsection (i), to the Secretary, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Indian Affairs of the Senate.

''(2) ANNUAL REPORT.—The Education Council shall prepare and submit to the Secretary an annual report on the Education Council's activities.

''(3) ISLAND COUNCIL SUPPORT AND ASSISTANCE.—The Education Council shall provide such administrative support and financial assistance to the island councils established pursuant to subsection (f) as the Secretary determines to be appropriate, in a manner that supports the distinct needs of each island council.

''(f) ESTABLISHMENT OF ISLAND COUNCILS.—

''(1) IN GENERAL.—In order to better effectuate the purposes of this part and to ensure the adequate representation of island and community interests within the Education Council, the Secretary is authorized to facilitate the establishment of Native Hawaiian education island councils (referred to individually in this part as an 'island council') for the following islands:

''(A) Hawai'i.

''(B) Maui.

''(C) Moloka'i.

''(D) Lana'i.

''(E) O'ahu.

''(F) Kaua'i.

''(G) Ni'ihau.

''(2) COMPOSITION OF ISLAND COUNCILS.—Each island council shall consist of parents, students, and other community members who have an interest in the education of Native Hawaiians, and shall be representative of individuals concerned with the educational needs of all age groups, from children in preschool through adults. At least ¾ of the members of each island council shall be Native Hawaiians.

''(g) ADMINISTRATIVE PROVISIONS RELATING TO EDUCATION COUNCIL AND ISLAND COUNCILS.—The Education Council and each island council shall meet at the call of the chairperson of the appropriate council, or upon the request of the majority of the members of the appropriate council, but in any event not less often than 4 times during each calendar year. The provisions of the Federal Advisory Committee Act shall not apply to the Education Council and each island council.

''(h) COMPENSATION.—Members of the Education Council and each island council shall not receive any compensation for service on the Education Council and each island council, respectively.

''(i) REPORT.—Not later than 4 years after the date of enactment of the Native Hawaiian Education Reauthorization Act, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Indian Affairs of the Senate a report that summarizes the annual reports of the Education Council, describes the allocation and use of funds under this part, and contains recommendations for changes in Federal, State, and local policy to advance the purposes of this part.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $300,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years. Funds appropriated under this subsection shall remain available until expended.

''SEC. 9205. PROGRAM AUTHORIZED.

''(a) GENERAL AUTHORITY.—

''(1) GRANTS AND CONTRACTS.—The Secretary is authorized to make direct grants to, or enter into contracts with—

''(A) Native Hawaiian educational organizations;

''(B) Native Hawaiian community-based organizations;

''(C) public and private nonprofit organizations, agencies, and institutions with experience in developing or operating Native Hawaiian programs or programs of instruction in the Native Hawaiian language; and

''(D) consortia of the organizations, agencies, and institutions described in subparagraphs (A) through (C),

to carry out programs that meet the purposes of this part.

''(2) PRIORITIES.—In awarding grants or contracts to carry out activities described in paragraph (3), the Secretary shall give priority to entities proposing projects that are designed to address—

''(A) beginning reading and literacy among students in kindergarten through third grade;

''(B) the needs of at-risk youth;

''(C) needs in fields or disciplines in which Native Hawaiians are underemployed; and

''(D) the use of the Hawaiian language in instruction.

''(3) PERMISSIBLE ACTIVITIES.—Activities provided through programs carried out under this part may include—

''(A) the development and maintenance of a statewide Native Hawaiian early education and care system to provide a continuum of services for Native Hawaiian children from the prenatal period of the children through age 5;

''(B) the operation of family-based education centers that provide such services as—

''(i) programs for Native Hawaiian parents and their infants from the prenatal period of the infants through age 3;

''(ii) preschool programs for Native Hawaiians; and

''(iii) research on, and development and assessment of, family-based, early childhood, and preschool programs for Native Hawaiians;

''(C) activities that enhance beginning reading and literacy among Native Hawaiian students in kindergarten through third grade;

''(D) activities to meet the special needs of Native Hawaiian students with disabilities, including—

''(i) the identification of such students and their needs;

''(ii) the provision of support services to the families of those students; and

''(iii) other activities consistent with the requirements of the Individuals with Disabilities Education Act;

''(E) activities that address the special needs of Native Hawaiian students who are gifted and talented, including—

''(i) educational, psychological, and developmental activities designed to assist in the educational progress of those students; and

''(ii) activities that involve the parents of those students in a manner designed to assist in the students' educational progress;

''(F) the development of academic and vocational curricula to address the needs of Native Hawaiian children and adults, including curriculum materials in the Hawaiian language and mathematics and science curricula that incorporate Native Hawaiian tradition and culture;

''(G) professional development activities for educators, including—

''(i) the development of programs to prepare prospective teachers to address the unique needs of Native Hawaiian students within the context of Native Hawaiian culture, language, and traditions;

''(ii) in-service programs to improve the ability of teachers who teach in schools with concentrations of Native Hawaiian students to meet those students' unique needs; and

''(iii) the recruitment and preparation of Native Hawaiians, and other individuals who live in communities with a high concentration of Native Hawaiians, to become teachers;

''(H) the operation of community-based learning centers that address the needs of Native Hawaiian families and communities through the coordination of public and private programs and services, including—

''(i) preschool programs;

''(ii) after-school programs; and

''(iii) vocational and adult education programs;

''(I) activities to enable Native Hawaiians to enter and complete programs of postsecondary education, including—

''(i) provision of full or partial scholarships for undergraduate or graduate study that are awarded to students based on their academic promise and financial need, with a priority, at the graduate level, given to students entering professions in which Native Hawaiians are underrepresented;

''(ii) family literacy services;

''(iii) counseling and support services for students receiving scholarship assistance;

''(iv) counseling and guidance for Native Hawaiian secondary students who have the potential to receive scholarships; and

''(v) faculty development activities designed to promote the matriculation of Native Hawaiian students;

''(J) research and data collection activities to determine the educational status and needs of Native Hawaiian children and adults;

''(K) other research and evaluation activities related to programs carried out under this part; and

''(L) other activities, consistent with the purposes of this part, to meet the educational needs of Native Hawaiian children and adults.

''(4) SPECIAL RULE AND CONDITIONS.—

''(A) INSTITUTIONS OUTSIDE HAWAII.—The Secretary shall not establish a policy under this section that prevents a Native Hawaiian student enrolled at a 2- or 4-year degree granting institution of higher education outside of the State of Hawai'i from receiving a fellowship pursuant to paragraph (3)(I).

''(B) FELLOWSHIP CONDITIONS.—The Secretary shall establish conditions for receipt of a fellowship awarded under paragraph (3)(I). The conditions shall require that an individual seeking such a fellowship enter into a contract to provide professional services, either during the fellowship period or upon completion of a program of postsecondary education, to the Native Hawaiian community.

''(b) ADMINISTRATIVE COSTS.—Not more than 5 percent of funds provided to a grant recipient under this section for any fiscal year may be used for administrative purposes.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2001 and such sums as may be necessary for each of the 4 succeeding fiscal years.

''SEC. 9206. ADMINISTRATIVE PROVISIONS.

''(a) APPLICATION REQUIRED.—No grant may be made under this part, and no contract may be entered into under this part, unless the entity seeking the grant or contract submits an application to the Secretary at such time, in such manner, and containing such information as the Secretary may determine to be necessary to carry out the provisions of this part.

''(b) SPECIAL RULE.—Each applicant for a grant or contract under this part shall submit the application for comment to the local educational agency serving students who will participate in the program to be carried out under the grant or contract, and include those comments, if any, with the application to the Secretary.

''SEC. 9207. DEFINITIONS.

''In this part:

''(1) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is—

''(A) a citizen of the United States; and

''(B) a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now comprises the State of Hawai'i, as evidenced by—

''(i) genealogical records;

''(ii) Kupuna (elders) or Kama'aina (long-term community residents) verification; or

''(iii) certified birth records.

''(2) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.—The term 'Native Hawaiian community-based organization' means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.

''(3) NATIVE HAWAIIAN EDUCATIONAL ORGANIZATION.—The term 'Native Hawaiian educational organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organization;

''(C) incorporates Native Hawaiian perspective, values, language, culture, and traditions into the core function of the organization;

''(D) has demonstrated expertise in the education of Native Hawaiian youth; and

''(E) has demonstrated expertise in research and program development.

''(4) NATIVE HAWAIIAN LANGUAGE.—The term 'Native Hawaiian language' means the single Native American language indigenous to the original inhabitants of the State of Hawai'i.

''(5) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means a private nonprofit organization that—

''(A) serves the interests of Native Hawaiians;

''(B) has Native Hawaiians in substantive and policymaking positions within the organizations; and

''(C) is recognized by the Governor of Hawai'i for the purpose of planning, conducting, or administering programs (or portions of programs) for the benefit of Native Hawaiians.

''(6) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the office of Hawaiian Affairs established by the Constitution of the State of Hawai'i.''.

SEC. 3. CONFORMING AMENDMENTS.

(a) HIGHER EDUCATION ACT OF 1965.—Section 317(b)(3) of the Higher Education Act of 1965 (20 U.S.C. 1059d(b)(3)) is amended by striking ''section 9212'' and inserting ''section 9207''.

(b) PUBLIC LAW 88–210.—Section 116 of Public Law 88–210 (as added by section 1 of Public Law 105–332 (112 Stat. 3076)) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(c) MUSEUM AND LIBRARY SERVICES ACT.—Section 261 of the Museum and Library Services Act (20 U.S.C. 9161) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(d) NATIVE AMERICAN LANGUAGES ACT.—Section 103(3) of the Native American Languages Act (25 U.S.C. 2902(3)) is amended by striking ''section 9212(1) of the Elementary

and Secondary Education Act of 1965 (20 U.S.C. 7912(1))'' and inserting ''section 9207 of the Elementary and Secondary Education Act of 1965''.

(e) WORKFORCE INVESTMENT ACT OF 1998.—Section 166(b)(3) of the Workforce Investment Act of 1998 (29 U.S.C. 2911(b)(3)) is amended by striking ''paragraphs (1) and (3), respectively, of section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

(f) ASSETS FOR INDEPENDENCE ACT.—Section 404(11) of the Assets for Independence Act (42 U.S.C. 604 note) is amended by striking ''section 9212 of the Native Hawaiian Education Act (20 U.S.C. 7912)'' and inserting ''section 9207 of the Native Hawaiian Education Act''.

ADDITIONAL COSPONSORS

S. 172

At the request of Mr. MOYNIHAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 172, a bill to reduce acid deposition under the Clean Air Act, and for other purposes.

S. 185

At the request of Mr. ASHCROFT, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 185, a bill to establish a Chief Agricultural Negotiator in the Office of the United States Trade Representative.

S. 666

At the request of Mr. LUGAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 666, a bill to authorize a new trade and investment policy for sub-Saharan Africa.

S. 729

At the request of Mr. CRAIG, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 729, a bill to ensure that Congress and the public have the right to participate in the declaration of national monuments on federal land.

S. 931

At the request of Mr. MCCONNELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 931, a bill to provide for the protection of the flag of the United States, and for other purposes.

S. 1085

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1085, a bill to amend the Internal Revenue Code of 1986 to modify the treatment of bonds issued to acquire renewable resources on land subject to conservation easement.

S. 1106

At the request of Mr. TORRICELLI, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1106, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for qualified individuals for bone mass measurement (bone density testing) to prevent fractures associated with osteoporosis.

S. 1133

At the request of Mr. GRAMS, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Montana (Mr. BURNS) were added as cosponsors 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. 1158

At the request of Mr. HUTCHINSON, the names of the Senator from Wyoming (Mr. ENZI), the Senator from Mississippi (Mr. LOTT), the Senator from Idaho (Mr. CRAIG), the Senator from Texas (Mrs. HUTCHISON), the Senator from Kentucky (Mr. BUNNING), the Senator from Idaho (Mr. CRAPO), the Senator from Alabama (Mr. SESSIONS), the Senator from Missouri (Mr. BOND), the Senator from Nebraska (Mr. HAGEL), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 1158, a bill to allow the recovery of attorney's fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Mississippi (Mr. COCHRAN) 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. 1263

At the request of Mr. JEFFORDS, the name of the Senator from Minnesota (Mr. GRAMS) was added as a cosponsor of S. 1263, a bill to amend the Balanced Budget Act of 1997 to limit the reductions in medicare payments under the prospective payment system for hospital outpatient department services.

S. 1464

At the request of Mr. HAGEL, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Georgia (Mr. CLELAND) were added as cosponsors of S. 1464, a bill to amend the Federal Food, Drug, and Cosmetic Act to establish certain requirements regarding the Food Quality Protection Act of 1996, and for other purposes.

S. 1485

At the request of Mr. NICKLES, the names of the Senator from Minnesota (Mr. GRAMS) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 1485, a bill to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1488

At the request of Mr. GORTON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1495

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1526

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1526, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit to taxpayers investing in entities seeking to provide capital to create new markets in low-income communities.

S. 1558

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1558, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for holders of Community Open Space bonds the proceeds of which are used for qualified environmental infrastructure projects, and for other purposes.

S. 1580

At the request of Mr. ROBERTS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1580, a bill to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, and for other purposes.

S. 1592

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. SARBANES) 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. 1619

At the request of Mr. DEWINE, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors 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. 1638

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1638, a

bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1701

At the request of Mr. ROBB, his name was added as a cosponsor of S. 1701, a bill to reform civil asset forfeiture, and for other purposes.

S. 1709

At the request of Mr. KYL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1709, a bill to provide Federal reimbursement for indirect costs relating to the incarceration of illegal aliens and for emergency health services furnished to undocumented aliens.

S. 1750

At the request of Mr. DEWINE, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1750, a bill to reduce the incidence of child abuse and neglect, and for other purposes.

AMENDMENT NO. 487

At the request of Mr. ROBB his name was added as a cosponsor of amendment No. 487 proposed to S. 1059, an original bill to authorize appropriations for fiscal year 2000 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 1583

At the request of Mr. ROBB the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of amendment No. 1583 proposed to H.R. 2466, a bill making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

AMENDMENT NO. 2321

At the request of Mr. HARKIN the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of amendment No. 2321 proposed to S. 1692, a bill to amend title 18, United States Code, to ban partial birth abortions.

AMENDMENTS SUBMITTED

A BILL TO BAN PARTIAL BIRTH ABORTIONS

LANDRIEU AMENDMENT NO. 2323

Ms. LANDRIEU proposed an amendment to the bill (S. 1692) to amend title 18, United States Code, to ban partial birth abortions; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE CONGRESS CONCERNING SPECIAL NEEDS CHILDREN.

(a) FINDINGS.—Congress finds that—

(1) middle income families are particularly hard hit financially when their children are born with special needs;

(2) in many cases, parents are forced to stop working in order to attempt to qualify for medicaid coverage for these children;

(3) the current system of government support for these children and families is woefully inadequate;

(4) as a result, working families are forced to choose between terminating a pregnancy or financial ruin; and

(5) government efforts to find an appropriate and constitutional balance regarding the termination of a pregnancy may further exacerbate the difficulty of these families.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Federal Government should fully cover all expenses related to the educational, medical and respite care requirements of families with special needs children.

SMITH AMENDMENT NO. 2324

Mr. SMITH of New Hampshire proposed an amendment to the bill, S. 1692, supra; as follows:

At the end of the Landrieu amendment, add the following:

SEC. ____. TRANSFERENCE OF HUMAN FETAL TISSUE.

Section 498N of the Public Health Service Act (42 U.S.C. 289g-2) is amended—

(1) by redesignating subsections (c) and (d), as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b), the following:

''(c) DISCLOSURE ON TRANSPLANTATION OF FETAL TISSUE.—

''(1) REQUIREMENT.—With respect to human fetal tissue that is obtained pursuant to an induced abortion, any entity that is to receive such fetal tissue for any purpose shall file with the Secretary a disclosure statement that meets the requirements of paragraph (2).

''(2) CONTENTS.—A disclosure statement meets the requirements of this paragraph if the statement contains—

''(A) a list (including the names, addresses, and telephone numbers) of each entity that has obtained possession of the human fetal tissue involved prior to its possession by the filing entity, including any entity used solely to transport the fetal tissue and the tracking number used to identify the packaging of such tissue;

''(B) a description of the use that is to be made of the fetal tissue involved by the filing entity and the end user (if known);

''(C) a description of the medical procedure that was used to terminate the fetus from which the fetal tissue involved was derived, and the gestational age of the fetus at the time of death;

''(D) a description of the medical procedure that was used to obtain the fetal tissue involved;

''(E) a description of the type of fetal tissue involved;

''(F) a description of the quantity of fetal tissue involved;

''(G) a description of the amount of money, or any other object of value, that is transferred as a result of the transference of the fetal tissue involved, including any fees received to transport such fetal tissue to the end user;

''(H) a description of any site fee that was paid by the filing entity to the facility at which the induced abortion with respect to the fetal tissue involved was performed, including the amount of such fee; and

''(I) any other information determined appropriate by the Secretary.

''(3) DISCLOSURE TO SHIPPERS.—Any entity that enters into a contract for the shipment of a package containing human fetal tissue described in paragraph (1) shall—

''(A) notify the shipping entity that the package to be shipped contains human fetal tissue;

''(B) prominently label the outer packaging so as to indicate that the package contains human fetal tissue;

''(C) ensure that the shipment is done in a manner that is acceptable for the transfer of biomedical material; and

''(D) ensure that a tracking number is provided for the package and disclosed as required under paragraph (2).

''(4) DEFINITION.—In this subsection, the term 'filing entity' means the entity that is filing the disclosure statement required under this subsection.

''(5) Nothing in this subsection shall permit the disclosure of—

''(A) the identity of any physician, health care professional, or individual involved in the provision of abortion services;

''(B) the identity of any woman who obtained an abortion; and

''(C) any information that could reasonably be used to determine the identity of individuals or entities mentioned in paragraphs (A) and (B).

''(6) Violation of this section shall be punishable by the fines of not more than $5,000 per incident.

''(d) LIMITATION ON SITE FEES.—A facility at which induced abortions are performed may not require the payment of any site fee by any entity to which human fetal tissue that is derived from such abortions is transferred unless the amount of such site fee is reasonable in terms of reimbursement for the actual real estate or facilities used by such entity.''.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources.

The hearing will take place Tuesday, November 2, 1999 at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is oversight to receive testimony on the recent announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m. on Thursday, October 21, 1999, in open session, to receive testimony on the lessons learned from the military operations conducted as part of Operation Allied

Force, and associated relief operations, with respect to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Thursday, October 21, 1999 at 10:00 a.m. in Executive Session to mark up the Balanced Budget Adjustment Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, October 21, 1999 at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be permitted to meet on Thursday, October 1, at 10:00 a.m. for a hearing regarding the nominations of John Walsh and LeGree Daniels to be Governors of the United States Postal Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. SANTORUM. MR. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on ''FDA Modernization Act: Implementation of the law'' during the session of the Senate on Thursday, October 21, 1999, at 10:00 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 21, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. SANTORUM. Mr. President, The Committee on the Judiciary Subcommittee on Immigration requests unanimous consent to conduct a hearing on Thursday, October 21, 1999 beginning at 2:00 p.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on Finance, Subcommittee on International Trade be permitted to meet on Thursday, October 21, 1999 at 2:00 p.m. to hear testimony on the WTO Ministerial Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SANTORUM. Mr. President, The Committee on the Judiciary requests consent to conduct a markup on Thursday, October 21, 1999 beginning at 10:00 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 21, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:00 p.m. The purpose of this hearing is to receive testimony on S. 1365, a bill to amend the National Historic Preservation Act of 1966 to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes; S. 1434, a bill to amend the National Historic Preservation Act to reauthorize that Act, and for other purposes; H.R. 834, an Act to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, October 21, 1999, at 2:30 p.m. on the National Technical Information Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS ACT OF 1999

On October 20, 1999, Mr. HATCH, for himself and Mr. LEAHY, introduced S. 1754. The text of the bill follows:

S. 1754

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the ''Denying Safe Havens to International and War Criminals Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL AND WAR CRIMINALS

Sec. 1. Extradition for the offenses not covered by a list treaty.

Sec. 2. Technical and conforming amendments.

Sec. 3. Temporary transfer of persons in custody for prosecution.

Sec. 4. Prohibiting fugitives from benefiting from fugitive status.

Sec. 5. Transfer of foreign prisoners to serve sentences in country of origin.

Sec. 6. Transit of fugitives for prosecution in foreign countries.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FLIGHT AGAINST INTERNATIONAL CRIME

Sec. 1. Streamlined procedures for execution of MLAT requests.

Sec. 2. Temporary transfer of incarcerated witnesses.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

Sec. 1. Inadmissability and removability of aliens who have committed acts of torture abroad.

Sec. 2. Establishment of the office of special investigations.

TITLE I—DENYING SAFE HAVENS TO INTERNATIONAL CRIMINALS

SEC. 1. EXTRADITION FOR OFFENSES NOT COVERED BY A LIST TREATY.

Chapter 209 of title 18, United States Code, is amended by adding at the end the following:

''§ 3197. Extradition for offenses not covered by a list treaty

''(a) SERIOUS OFFENSES DEFINED.—In this section, the term 'serious offense' means conduct that would be—

''(1) an offense described in any multilateral treaty to which the United States is a party that obligates parties—

''(A) to extradite alleged offenders found in the territory of the parties; or

''(B) submit the case to the competent authorities of the parties for prosecution; or

''(2) conduct that, if that conduct occurred in the United States, would constitute—

''(A) a crime of violence (as defined in section 16);

''(B) the distribution, manufacture, importation, or exportation of a controlled substance (as defined in section 201 of the Controlled Substances Act (21 U.S.C. 802));

''(C) bribery of a public official or misappropriation, embezzlement, or theft of public funds by or for the benefit of a public official;

''(D) obstruction of justice, including payment of bribes to jurors or witnesses;

''(E) the laundering of monetary instruments, as described in section 1956, if the value of the monetary instruments involved exceeds $100,000;

''(F) fraud, theft, embezzlement, or commercial bribery if the aggregate value of property that is the object of all of the offenses related to the conduct exceeds $100,000;

''(G) counterfeiting, if the obligations, securities, or other items counterfeited have an apparent value that exceeds $100,000;

''(H) a conspiracy or attempt to commit any of the offenses described in any of subparagraphs (A) through (G), or aiding and abetting a person who commits any such offense; or

''(I) a crime against children under chapter 109A or section 2251, 2251A, 2252, or 2252A.

''(b) AUTHORIZATION OF FILING.—

''(1) IN GENERAL.—If a foreign government makes a request for the extradition of a person who is charged with or has been convicted of an offense within the jurisdiction of that foreign government, and an extradition treaty between the United States and the foreign government is in force but the treaty does not provide for extradition for the offense with which the person has been charged or for which the person has been convicted, the Attorney General may authorize the filing of a complaint for extradition pursuant to subsections (c) and (d).

''(2) FILING OF COMPLAINTS.—

''(A) IN GENERAL.—A complaint authorized under paragraph (1) shall be filed pursuant to section 3184.

''(B) PROCEDURES.—With respect to a complaint filed under paragraph (1), the procedures contained in sections 3184 and 3186 and the terms of the relevant extradition treaty shall apply as if the offense were a crime provided for by the treaty, in a manner consistent with section 3184.

''(c) CRITERIA FOR AUTHORIZATION OF COMPLAINTS.—

''(1) IN GENERAL.—The Attorney General may authorize the filing of a complaint under subsection (b) only upon a certification—

''(A) by the Attorney General, that in the judgment of the Attorney General—

''(i) the offense for which extradition is sought is a serious offense; and

''(ii) submission of the extradition request would be important to the law enforcement interests of the United States or otherwise in the interests of justice; and

''(B) by the Secretary of State, that in the judgment of the Secretary of State, submission of the request would be consistent with the foreign policy interests of the United States.

''(2) FACTORS FOR CONSIDERATION.—In making any certification under paragraph (1)(B), the Secretary of State may consider whether the facts and circumstances of the request then known appear likely to present any significant impediment to the ultimate surrender of the person who is the subject of the request for extradition, if that person is found to be extraditable.

''(d) CASES OF URGENCY.—

''(1) IN GENERAL.—In any case of urgency, the Attorney General may, with the concurrence of the Secretary of State and before any formal certification under subsection (c), authorize the filing of a complaint seeking the provisional arrest and detention of the person sought for extradition before the receipt of documents or other proof in support of the request for extradition.

''(2) APPLICABILITY OF RELEVANT TREATY.—With respect to a case described in paragraph (1), a provision regarding provisional arrest in the relevant treaty shall apply.

''(3) FILING AND EFFECT OF FILING OF COMPLAINTS.—

''(A) IN GENERAL.—A complaint authorized this subsection shall be filed in the same manner as provided in section 3184.

''(B) ISSUANCE OF ORDERS.—Uupon the filing of a complaint under this subsection, the appropriate judicial officer may issue an order for the provisional arrest and detention of the person as provided in section 3184.

''(e) CONDITIONS OF SURRENDER; ASSURANCES.—

''(1) IN GENERAL.—Before issuing a warrant of surrender under section 3184 or 3186, the Secretary of State may—

''(A) impose conditions upon the surrender of the person that is the subject of the warrant; and

''(B) require those assurances of compliance with those conditions as are determined by the Secretary to be appropriate.

''(2) ADDITIONAL ASSURANCES.—

''(A) IN GENERAL.—In addition to imposing conditions and requiring assurances under paragraph (1), the Secretary of State shall demand, as a condition of the extradition of the person in every case, an assurance described in subparagraph (B) that the Secretary determines to be satisfactory.

''(B) DESCRIPTION OF ASSURANCES.—An assurance described in this subparagraph is an assurance that the person that is sought for extradition shall not be tried or punished for an offense other than that for which the person has been extradited, absent the consent of the United States.''.

SEC. 2. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—Chapter 209 of title 18, United States Code, is amended—

(1) in section 3181, by inserting '', other than section 3197,'' after ''The provisions of this chapter'' each place that term appears; and

(2) in section 3186, by striking ''or 3185'' and inserting '', 3185 or 3197''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 209 of title 18, United States Code, is amended by adding at the end the following:

''3197. Extradition for offenses not covered by a list treaty.''.

SEC. 3. TEMPORARY TRANSFER OF PERSONS IN CUSTODY FOR PROSECUTION.

(a) IN GENERAL.—Chapter 306 of title 18, United States Code, is amended by adding at the end the following:

''§ 4116. Temporary transfer for prosecution

''(a) STATE DEFINED.—In this section, the term 'State' includes a State of the United States, the District of Columbia, and a commonwealth, territory, or possession of the United States.

''(b) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO TEMPORARY TRANSFERS.—

''(1) IN GENERAL.—Subject to subsection (d), if a person is in pretrial detention or is otherwise being held in custody in a foreign country based upon a violation of the law in that foreign country, and that person is found extraditable to the United States by the competent authorities of that foreign country while still in the pretrial detention or custody, the Attorney General shall have the authority—

''(A) to request the temporary transfer of that person to the United States in order to face prosecution in a Federal or State criminal proceeding;

''(B) to maintain the custody of that person while the person is in the United States; and

''(C) to return that person to the foreign country at the conclusion of the criminal prosecution, including any imposition of sentence.

''(2) REQUIREMENTS FOR REQUESTS BY ATTORNEY GENERAL.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of that person to the foreign country in question would be consistent with international obligations of the United States.

''(c) AUTHORITY OF ATTORNEY GENERAL WITH RESPECT TO PRETRIAL DETENTIONS.—

''(1) IN GENERAL.—

''(A) AUTHORITY OF ATTORNEY GENERAL.—Subject to paragraph (2) and subsection (d), the Attorney General shall have the authority to carry out the actions described in subparagraph (B), if—

''(i) a person is in pretrial detention or is otherwise being held in custody in the United States based upon a violation of Federal or State law, and that person is found extraditable to a foreign country while still in the pretrial detention or custody pursuant to section 3184, 3197, or 3198; and

''(ii) a determination is made by the Secretary of State and the Attorney General that the person will be surrendered.

''(B) ACTIONS.—If the conditions described in subparagraph (A) are met, the Attorney General shall have the authority to—

''(i) temporarily transfer the person described in subparagraph (A) to the foreign country of the foreign government requesting the extradition of that person in order to face prosecution;

''(ii) transport that person from the United States in custody; and

''(iii) return that person in custody to the United States from the foreign country.

''(2) CONSENT BY STATE AUTHORITIES.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in paragraph (1) if the appropriate State authorities give their consent to the Attorney General.

''(3) CRITERION FOR REQUEST.—The Attorney General shall make a request under paragraph (1) only if the Attorney General determines, after consultation with the Secretary of State, that the return of the person sought for extradition to the foreign country of the foreign government requesting the extradition would be consistent with United States international obligations.

''(4) EFFECT OF TEMPORARY TRANSFER.—With regard to any person in pretrial detention—

''(A) a temporary transfer under this subsection shall result in an interruption in the pretrial detention status of that person; and

''(B) the right to challenge the conditions of confinement pursuant to section 3142(f) does not extend to the right to challenge the conditions of confinement in a foreign country while in that foreign country temporarily under this subsection.

''(d) CONSENT BY PARTIES TO WAIVE PRIOR FINDING OF WHETHER A PERSON IS EXTRADITABLE.—The Attorney General may exercise the authority described in subsections (b) and (c) absent a prior finding that the person in custody is extraditable, if the person, any appropriate State authorities in a case under subsection (c), and the requesting foreign government give their consent to waive that requirement.

''(e) RETURN OF PERSONS.—

''(1) IN GENERAL.—If the temporary transfer to or from the United States of a person in custody for the purpose of prosecution is provided for by this section, that person shall be returned to the United States or to the foreign country from which the person is transferred on completion of the proceedings upon which the transfer was based.

''(2) STATUTORY INTERPRETATION WITH RESPECT TO IMMIGRATION LAWS.—In no event shall the return of a person under paragraph (1) require extradition proceedings or proceedings under the immigration laws.

''(3) CERTAIN RIGHTS AND REMEDIES BARRED.—Notwithstanding any other provision of law, a person temporarily transferred to the United States pursuant to this section shall not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to apply for or be granted asylum or withholding of deportation.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 306 of title 28, United States Code, is amended by adding at the end the following:

''4116. Temporary transfer for prosecution.''.

SEC. 4. PROHIBITING FUGITIVES FROM BENEFITING FROM FUGITIVE STATUS.

(a) IN GENERAL.—Chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''§ 2466. Fugitive disentitlement

''A person may not use the resources of the courts of the United States in furtherance of a claim in any related civil forfeiture action or a claim in third party proceedings in any related criminal forfeiture action if that person—

''(1) purposely leaves the jurisdiction of the United States;

''(2) declines to enter or reenter the United States to submit to its jurisdiction; or

''(3) otherwise evades the jurisdiction of the court in which a criminal case is pending against the person.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 163 of title 28, United States Code, is amended by adding at the end the following:

''2466. Fugitive disentitlement.''.

SEC. 5. TRANSFER OF FOREIGN PRISONERS TO SERVE SENTENCES IN COUNTRY OF ORIGIN.

Section 4100(b) of title 18, United States Code, is amended in the third sentence by striking ''An offender'' and inserting ''Unless otherwise provided by treaty, an offender.''

SEC. 6. TRANSIT OF FUGITIVES FOR PROSECUTION IN FOREIGN COUNTRIES.

(a) IN GENERAL.—Chapter 305 of title 18, United States Code, is amended by adding at the end the following:

"§ 4087. Transit through the United States of persons wanted in a foreign country

''(a) IN GENERAL.—The Attorney General may, in consultation with the Secretary of State, permit the temporary transit through the United States of a person wanted for prosecution or imposition of sentence in a foreign country.

''(b) LIMITATION OF JUDICIAL REVIEW.—A determination by the Attorney General to permit or not to permit a temporary transit described in subsection (a) shall not be subject to judicial review.

''(c) CUSTODY.—If the Attorney General permits a temporary transit under subsection (a), Federal law enforcement personnel may hold the person subject to that transit in custody during the transit of the person through the United States.

''(d) CONDITIONS APPLICABLE TO PERSONS SUBJECT TO TEMPORARY TRANSIT.—Notwithstanding any other provision of law, a person who is subject to a temporary transit through the United States under this section shall—

''(1) be required to have only such documents as the Attorney General shall require;

''(2) not be considered to be admitted or paroled into the United States; and

''(3) not be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), including the right to apply for or be granted asylum or withholding of deportation.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 305 of title 18, United States Code, is amended by adding at the end the following:

''4087. Transit through the United States of persons wanted in a foreign country.''.

TITLE II—PROMOTING GLOBAL COOPERATION IN THE FLIGHT AGAINST INTERNATIONAL CRIME

SEC. 1. STREAMLINED PROCEDURES FOR EXECUTION OF MLAT REQUESTS.

(a) IN GENERAL.—Chapter 117 of title 28, United States Code, is amended by adding at the end the following:

"§ 1785. Assistance to foreign authorities

''(a) IN GENERAL.—

''(1) PRESENTATION OF REQUESTS.—The Attorney General may present a request made by a foreign government for assistance with resepct to a foreign investigation, prosecution, or proceeding regarding a criminal matter pursuant to a treaty, convention, or executive agreement for mutual legal assistance between the United States and that government or in accordance with section 1782, the execution of which requires or appears to require the use of compulsory measures in more than 1 judicial district, to a judge or judge magistrate of—

''(A) any 1 of the districts in which persons who may be required to appear to testify or produce evidence or information reside or are found, or in which evidence or information to be produced is located; or

''(B) the United States District Court for the District of Columbia.

''(2) AUTHORITY OF COURT.—A judge or judge magistrate to whom a request for assistance is presented under paragraph (1) shall have the authority to issue those orders necessary to execute the request including orders appointing a person to direct the taking of testimony or statements and the production of evidence or information, of whatever nature and in whatever form, in execution of the request.

''(b) AUTHORITY OF APPOINTED PERSONS.—A person appointed under subsection (a)(2) shall have the authority to—

''(1) issue orders for the taking of testimony or statements and the production of evidence or information, which orders may be served at any place within the United States;

''(2) administer any necessary oath; and

''(3) take testimony or statements and receive evidence and information.

''(c) PERSONS ORDERED TO APPEAR.—A person ordered pursuant to subsection (b)(1) to appear outside the district in which that person resides or is found may, not later than 10 days after receipt of the order—

''(1) file with the judge or judge magistrate who authorized execution of the request a motion to appear in the district in which that person resides or is found or in which the evidence or information is located; or

''(2) provide written notice, requesting appearance in the district in which the person resides or is found or in which the evidence or information is located, to the person issuing the order to appear, who shall advise the judge or judge magistrate authorizing execution.

''(d) TRANSFER OF REQUESTS.—

''(1) IN GENERAL.—The judge or judge magistrate may transfer a request under subsection (c), or that portion requiring the appearance of that person, to the other district if—

''(A) the inconvenience to the person is substantial; and

''(B) the transfer is unlikely to adversely affect the effective or timely execution of the request or a portion thereof.

''(2) EXECUTION.—Upon transfer, the judge or judge magistrate to whom the request or a portion thereof is transferred shall complete its execution in accordance with subsections (a) and (b).''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 117 of title 28, United States Code, is amended by adding at the end the following:

''1785. Assistance to foreign authorities.''.

SEC. 2. TEMPORARY TRANSFER OF INCARCERATED WITNESSES.

(a) IN GENERAL.—Section 3508 of title 18, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 3508. Temporary transfer of witnesses in custody";

(2) in subsection (a), by inserting ''IN GENERAL.—'' after ''(a)''; and

(3) by striking subsections (b) and (c) and inserting the following:

''(b) TRANSFER AUTHORITY.—

''(1) IN GENERAL.—If the testimony of a person who is serving a sentence, in pretrial detention, or otherwise being held in custody in the United States, is needed in a foreign criminal proceeding, the Attorney General shall have the authority to—

''(A) temporarily transfer that person to the foreign country for the purpose of giving the testimony;

''(B) transport that person from the United States in custody;

''(C) make appropriate arrangements for custody for that person while outside the United States; and

''(D) return that person in custody to the United States from the foreign country.

''(2) PERSONS HELD FOR STATE LAW VIOLATIONS.—If the person is being held in custody for a violation of State law, the Attorney General may exercise the authority described in this subsection if the appropriate State authorities give their consent.

''(c) RETURN OF PERSONS TRANSFERRED.—

''(1) IN GENERAL.—if the transfer to or from the United States of a person in custody for the purpose of giving testimony is provided for by treaty or convention, by this section, or both, that person shall be returned to the United States, or to the foreign country from which the person is transferred.

''(2) LIMITATION.—In no event shall the return of a person under this subsection require any request for extradition or extradition proceedings, or require that person to be subject to deportation or exclusion proceedings under the laws of the United States, or the foreign country from which the person is transferred.

''(d) APPLICABILITY OF INTERNATIONAL AGREEMENTS.—If there is an international agreement between the United States and the foreign country in which a witness is being held in custody or to which the witness will be transferred from the United States, that provides for the transfer, custody, and return of those witnesses, the terms and conditions of that international agreement shall apply. if there is no such international agreement, the Attorney General may exercise the authority described in subsections (a) and (b) if both the foreign country and the witness give their consent.

''(e) RIGHTS OF PERSONS TRANSFERRED.—

''(1) Notwithstanding any other provision of law, a person held in custody in a foreign country who is transferred to the United States pursuant to this section for the purpose of giving testimony—

''(A) shall not by reason of that transfer, during the period that person is present in the United states pursuant to that transfer, be entitled to apply for or obtain any right or remedy under the Immigration and Nationality Act, including the right to apply for or be granted asylum or withholding of deportation or any right to remain in the United States under any other law; and

''(B) may be summarily removed from the United States upon order of the Attorney General.

''(2) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to create any substantive or procedural right or benefit to remain in the United States that is legally enforceable in a court of law of the United States or of a State by any party against the United States or its agencies or officers.

''(f) CONSISTENCY WITH INTERNATIONAL OBLIGATIONS.—The Attorney General shall not take any action under this section to transfer or return a person to a foreign country unless the Attorney General determines, after consultation with the Secretary of State, that transfer or return would be consistent with the international obligations of the United States. A determination by the Attorney General under this subsection shall not be subject to judicial review by any court.''.

(b) CLERICAL AMENDMENT.—The analysis for chapter 223 of title 18, United States Code, is amended by striking the item relating to section 3508 and inserting the following:

''3508. Temporary transfer of witnesses in custody.''.

TITLE III—ANTI-ATROCITY ALIEN DEPORTATION

SEC. 1. INADMISSIBILITY AND REMOVABILITY OF ALIENS WHO HAVE COMMITTED ACTS OF TORTURE ABROAD.

(a) INADMISSIBILITY.—Section 212(a)(3)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(E)) is amended by adding at the end the following:

''(iii) COMMISSION OF ACTS OF TORTURE.—Any alien who, outside the United States, has committed any act of torture, as defined in section 2340 of title 18, United States Code, is inadmissible.''.

''(b) REMOVABILITY.—Section 237(a)(4)(D) of that Act (8 U.S.C. 1227(a)(4)(D)) is amended by striking ''clause (i) or (ii)'' and inserting ''clause (i), (ii), or (iii)''.

''(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offenses committed before, on, or after the date of enactment of this Act.

SEC. 2. ESTABLISHMENT OF THE OFFICE OF SPECIAL INVESTIGATIONS.

''(a) AMENDMENT OF THE IMMIGRATION AND NATIONALITY ACT.—Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by adding at the end the following:

''(g) The Attorney General shall establish within the Criminal Division of the Department of Justice an Office of Special Investigations with the authority of investigating, and, where appropriate, taking legal action to remove, denaturalize, or prosecute any alien found to be in violation of clause (i), (ii), or (iii) of section 212(a)(3)(E).''.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Department of Justice for the fiscal year 2000 such sums as may be necessary to carry out the additional duties established under section 103(g) of the Immigration and Nationality Act (as added by this Act) in order to ensure that the Office of Special Investigations fulfills its continuing obligations regarding Nazi war criminals.

(2) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to paragraph (1) are authorized to remain available until expanded.

MOBILE TELECOMMUNICATIONS SOURCING ACT

On October 20, 1999, Mr. BROWNBACK, for himself and Mr. DORGAN, introduced S. 1755. The text of the bill follows:

S. 1755

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 ''Mobile Telecommunications Sourcing Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The provision of mobile telecommunications services is a matter of interstate commerce within the jurisdiction of the United States Congress under Article I, Section 8 of the United States Constitution. Certain aspects of mobile telecommunications technologies and services do not respect, and operate independently of, State and local jurisdictional boundaries.

(2) The mobility afforded to millions of American consumers by mobile telecommunications services helps to fuel the American economy, facilitate the development of the information superhighway and provide important safety benefits.

(3) Users of mobile telecommunications services can originate a call in one State or local jurisdiction and travel through other States or local jurisdictions during the course of the call. These circumstances make it more difficult to track the separate segments of a particular call with all of the States and local jurisdictions involved with the call. In addition, expanded home calling areas, bundled service offerings and other marketing advances make it increasingly difficult to assign each transaction to a specific taxing jurisdiction.

(4) State and local taxes imposed on mobile telecommunications services that are not consistently based on subject consumers, businesses and others engaged in interstate commerce to multiple, confusing and burdensome State and local taxes and result in higher costs to consumers and the industry.

(5) State and local taxes that are not consistently based can result in some telecommunications revenues inadvertently escaping State and local taxation altogether, thereby violating standards of tax fairness, creating inequities among competitors in the telecommunications market and depriving State and local governments of needed tax revenues.

(6) Because State and local tax laws and regulations of many jurisdictions were established before the proliferation of mobile telecommunications services, the application of these laws to the provision of mobile telecommunications services may produce conflicting or unintended tax results.

(7) State and local governments provide essential public services, including services that Congress encourages State and local governments to undertake in partnership with the Federal government for the achievement of important national policy goals.

(8) State and local governments provide services that support the flow of interstate commerce, including services that support the use and development of mobile telecommunications services.

(9) State governments as sovereign entities in our Federal system may require that interstate commerce conducted within their borders pay its fair share of tax to support the government services provided by those governments.

(10) Local governments as autonomous subdivisions of a State government may require that interstate commerce conducted within their borders pay its fair share of tax to support the governmental services provided by those governments.

(11) To balance the needs of interstate commerce and the mobile telecommunications industry with the legitimate role of State and local governments in our system of federalism, Congress needs to establish a uniform and coherent national policy regarding the taxation of mobile telecommunications services through the exercise of its constitutional authority to regulate interstate commerce.

(12) Congress also recognizes that the solution established by this legislation is a necessarily practical one and must provide for a system of State and local taxation of mobile telecommunications services that in the absence of this solution would not otherwise occur. To this extent, Congress exercises its power to provide a reasonable solution to otherwise insoluble problems of multi-jurisdictional commerce.

SEC. 3. AMENDMENT OF COMMUNICATIONS ACT OF 1934 TO PROVIDE RULES FOR DETERMINING STATE AND LOCAL GOVERNMENT TREATMENT OF CHARGES RELATED TO MOBILE TELECOMMUNICATIONS SERVICES.

The Communications Act of 1934 (47 U.S.C. 151 et seq.) is amended by adding at the end thereof the following:

''TITLE VIII—STATE AND LOCAL TREATMENT OF CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.

''SEC. 801. APPLICATION OF TITLE.

''(a) IN GENERAL.—This title applies to any tax, charge, or fee levied by a taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services, regardless of whether such tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee.

''(b) GENERAL EXCEPTIONS.—This title does not apply to—

''(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth or property value of the provider of mobile telecommunications service;

''(2) any tax, charge, or fee that is applied to an equitably apportioned gross amount that is not determined on a transactional basis;

''(3) any tax, charge, or fee that represents compensation for a mobile telecommunications service provider's use of public rights of way or other public property, provided that such tax, charge, or fee is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication services; or

''(4) any fee related to obligations under section 254 of this Act.''.

''(c) SPECIFIC EXCEPTIONS.—This title—

''(1) does not apply to the determination of the taxing situs of prepaid telephone calling services;

''(2) does not affect the taxability of either the initial sale of mobile telecommunications services or subsequent resale, whether as sales of the service alone or as a part of a bundled product, where the Internet Tax Freedom Act would preclude a taxing jurisdiction from subjecting the charges of the sale of these mobile telecommunications services to a tax, charge, or fee but this section provides no evidence of the intent of Congress with respect to the applicability of the Internet Tax Freedom Act to such charges; and

''(3) does not apply to the determination of the taxing situs of air-ground radiotelephone service as defined in section 22.99 of the Commission's regulations (47 C.F.R. 22.99).

''SEC. 802. SOURCING RULES.

''(a) IN GENERAL.—Notwithstanding the law of any State or political subdivision thereof to the contrary, mobile telecommunications services provided in a taxing jurisdiction to a customer, the charges for which are billed by or for the customer's home service provider, shall be deemed to be provided by the customer's home service provider.

''(b) JURISDICTION.—All charges for mobile telecommunications services that are deemed to be provided by the customer's home service provider under this title are authorized to be subjected to tax, charge, or fee by the taxing jurisdictions whose territorial limits encompass the customer's place of primary use, regardless of where the mobile telecommunication services originate, terminate or pass through, and no other taxing jurisdiction may impose taxes, charges, or fees on charges for such mobile telecommunications services.

''SEC. 803. LIMITATIONS.

''This title does not—

''(1) provide authority to a taxing jurisdiction to impose a tax, charge, or fee that the laws of the jurisdiction do not authorize the jurisdiction to impose; or

''(2) modify, impair, supersede, or authorize the modification, impairment, or supersession of, the law of any taxing jurisdiction pertaining to taxation except as expressly provided in this title.

''SEC. 804. ELECTRONIC DATABASES FOR NATIONWIDE STANDARD NUMERIC JURISDICTIONAL CODES.

''(a) ELECTRONIC DATABASE.—A State may provide an electronic database to a home service provider or, if a State does not provide such an electronic database to home service providers, then the designated database provider may provide an electronic database to a home service provider. The electronic database, whether provided by the State or the designated database provider, shall be provided in a format approved by the American National Standards Institute's Accredited Standards Committee X12, that, allowing for de minimis deviations, designates for each street address in the State, including to the extent practicable, any multiple

postal street addresses applicable to one street location, the appropriate jurisdictions, and the appropriate code for each taxing jurisdiction, for each level of taxing jurisdiction, identified by one nationwide standard numeric code. The electronic database shall also provide the appropriate code for each street address with respect to political subdivisions which are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction. The nationwide standard numeric codes shall contain the same number of numeric digits with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States using a format similar to FIPS 55–3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission, or their successors. Each address shall be provided in standard postal format.

''(b) NOTICE; UPDATES.—A State or designated database provider that provides or maintains an electronic database described in subsection (a) shall provide notice of the availability of the then current electronic database, and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in that State.

''(c) USER HELD HARMLESS.—A home service provider using the data contained in the electronic database described in subsection (a) shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in the electronic database provided by a State or designated database provider. The home service provider shall reflect changes made to the electronic database during a calendar quarter no later than 30 days after the end of that calendar quarter for each State that issues notice of the availability of an electronic database reflecting such changes under subsection (b).

''SEC. 805. PROCEDURE WHERE NO ELECTRIC DATABASE PROVIDED.

''(a) IN GENERAL.—If neither a State nor designated database provider provides an electronic database under section 804, a home provider shall be held harmless from any tax, charge, or fee liability in that State that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction if, subject to section 806, the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction for each level of taxing jurisdictional and exercise due diligence at each level of taxing jurisdiction to ensure that each such street address is assigned to the correct taxing jurisdiction. Where an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider must designate one specific jurisdiction within such enhanced zip code for use in taxing the activity for that enhanced zip code for each level of taxing jurisdiction. Any enhanced zip code assignment changed in accordance with section 806 is deemed to be in compliance with this section. For purposes of this section, there is a rebuttable presumption that a home service provider has exercised due diligence if such home service provider demonstrates that it has—

''(1) expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;

''(2) implemented and maintained reasonable internal controls to promptly correct misassignments of street addresses to taxing jurisdictions; and

''(3) used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations and any other changes in jurisdictional boundaries that materially affect the accuracy of the electronic database.

''(b) TERMINATION OF SAFE HARBOR.—Subsection (a) applies to a home service provider that is in compliance with the requirements of subsection (a), with respect to a State for which an electronic database is not provided under section 804 until the later of—

''(1) 18 months after the nationwide standard numeric code described in section 804(a) has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or

''(2) 6 months after the State or a designated database provider in that State provides the electronic database as prescribed in section 804(a).

''SEC. 806. CORRECTION OF ERRONEOUS DATA FOR PLACE OF PRIMARY USE.

''(a) IN GENERAL.—A taxing jurisdiction, or a State on behalf of any taxing jurisdiction or taxing jurisdictions within such State, may—

''(1) determine that the address used for purposes of determining the taxing jurisdictions to which taxes, charges, or fees for mobile telecommunications services are remitted does not meet the definition of place of primary use in section 809(3) and give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination if—

''(A) where the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

''(B) the customer is given an opportunity, prior to such notice of determination, to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the address is the customer's place of primary use;

''(2) determine that the assignment of a taxing jurisdiction by a home service provider under section 805 does not reflect the correct taxing jurisdiction and give binding notice to the home service provider to change the assignment on a prospective basis from the date of notice of determination if—

''(A) where the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the state before giving such notice of determination; and

''(B) the home service provider is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the assignment reflects the correct taxing jurisdiction.

''SEC. 807. DUTY OF HOME SERVICE PROVIDER REGARDING PLACE OF PRIMARY USE.

''(a) PLACE OF PRIMARY USE.—A home service provider is responsible for obtaining and maintaining the customer's place of primary use (as defined in section 809). Subject to section 806, and if the home service provider's reliance on information provided by its customer is in good faith, a home service provider—

''(1) may rely on the applicable residential or business street address supplied by the home service provider's customer; and

''(2) is not liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges or fees that are customarily passed on to the customer as a separate itemized charge.

''(b) ADDRESS UNDER EXISTING AGREEMENTS.—Except as provided in section 806, a home service provider may treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect 2 years after the date of enactment of the Mobile Telecommunications Sourcing Act as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdictions to which taxes, charges, or fees on charges for mobile telecommunications services are remitted.

''SEC. 808. SCOPE; SPECIAL RULES.

''(a) TITLE DOES NOT SUPERSEDE CUSTOMER'S LIABILITY TO TAXING JURISDICTION.—Nothing in this title modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of, any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.

''(b) ADDITIONAL TAXABLE CHARGES.—If a taxing jurisdiction does not otherwise subject charges for mobile telecommunications services to taxation and if these charges are aggregated with and not separately stated from charges that are subject to taxation, then the charges for otherwise non-taxable mobile telecommunications services may be subject to taxation unless the home service provider can reasonably identify charges not subject to such tax, charge, or fee from its books and records that are kept in the regular course of business.

''(c) NON-TAXABLE CHARGES.—If a taxing jurisdiction does not subject charges for mobile telecommunications services to taxation, a customer may not rely upon the non-taxability of charges for mobile telecommunications services unless the customer's home service provider separately states the charges for non-taxable mobile telecommunications services from taxable charges or the home service provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business that reasonably identifies the non-taxable charges.

''(d) REFERENCES TO REGULATIONS.—Any reference in this title to the Commission's regulations is a reference to those regulations as they were in effect on June 1, 1999.

''SEC. 809. DEFINITIONS.

''In this title:

''(1) CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.—The term 'charges for mobile telecommunications services' means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3 of the Commission's regulations (47 CFR 20.3), or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

''(2) TAXING JURISDICTION.—The term 'taxing jurisdiction' means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

''(3) PLACE OF PRIMARY USE.—The term 'place of primary use' means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be either—

''(A) the residential street address or the primary business street address of the customer; and

''(B) within the licensed service area of the home service provider.

''(4) LICENSED SERVICE AREA.—The term 'licensed service area' means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

''(5) HOME SERVICE PROVIDER.—The term 'home service provider' means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

''(6) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' means—

''(i) the person or entity that contracts with the home service provider for mobile telecommunications services; or

''(ii) where the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service, but this clause applies only for the purpose of determining the place of primary use.

''(B) The term 'customer' does not include—

''(i) a reseller of mobile telecommunications service; or

''(ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

''(7) DESIGNATED DATABASE PROVIDER.—The term ''designated database provider'' means a corporation, association, or other entity representing all the political subdivisions of a State that is—

''(A) responsible for providing the electronic database prescribed in section 804(a) if the State has not provided such electronic database; and

''(B) sanctioned by municipal and county associations or leagues of the State whose responsibility it would otherwise be to provide the electronic database prescribed by this title.

''(8) PREPAID TELEPHONE CALLING SERVICES.—The term 'prepaid telephone calling service' means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

''(9) RESELLER.—The term 'reseller'—

''(A) means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service; but

''(B) does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

''(10) SERVING CARRIER.—The term 'serving carrier' means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

''(11) MOBILE TELECOMMUNICATIONS SERVICE.—The term 'mobile telecommunications service' means commercial mobile radio service, as defined in section 20.3 of the Commission's regulations (47 CFR 20.3).

''(12) ENHANCED ZIP CODE.—The term 'enhanced zip code' means a United States postal zip code of 9 or more digits.

''SEC. 810. COMMISSION NOT TO HAVE JURISDICTION OF TITLE.

''Notwithstanding any other provision of this Act, the Commission shall have no jurisdiction over the interpretation, implementation, or enforcement of this title.

''SEC. 811. NONSEVERABILITY.

''If a court of competent jurisdiction enters a final judgment on the merits that is no longer subject to appeal, which substantially limits or impairs the essential elements of this title based on Federal statutory or Federal Constitutional grounds, or which determines that this title violates the United States Constitution, then the provisions of this title are null and void and of no effect.

''SEC. 812. NO INFERENCE.

''(a) INTERNET TAX FREEDOM ACT.—Nothing in this title may be construed as bearing on Congressional intent in enacting the Internet Tax Freedom Act or as affecting that Act in anyway.

''(b) TELECOMMUNICATIONS ACT OF 1996.—Nothing in this title shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 or the amendments made by that Act.''.

SEC. 4. EFFECTIVE DATE.

The amendment made by section 3 applies to customer bills issued after the first day of the first month beginning more than 2 years after the date of enactment of this Act.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 1999

On October 20, 1999, Mr. BINGAMAN, for himself and Mrs. MURRAY, introduced S. 1756. The text of the bill follows:

S. 1756

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Laboratories Partnership Improvement Act of 1999''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) The National Laboratories play a crucial role in the Department of Energy's ability to achieve its missions in national security, science, energy, and environment.

(2) The National Laboratories must be on the leading edge of advances in science and technology to help the Department to achieve its missions.

(3) The private sector is now performing a much larger share of the nation's research and development activities, and is on the leading edge of many technologies that could be adapted to meet departmental missions.

(4) To be able to help the Department to achieve its missions in the most cost effective manner, the National Laboratories must take advantage, to the greatest extent practicable, of the scientific and technological expertise that exists in the private sector, as well as at leading universities, through joint research and development projects, personnel exchanges, and other arrangements.

(5) The Department needs to strengthen the regional technology infrastructure of firms, research and academic institutions, non-profit and governmental organizations, and work force around its National Laboratories to maintain the long-term vitality of the laboratories and ensure their continued access to the widest range of high quality research, technology and personnel.

SEC. 3. DEFINITIONS.

For purposes of this Act, except for sections 8 and 9—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''multiprogram National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) Oak Ridge National Laboratory;

(H) Pacific Northwest National Laboratory.

(I) Sandia National Laboratory;

(5) the term ''National Laboratory or facility'' means any of the multiprogram National Laboratories or any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Federal Energy Technology Center;

(E) Fermi National Accelerator Laboratory;

(F) National Renewable Energy Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant; or

(M) other similar organization of the Department designated by the Secretary that engages in technology transfer activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services; and

(10) the term ''technology cluster'' means a geographic concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance though formal or informal relationships.

SEC. 4. REGIONAL TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Regional Technology Infrastructure Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support department missions by—

(1) stimulating the development of technology clusters in the vinicity of National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of state, tribal, or local governments—

that are located in the vicinity of a National Laboratory or facility.

(c) PROGRAM PHASES.—The Secretary shall conduct the Regional Technology Infrastructure Program in two phases as follows:

(1) PILOT PHASE.—No later than six months after the date of enactment of this Act, the Secretary shall provide $1,000,000 to each of the multiprogram National Laboratories to conduct Regional Technology Infrastructure Program pilots.

(2) FULL IMPLEMENTATION.—Not later than eighteen months after the date of enactment of this act, the Secretary shall expand or alter the Regional Technology Infrastructure Program to include whichever National Laboratories or facilities the Secretary determines to be appropriate based upon the experience of the program to date and the extent to which the pilot projects under paragraph (1) met the requirements of subsections (e) and (f).

(d) PROJECTS.—The Secretary shall authorize the director of each National Laboratory or facility designated under subsection (c) to implement the Regional Technology Infrastructure Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this program shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or facility;

(B) a business located within the vicinity of the participating National Laboratory or facility; and

(C) one or more of the following entities that is located within the vicinity of the participating National Laboratory or facility—

(i) an institution of higher education,

(ii) a nonprofit institution,

(iii) an agency of a state, local, or tribal government, or

(iv) an additional business.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this program or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this program shall be competitively selected using procedures determined to be appropriate by the Secretary.

(4) ACCOUNTING STANDARDS.—Any participants receiving funding under this program, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No federal funds shall be made available under this program for—

(A) construction; or

(B) any project for more than five years.

(f) CRITERIA.—

(1) MANDATORY CRITERIA.—The Secretary shall not authorize the provision of federal funds for a project under this section unless there is a determination by the Director of the National Laboratory or facility managing the project that the project is likely—

(A) to succeed, based on its technical merit, team members, management approach, resources, and project plan; and

(B) to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions, promote the commercial development of technological innovations made at such Laboratory or facility, and use commercial innovations to achieve its missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the consideration of the following factors by the Director of the National Laboratory or facility managing projects under this section in providing federal funds to projects under this section—

(A) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, in the vicinity of the participating National Laboratory or facility;

(B) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(C) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns located in the vicinity of the participating National Laboratory or facility that will make substantive contributions to achieving the goals of the project;

(D) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(E) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns located in the vicinity of the National Laboratory or facility or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other factors, as appropriate, in determining whether to fund projects under this section.

SEC. 5. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The mission of the small business advocacy function shall be to increase the participation of small business concerns, particularly those small business concerns located near the laboratory and small business concerns that are owned by women or minorities, in procurements and collaborative research conducted by the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(2) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(3) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(4) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended on a program under subsection (b) may be used for direct grants to the small business concerns.

SEC. 6. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each multiprogram National Laboratory, and may direct the Director of each other National Laboratory or facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing; and

(2) report to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

SEC. 7. MOBILITY OF TECHNICAL PERSONNEL.

(a) GENERAL POLICY.—Not later than two years after or the enactment of this Act, the Secretary shall ensure that each contractor

operating a National Laboratory or facility has policies and procedures, including an employee benefits program, that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or facilities.

(b) EXTENSION.—The Secretary may delay implementation of the policy in subsection (a) if the Secretary—

(1) determines that the implementation of the policy within two years would be unnecessarily expensive or disruptive to the operations of the contractor-operated National Laboratories or facilities; and

(2) recommends to Congress alternative measures to increase the mobility of technical personnel among the contractor operated National Laboratories or facilities.

(c) STUDY OF WIDER MOBILITY.—Not later than two years after the enactment of this act, the Secretary shall recommend to Congress legislation to reduce any undue disincentives to scientific and technical personnel employed by a contractor-operated National Laboratory or facility taking a job with an institution of higher education, nonprofit institution, or technology-related business concern that is located in the vicinity of the National Laboratory or facility.

SEC. 8. OTHER TRANSACTIONS AUTHORITY.

Section 646 of the Department of Energy Organization Act (42 U.S.C.. 7256) is amended by adding at the end the following new subsection:

''(g)(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of functions now or hereafter vested in the Secretary, including research, development, or demonstration projects. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document support a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a federal agency.''.

SEC. 9. AMENDMENTS TO THE STEVENSON-WYDLER ACT.

(a) STRATEGIC PLANS.—Section 12(a) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(a)) is amended by inserting after ''joint work statement'' the following: ''or, if permitted by the agency, in an agency-approved annual strategic plan.''.

(b) FEDERAL WAIVERS.—Subsection 12(b) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(b)) is amended by adding at the end the following:

''(6) The director of a government-operated laboratory (in the case of a government operated laboratory) or a designated official of the agency (in the case of a contractor-operated laboratory) may waive any license retained by the Government under paragraphs (1)(A), 2, or 3(D) in whole or in part and according to negotiated terms and conditions if the director or designated official, as appropriate, finds that the requirement for the license would substantially inhibit the commercialization of an invention that would otherwise serve an important federal mission.''.

(c) TIME REQUIRED FOR APPROVAL.—Section 12(c)(5) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(c)(5)) is amended—

(1) by striking subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (C);

(3) by striking ''with a small business firm'' and inserting ''if'' after ''statement'' in subparagraph (C)(i) (as redesignated); and

(4) by adding after subparagraph (C)(iii) (as redesignated) the following:

''(iv) Any agency that has contracted with a non-Federal entity to operate a laboratory may develop and provide to such laboratory one or more model cooperative research and development agreements, for the purposes of standardizing practices and procedures, resolving common legal issues, and enabling review of cooperative research and development agreements to be carried out in a routine and prompt manner.

''(v) A federal agency may waive the requirements of clause (i) or (ii) under such circumstances as the agency deems appropriate. However, the agency may not take longer than 30 days to review and approve, request modifications to, or disapprove any proposed agreement or joint work statement that it elects to receive.''.

ADDITIONAL STATEMENTS

NATIONAL BUSINESS WOMEN'S WEEK

● Ms. SNOWE. Mr. President, I rise to pay tribute to the more than 9.1 million women business owners nationwide on the occasion of National Business Women's Week. This week marks the celebration of the 71st annual National Business Women's Week.

On this occasion, advocates for women business owners may have a well-deserved sense of pride. I am pleased to be able to report that between 1987 and 1999, the number of women-owned businesses increased by 103 percent nationwide, employment increased by 320 percent, and sales grew by 436 percent. Today, women business owners across the country employ more than 27.5 million people and generate in excess of $3.6 trillion in sales. These businesses account for 38 percent of all U.S. businesses.

In my home State of Maine, there are more than 48,200 women-owned businesses, employing 91,700 people and generating $10.2 billion in sales. For Maine's economy, this represents growth of more than 85.3 percent between 1987 and 1996.

Mr. President, this data demonstrates just how vital women and women-owned businesses are to the health of the U.S. economy. Although women-owned businesses have grown at an astronomical rate, we must continue to ensure that women have access to the knowledge and capital necessary to start their own businesses.

That is why I ask that, as we celebrate the tremendous accomplishments of women during National Business Women's Week, my fellow colleagues join me in supporting opportunities for women to become entrepreneurs.

As a member of the Senate Small Business Committee, I am proud of the role the Committee and the Small Business Administration have played in providing access to assistance from women entrepreneurs, because many of the businesses in this rapidly growing sector are small businesses. Just last month, the Committee reported legislation, the Women's Business Centers Sustainability Act, that would significantly increase funding for the Women's Business Centers Program, which provides women with long-term training and counseling in all aspects of owning and managing a business—fostering the growth of women's business ownership and providing a foundation of basic support to women business owners.

This program promotes the growth of women-owned businesses by sponsoring business training and technical counseling, access to credit and capital, and access to marketing opportunities, including Federal contracts and export opportunities. Over the past 10 years, the program has served tens of thousands of women entrepreneurs by providing them with consulting, training, and financial assistance as they seek to start or expand their own business. As a result, women are starting new firms at twice the rate of all other business, and employ roughly one in every five U.S. workers. Today, the program is comprised of nearly 70 centers in 40 States.

In my view, creating new opportunities for historically disadvantaged groups, such as women and minorities to help provide tangible opportunities for economic independence must remain a top priority, and National Business Women's Week is a perfect opportunity to focus attention on the importance of such efforts.

In closing, I would like to express my appreciation to the Business and Professional Women/USA organization, which has played a pivotal role in making the celebration of National Business Women's Week possible.

Since its creation in 1928, National Business Women's Week has been sponsored by Business and Professional Women/USA for the purpose of recognizing and honoring the achievements of working women.

Business and Professional Women/USA local organizations across the country, and in my state of Maine, will take this week to honor outstanding business women and employers of the year, and I would like to congratulate them and thank them for their important contributions.●

TRIBUTE TO IKUA PURDY

● Mr. AKAKA. Mr. President, this past Sunday, eight rodeo stars were inducted into the Rodeo Hall of Fame at

the National Cowboy Hall of Fame and Western Heritage Center in Oklahoma City. Included among the honorees is one of Hawaii's most legendary paniolos—paniolo is Hawaiian for cowboy—the late Ikua Purdy. Ikua Purdy was born in 1873 at Parker Ranch, one of the largest and most famous ranches in the world, on the Big Island of Hawaii. As a boy he learned to ride and rope, working as a paniolo in the cattle industry, a large and important enterprise in Hawaii at the time.

Ikua Purdy secured his place as a rodeo legend for his exploits in 1908 at the World Championship Rodeo in Cheyenne, Wyoming. Purdy, along with Eben ''Rawhide Ben'' Parker Low, Jack Low, and Archie Ka'aua traveled from the Big Island to Cheyenne and borrowed horses to compete in the world roping championship. This was their first competition outside of Hawaii. At the conclusion of the two-day competition, Jack Low placed sixth, Archie Ka'aua finished third, and Ikua Purdy won the won roping championship with a record time of 56 seconds—an amazing time that is all the more incredible since it came after an arduous 3,300-mile trek and accomplished with a borrowed horse.

Mr. President, I ask that two articles from The Honolulu Advertiser detailing the remarkable achievements of Ikua Purdy be printed in the RECORD.

The articles follow:

[From the Honolulu Advertiser, July 5, 1999]

BID MADE TO GIVE PANIOLO HIS DUE

(By Dan Nakaso)

In 1908, three Hawaii paniolo set off for Cheyenne, Wyo., where they heard the best ropers and riders in the land were gathering.

Just to get to the World Championship Rodeo, Ikua Purdy, Jack Low and Archie Ka'aua had to take a boat from the Big Island to Honolulu, catch a steamship to San Francisco, then hop a train to Cheyenne.

When they arrived 3,300 miles later, the other cowboys didn't know what to make of their dark skin, floppy hats and colorful clothes. And for a while it looked as if Purdy, Low and Ka'aua had made their journey for nothing, because nobody would loan them horses to compete.

But when the dust of competition settled after two days of roping and riding, Low had finished sixth, Ka'aua third and Purdy stood alone as the world roping champion.

The story became the stuff of paniolo lore. In the 101 years that followed, Purdy's legend has been remembered in Hawaii through paniolo songs, such as ''Hawaiian Rough Riders'' and ''Walomina.'' He was among the first people inducted into Hawaii's sports Hall of Fame.

What happened in Cheyenne has also inspired a modern-day quest by a pair of California cattle ranchers to give Purdy—and Hawaii's paniolo lifestyle—their rightful places in the history of the American West.

Purdy's name on the Mainland is only now spreading in cowboy circles, mostly through cattlemen Jack Roddy and Cecil Jones. They're trying to get Purdy inducted into the Rodeo Hall of Fame, a wing of the National Cowboy Hall of Fame and Western Heritage Center in Oklahoma City.

Later this month, the historical society that runs the Rodeo Hall of Fame will send its 400 members ballots containing Purdy's name.

If Purdy is voted in when the ballots are counted in September, Roddy and Jones believe it will be just the start toward recognizing Hawaii's place in cowboy and cattle history.

''Purdy's just the beginning,'' Roddy said. ''We need to tell the whole story of Hawaii, how cattle showed up in Hawaii first (even before Texas) and what Hawaii did for the rest of the West. The cowboys over there view Hawaii a people wearing hula skirts on beaches. They don't realize it's huge cattle country.''

If Purdy doesn't make it into the Hall of Fame this summer the historical society might not consider him again for years.

He missed induction last year by 60 votes, a fact that gnaws at Billy Bergin, a Big Island veterinarian who grew up working as a paniolo.

Bergin established the Paniolo Preservation Society 18 months ago and is pushing people in Hawaii to pay $25 to the historical society so they can become voting members and get Purdy inducted.

In just the last three months, 87 people from Hawaii have joined, according to the National Cowboy Hall of Fame.

Before the Hawaii campaign, ''no one had ever heard of Ikua Purdy,'' said Judy Dearing, who coordinates the rodeo program part of the Hall of Fame.

''Now we have such an interest from the Hawaii folks that we have a nice file an inch-and-a-half thick on Ikua.''

Jones vaguely remembered reading ''about some guy who came to Cheyenne and showed everybody up, set some records that were unbelievable and beat all the hotshots.''

Last year ''the nominating committee wondered how come his name hadn't come up before. Unfortunately, not enough people were aware of him. I said, 'We need to get the word out. He's long overdue.' ''

Purdy's descendants lean toward the humble side of life, just like Ikua, and the push to elect him into the Hall of Fame makes some of them uncomfortable.

''Most of us feel he should be in the Hall of Fame because of his merits and not by buying a vote,'' said Palmer Purdy, one of Ikua's grandsons. ''Don't get me wrong, I want to see him inducted. I just don't want to get him in that way. I want him to be inducted because he was a competitor and he was good at it and he was the best that Hawaii had to offer.''

Ikua was born on Christmas Eve, 1873, at Mana on the Big Island's Parker Ranch. He died on the Fourth of July, 1945, at Ulupalakua on Maui, where he finished out his paniolo days as foreman of Ulupalakua Ranch. He's buried at Ulupalakua.

As a boy, Palmer Purdy, now 52, never heard a word from his father, William, about Ikua's victory in Cheyenne or his status as a legend.

It wasn't until Palmer became a teenager that he got curious about his dead grandfather.

''All my uncles and aunties are very humble and didn't openly discuss Ikua's greatness,'' Purdy said. ''They didn't want to brag. But I would overhear other people talking about Ikua Purdy being a famous cowboy.''

The more he heard how Purdy taught paniolo to train horses in the ocean—not ''break'' them—and about Purdy's victories in Hawaii rodeos, the more Palmer filled in the gaps.

''The first thing that came to my mind was, 'Wow, I missed a lot growing up.' We sure would have liked to see him in action. When people start writing songs about you, you put a dent in people's minds. So he must have been a great, great individual for that to happen.''

THE EARLY DAYS

Purdy's life is just one chapter in the history of cowboys, horses and cattle in Hawaii, Bergin, Roddy and Jones said.

It begins in either 1792 or 1793 when British sea Capt. George Vancouver brought cattle to the Big Island as a gift to King Kamehameha I. Some of them died soon after, so Vancouver convinced Kamehameha to impose a kapu on killing cattle to give them a chance to breed.

The herd grew so successfully over the next three decades that cattle terrorized people and overran crops and forests. Rock walls in parts of urban Honolulu and other islands still stand as testament to the crude efforts to gain control over the bovines.

In 1830, Kamehameha III turned to Spanish California for help. Three vaqueros came over and showed Hawaiians how to ride horses that had been imported here 30 years before, and how to handle cattle.

Hawaii had its first working cowboys by 1836—some three or four decades before America. They called themselves paniolo, and Island-ized version of the word Espanol, or Spanish.

Raising cattle soon grew into a major export industry and helped Hawaiians pay off debts they had racked up by not filling orders for sandalwood.

Among the big cattle operations was the Parker Ranch on the Big Island, founded in 1848 by John Palmer Parker. Purdy was one of his great-grandsons.

In 1907, Eben ''Rawhide Ben'' Parker Low went to Cheyenne's Frontier Days and thought Hawaii's paniolo would be able to hold their own in competition there. Rawhide Ben had recently sold Pu'uwa'awa'a Ranch on the Big Island and financed the trip to Cheyenne in 1908 for himself, his half-brother Purdy, his cousin Ka'aua and his brother Jack Low.

''He felt they were the top ropers in the Islands,'' said Tila Spielman, Rawhide Ben's granddaughter.

The horses that Purdy, Low and Ka'aua borrowed were rough. And on the second day of competition, Low downed his calf in record time, but an asthma attack kept him from tying it up.

His time from the first day was still good enough for sixth place. Ka'aua's time of 1 minute, 28 seconds, got him third place. And Purdy was champion with an astounding 56 seconds. According to some accounts, it might have even been as low as 52 seconds.

Purdy never returned to Cheyenne, or even left Hawaii again.

He is on the verge of being immortalized in Oklahoma, but the attention he is getting today is exactly the kind that would have made him nervous.

Whenever he was asked about his accomplishments, Purdy would simply say: ''Other things to talk about besides me.''

[From the Honolulu Advertiser, Oct. 18, 1999]

RODEO HALL OF FAME ADDS ISLE PANIOLO

A Hawaii paniolo who is remembered in song and story was inducted into the Rodeo Hall of Fame yesterday in Oklahoma City.

The late Ikua Purdy was one of eight people honored during a ceremony at the National Cowboy Hall of Fame and Western Heritage Center.

Twenty of Purdy's relatives and friends made the journey from Hawaii for the program. One of the ceremony's highlights was the group performing the hula to a reading of Purdy's life story.

Purdy, who was born on Christmas Eve 1873 on the Big Island's Parker Ranch, learned to ride and rope on grasslands and upland forests of Waimea and Mauna Kea.

In the 1908 world roping championship in Cheyenne, Wyo., he snagged a steer in a

record 56 seconds. Such songs as ''Hawaiian Rough Riders'' and ''Waiomina'' recounted his victory. Purdy, who never returned to Wyoming to defend his title, worked as a paniolo until his death July 4, 1945.

Purdy missed induction last year by 60 votes. So Billy Bergin, a Big Island veterinarian who grew up working as a paniolo, established an organization that encouraged people in Hawaii to join the Rodeo Hall of Fame so they could vote for Purdy's induction.

Mr. AKAKA. Ikua Purdy went home to Hawaii and resumed his work as a paniolo until his death in 1945. He did not return to the mainland to defend his title, in fact he never left Hawaii's shores again. But his victory and legend live on in Hawaii and the annals of rodeo history. His achievements are immortalized in song and hula in Hawaii, including ''Hawaiian Rough Riders'' and ''Waiomina.''

Yet, during his lifetime, Ikua Purdy avoided drawing attention to his roping mastery and world record performance. I am pleased to join Ikua Purdy's family and friends in honoring the legacy and talent of one of Hawaii's and America's greatest cowboys. This weekend's well-deserved induction into the Rodeo Hall of Fame enshrines a sporting feat that continues to amaze rodeo fans and highlights the long, proud history of Hawaii's paniolos.

This well-deserved honor for a paniolo whose talents were matched only by his humility and quiet dignity follows on the heels of renewed interest and appreciation of Hawaii's illustrious paniolo traditions.

The Hawaiian cowboy played an important role in the economic and cultural development of Hawaii and helped to establish the islands as a major cattle exporter to California, the Americas, and the Pacific Rim for over a century. Paniolo history is frequently overlooked in Hawaii and is largely unknown beyond our shores. Yet, this is an important part of Hawaii's history and of American history. Indeed, Hawaii's working cowboys preceded the emergence of their compatriots in the American West.

Paniolo came from Spain, Portugal, Mexico, California, and throughout South America to work Hawaii's ranches. They brought their languages and culture, including the guitar and ukulele. As they shared their culture, married and raised families, they embraced the Native Hawaiian culture and customs. In many ways, this sharing and blending of cultures is the foundation for the diverse and rich heritage the people of Hawaii enjoy today.

The paniolo experience is part of the distinct historical narrative of our nation's history. It illustrates how differences have developed into shared values and community. By illuminating the many currents and branches of our history and society, we acquire a better understanding and appreciation of our national landscape.

The rediscovery of paniolo history was further encouraged when Governor Ben Cayetano declared 1998 the ''Year of the Paniolo'' in Hawaii. An excellent documentary film by Edgy Lee, ''Paniolo O Hawaii—Cowboys of the Far West,'' that premiered at the Smithsonian captures the essence of the Hawaiian cowboy and highlights the economic and cultural significance of the paniolo in the islands. I encourage all students and enthusiasts of the American West and cowboy lore to learn about the Hawaiian paniolo.●

AMERICANS OF ARABIC HERITAGE OF THE LEHIGH VALLEY, PENNSYLVANIA

● Mr. ABRAHAM. Mr. President, I rise today to express my sincere congratulations to the Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania who are celebrating their 10th Anniversary this year. I am proud and honored to be celebrating this event with them at their annual banquet on October 23, 1999.

I commend those members who are involved in this organization because they advance and demonstrate the continuing positive contributions of Americans of Arab descent. Furthermore, it is heartening to see the continual efforts of the Americans of Arabic Heritage in fostering a relationship of understanding and goodwill between the peoples and cultures of the United States and the Arab world. These efforts will go far in enhancing and promoting our community's image and understanding throughout the world.

The Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania have worked very hard to instill a sense of pride in their heritage. Their efforts have assured that this pride and this heritage will be preserved and carried on for generations to come. I am proud and delighted to see our community promoting our heritage and I wish them much success in their ongoing endeavors.

Many in the local community have given generously of their time and efforts to be active in the Americans of Arabic Heritage of the Lehigh Valley, Pennsylvania. They are to be commended for their very worthwhile efforts and foresight, and I am pleased to recognize these efforts in the United States Senate.●

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 101–549, appoints Susan F. Moore, of Georgia, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center.

COMPREHENSIVE PROGRAM OF SUPPORT FOR VICTIMS OF TORTURE

Mr. BROWNBACK. Madam President, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 2367, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (H.R. 2367) to reauthorize a comprehensive program of support for victims of torture.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Madam President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2367) was read the third time and passed.

ORDERS FOR FRIDAY, OCTOBER 22, 1999

Mr. BROWNBACK. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Friday, October 22. I further ask unanimous consent that on Friday 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 notwithstanding the adjournment of the Senate, the Senate then resume debate on the motion to proceed to H.R. 434, the sub-Saharan Africa free trade bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Madam President, for the information of all Senators, the Senate will resume consideration of the sub-Saharan Africa free trade bill at 9:30 tomorrow. The debate on the motion is expected to consume most of the day.

For the information of all Senators, the majority leader announced that there will be no votes tomorrow or Monday. However, Senators can expect votes early on Tuesday morning. For the beginning of next week, the Senate will resume debate on the African trade bill and will consider numerous Executive Calendar items. The Senate will also consider appropriations conference reports as they become available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BROWNBACK. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:57 p.m., adjourned until Friday, October 22, 1999, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE INTERNET GAMBLING PROHIBITION ACT OF 1999

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce the Internet Gambling Prohibition Act of 1999, along with my colleagues, Representative FRANK LOBIONDO, Representative FRANK WOLF, Representative RICK BOUCHER, Representative JIM GIBBONS, and Representative VIRGIL GOODE. I look forward to working with my colleagues from both sides of the aisle to see this legislation signed into law. I would also like to thank my friend in the other Chamber, Senator JON KYL for his leadership on this issue. The legislation that Mr. LOBIONDO and I are introducing today is similar to legislation which Representative LOBIONDO, and I introduced in the last Congress. I am also looking forward to working with Senator KYL, who has introduced similar legislation in the Senate.

The Internet is a revolutionary tool that dramatically affects the way we communicate, conduct business, and access information. As it knows no boundaries, the Internet is accessed by folks in rural and urban areas alike, in large countries as well as small. The Internet is currently expanding by leaps and bounds; however, it has not yet come close to reaching its true potential as a medium for commerce and communication.

One of the main reasons that the Internet has not reached this potential is that many folks view it as a wild frontier, with no safeguards to protect children and no legal infrastructure to prevent online criminal activity. The ability of the world wide web to penetrate every home and community across the globe has both positive and negative implications—while it can be an invaluable source of information and means of communication, it can also override community values and standards, subjecting them to whatever may or may not be found online. In short, the Internet is a challenge to the sovereignty of civilized communities, States, and nations to decide what is appropriate and decent behavior.

Gambling is an excellent example of this situation. It is illegal unless regulated by the States. With the development of the Internet, however, prohibitions and regulations governing gambling have been turned on their head. No longer do people have to leave the comfort of their homes and make the affirmative decision to travel to a casino—they can access the casino from their living rooms.

The legislation I am introducing today will protect the right of citizens in each State to decide through their State legislatures if they want to allow gambling within their borders and not have that right taken away by offshore, fly-by-night operators. The Internet Gambling Prohibition Act gives law enforcement the tools it needs to crack down on illegal Internet gambling operations by accomplishing two main goals: first, providing that anyone convicted of running an Internet gambling business is liable for a substantial fine and up to 4 years in prison; and second, giving law enforcement the ability to request cessation of service to web sites engaging in illegal gambling, with enforcement by court order if necessary. Additionally, the bill requires the Attorney General to submit a report to Congress on the effectiveness of its provisions.

It is also important to note that this legislation does not preempt any State laws, does not cover online new reporting about gambling, and does not apply to wagering over non-Internet closed networks in States that allow such activity. The bill simply brings the current prohibition against interstate gambling up to speed with the development of new technology, as the Internet had not been created when the original law was passed and thus is no covered by it.

Mr. Speaker, online gambling is currently a $200 million per year business, and could easily grow to a $1 billion business in the next few years. It is time to shine a bright light on Internet gambling in this country, and to put a stop to this situation before it gets any worse. The Internet Gambling Prohibition Act, which will keep children from borrowing the family credit card, logging on to the family computer, and losing thousands of dollars all before their parents get home from work, will do just that. I urge each of my colleagues to support the Internet Gambling Prohibition Act of 1999.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MCINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of the Forest Service. During this long and at times difficult process, the Forest Service has given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without the Forest Service's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of the Forest Service who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

RICHARD A. WEILAND HONORED

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. PORTMAN. Mr. Speaker, I rise today to recognize Richard A. Weiland, a well known Cincinnati civic leader, as he is honored by the Cincinnati Associates of the Hebrew Union College Jewish Institute of Religion.

Dick has been a member of the Cincinnati Associates since the group's inception, and he has been a key part of its leadership. He currently serves as the Associates' Honorary Chair.

An energetic and committed community volunteer, Dick is involved in numerous civil and philanthropic activities. He serves on the Executive Committee of the American Jewish Committee; the Cincinnati Human Relations Commission; the Jewish National Fund Advisory Board; the Council of Jewish Federation's National Leadership; Jewish Federation of Cincinnati; Family Service of Cincinnati Advisory Board; and the Ohio Refugee Immigration Aid Committee. In addition to these challenges and many others, Dick has been active in the Coalition for a Drug-Free Greater Cincinnati, an organization I founded to combat substance abuse in the Greater Cincinnati community.

A Cincinnati native, Dick attended Walnut Hills High School, Williams College, and the University of Cincinnati College of Law. He

and his wife, Marcia, have three children and five grandchildren.

All of us in Cincinnati congratulate Dick on receiving this prestigious recognition.

INTRODUCTION OF PUBLIC SAFETY TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. PAUL. Mr. Speaker, today I am introducing the Public Safety Tax Cut Act. This legislation will achieve two important public policy goals.

First, it will effectively overturn a ruling of the Internal Revenue Service which has declared as taxable income the waiving of fees by local governments who provide service for public safety volunteers.

Many local governments use volunteer firefighters and auxiliary police either in place of, or as a supplement to, their public safety professionals. Often as an incentive to would-be volunteers, the local entities might waive all or a portion of the fees typically charged for city services such as the provision of drinking water, sewerage charges, or debris pick up. Local entities make these decisions for the purpose of encouraging folks to volunteer, and seldom do these benefits come anywhere near the level of a true compensation for the many hours of training and service required of the volunteers. This, of course, not even to mention the fact that these volunteers could very possibly be called into a situation where they may have to put their lives on the line.

Rather than encouraging this type of volunteerism, which is so crucial, particularly to America's rural communities, the IRS has decided that the provision of the benefits described above amount to taxable income. Not only does this adversely affect the financial position of the volunteer by foisting new taxes about him or her, it has in fact led local entities to stop providing these benefits, thus taking away a key tool they have used to recruit volunteers. That is why the IRS ruling in this instance has a substantial deleterious impact on the spirit of American volunteerism. How far could this go? For example, would consistent application mean that a local Salvation Army volunteer be taxed for the value of a complimentary ticket to that organization's annual county dinner? This is obviously bad policy.

This legislation would rectify this situation by specifically exempting these types of benefits from federal taxation.

Next, this legislation would also provide paid professional police and fire officers with a $1,000 per year tax credit. These professional public safety officers put their lives on the line each and every day, and I think we all agree that there is no way to properly compensate them for the fabulous services they provide. In America we have a tradition of local law enforcement and public safety provision. So, while it is not the role of our federal government to increase the salaries of these, it certainly is within our authority to increase their take-home pay by reducing the amount of money that we take from their pockets via federal taxation, and that is something this bill specifically does as well.

Mr. Speaker I am proud to introduce the Public Safety Tax Cut Act, and I request that my fellow Members join in support of this key legislation.

VOICES AGAINST VIOLENCE: A TEEN CONFERENCE

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. COYNE. Mr. Speaker, I rise today to talk about two young people from Pennsylvania's 14th Congressional District who came to Washington this week to participate in the Voices Against Violence congressional teen conference. The Voices Against Violence conference, which was organized by the House Democratic Caucus, was intended to bring together young people from around the country to engage them in a constructive discussion about youth violence.

Most Americans have been shocked and distressed by the series of high-profile school shootings committed by young people over the last year. Our Nation's children are, sadly, the people most affected by youth violence. They are also often the individuals with the greatest insight into the causes of youth violence and ways to prevent violent acts in the future. The Voices Against Violence conference was intended to bring young people from across the country together to discuss youth violence—and to utilize their insights to develop innovative solutions to the problem of youth violence.

Over 300 young people between the ages of 13 and 19 attended the Voices Against Violence conference on October 19th and 20th in Washington, DC. President Clinton addressed the students, and then participants attended workshops with experts on teen violence, discussion groups about possible solutions, and skills training sessions to learn about violence prevention initiatives that have been found to be effective.

Two of my constituents, Zara Carroll and Jeff Smith, attended the Voices Against Violence conference with their parents. On behalf of my constituents and myself, I want to commend Zara and Jeff for their interest and involvement in this important issue. I hope that they found the conference to be engaging and informative, and that they will continue to work to help reduce violence and the threat of violence in their communities in the coming years.

TRIBUTE TO CARL R. HILLIARD, ''ONE CAPITOL FELLOW''

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with great pleasure that I honor a dedicated man and his career. In his thirty plus years of covering the Colorado Capitol for the Associated Press, Carl Hilliard proved himself to be a man of truth and integrity. During that time, I'm glad to say that I was fortunate to get to know him well.

His colleagues knew him as a man who cared not about being in the limelight, but a man who took the time to get to know the story and the people behind it. Hilliard is a man of the West, a Renaissance man. His columns frequently recieved a lot of exposure throughout the country and rightfully so. They were wity, informative, and revealing. You could always count on Carl to be critical of the politicians at the Capitol, but at the same time compassionate and duteous.

As the dean of the Capitol Press corps, he was effective in reporting Capitol news. That role earned him a very laudable honor, being named as one Denver's 100 most influential journalists and the respect of his fellow journalists.

It is with this, Mr. Speaker, that I honor this man who will truly be missed by his colleagues and those that enjoyed reading his column. For so many years, he has been a role model for young journalists and a pilar form which all journalists drew inspiration. I wish him well in his much deserved retirement. I look forward to continuing my friendship with him in the future.

CELEBRATING THE MINISTRY OF DR. JOHN R. BISAGNO

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay tribute to and help celebrate the ministry of Dr. John R. Bisagno. After 30 years, Dr. Bisagno will be retiring from Houston's First Baptist Church.

John Bisagno was born on April 5, 1943 in Augusta, KS. He is married to Uldine Beck Bisagno. The Bisagnos have three children, Ginger Bisagno Dodd, Anthony Bisagno, and Timothy Bisagno, and five grandchildren.

Dr. Bisagno graduated from Oklahoma Baptist University and received a doctor of letters degree from Southwest Missouri Baptist University and a doctor of divinity degree from Houston Baptist University, where the ''Chair of Evangelism'' is named in his honor.

In February 1970, Dr. Bisagno became the pastor of the 22,000-member First Baptist Church of Houston. He has authored 24 books, including the best seller ''The Power of Positive Praying.'' He is the past president of the Southern Baptist Pastor's Conference and has gained national attention as a dynamic and effective crusade evangelist and Bible teacher. He was the first preacher on the Southern Baptist ACTS television network.

During the 30 years of Dr. Bisagno's ministry at First Baptist Church, the church relocated from downtown Houston, purchased property near the intersection of Interstate 10 and Loop 610 in Houston, built a worship center and education buildings now valued in excess of $60 million and continues to be an integral part of the dynamics of Houston, TX.

Dr. Bisagno has announced that he will retire from the pulpit on Sunday, November 21, 1999. However, I am certain that John Bisagno will continue to be a Christian committed to spreading the gospel. When he retires from Houston's First Baptist Church, he retires to continue to be a significant part of the faith community in Houston, in Texas, in the United States, and around the world.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. John R. Bisagno.

ALL SEGMENTS OF COMMUNITY MUST WORK TOGETHER TO END DOMESTIC VIOLENCE

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. WELDON of Florida. Mr. Speaker, I rise today to address the issue of domestic violence. Mr. Speaker, our homes should be a safe haven where wives, husbands, and children are free from the fear of violence. In most homes in America, this is the case, but for far too many women and children this is not the case. The need to address this issue is something on which we can all agree.

I am pleased that increasing attention has been called to this issue and that there are numerous community organizations that have taken an active role in addressing this issue in their communities. Indeed it is in local communities where law enforcement and community organizations have gotten involved that we have seen the greatest success.

In fact, this weekend in my congressional district the Domestic Violence Coalition of Indian River County, Florida will be hosting a seminar on domestic violence in order to raise awareness and provide training for those who are committed to bringing this travesty to an end. At this seminar a host of community organizations along with law enforcement and local governmental agencies will make presentations directed toward raising public awareness and sharing professional expertise on domestic violence.

This Congress is due to consider the reauthorization of the Violence Against Women Act. This act provides funding for some very valuable programs like domestic violence hotlines, shelters, law enforcement, and related training among other programs. I fully support the reauthorization of these programs and am pleased that many of the organizations participating in this event, like the Sebastian River Junior Woman's Club, support efforts to reauthorize and improve the effectiveness of this law.

Mr. Speaker I would also like to take this opportunity to bring to the members attention, related legislation that I have recently introduced in the House. My bill (H.R. 3088) would address one of the most heinous acts of violence to women in our society, sexual assault. Today, in many states the victims of sexual assault have no right to inquire into the HIV status of their assailant until after conviction of the assailant, and sometimes not even then. My bill would give the victims of this crime the right to know the HIV status of their attacker immediately after bringing charges.

Medical studies indicate that if anti-HIV drugs are begun within 48 hours of exposure to the HIV virus, the infection of the victim can actually be prevented. That is why it is so important that the victims of sexual assault be able to request the HIV status of their assailant as quickly as possible. It is literally a matter of life and death.

As a physician, husband, and father, I am deeply troubled that this is not already law in every state. For too long the rights of victims of sexual crimes have been sacrificed for the rights of criminals. No longer will the victims have to wait weeks, months or years for the crime to be fully adjudicated before they can find out if they have been exposed to HIV.

I urge my colleagues to join me in support of this bill as we seek to arrest the scourge of violence in our society.

TRIBUTE TO THE O'TUCKS

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. BOEHNER. Mr. Speaker, for four decades, the members of an organization known as the O'Tucks have dedicated themselves to serving our community and preserving the unique culture and traditions of Kentucky's Appalachian highlands.

If you're even remotely familiar with the rich and vibrant culture of Appalachian Kentucky, it shouldn't surprise you to learn that groups like the O'Tucks exist. But it might surprise you to find such a group thriving outside of Kentucky—in Butler County, Ohio.

The O'Tucks (as in ''Ohioans from Kentucky'') were founded 40 years ago by Mr. Stanley Dezarn, who was born in 1922 near the Goose Creek River in the Bluegrass State's Clay County. A lifelong educator and community leader, Stanley Dezarn founded the O'Tucks with a set of specific goals, which Ercel Eaton of the Hamilton Journal-News detailed last year: ''to provide a common ground for exchange of ideas and experiences for people with common cultural and environmental backgrounds; to strive to preserve the rich qualities of folklore and music of the Appalachian highlands; [and] to work for the continuous improvement of the community by cooperating with and assisting civic leaders, organizations, and public officials in Butler County.''

For years the O'Tucks have fulfilled these goals repeatedly and successfully in our community. They've enriched the lives of countless Butler County residents through their music and cultural events. But they've also contributed to our community through their service and spirit of volunteerism, which has helped more than a few of their fellow citizens realize the dream of getting a college education or pursuing a career in art, teaching, nursing and other fields.

Mr. Speaker, even after four decades of good times and good service, the O'Tucks have never strayed from the original goals of Stanley Dezarn. Fittingly, the O'Tucks will honor their founder late this month at their 40th anniversary banquet, and give thanks to Stanley Dezarn for his lifetime of dedication and service to the O'Tucks and the Butler County community.

Stanley Dezarn and the O'Tucks are an inspiration for all Americans. They're proof that what makes America a great society is not her strong government, or her time-tested institutions, or her mighty industries; what makes America great is the spirit and enthusiasm of her people. I urge my colleagues to join me today in recognizing Stanley Dezarn and the O'Tucks organization for 40 years of distinguished service to the Butler County community and the United States of America.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Hotchkiss, Colorado. During this long and at times difficult process, Hotchkiss' civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Hotchkiss' leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Hotchkiss who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

RECOGNIZING THE ST. JOSEPH, MISSOURI POLICE DEPARTMENT

HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. DANNER. Mr. Speaker, I rise today to honor seven law enforcement officers from the St. Joseph, Missouri Police Department who

are being recognized with the National Association of Police Organization's prestigious TOP COPS Awards. These brave individuals are receiving these distinguished awards for their valiant efforts in protecting their community from an armed killer on November 10, 1998.

On that date, Sergeants Terry White, Steve Gumm and Billy Paul Miller, Patrolwoman Rebecca Caton, and Patrolmen Roy Wedlow, Henry Pena, Shawn Hamre and Bradley Arn, responded to a high-priority call to subdue an armed sniper who was randomly firing at vehicles attempting to cross a busy local intersection. The assailant fired approximately 200 rounds of bullets from his assault weapon, fatally wounding Officer Arn, before being shot and killed by sergeant Miller. Thanks to the quick response and undaunted courage of these brave officers, no innocent bystander lost their life as a result of this tragedy.

In addition, I wish to pay a special tribute to the family of Officer Arn. Survived by his loving wife Andrea and two-year-old twin daughters Molleigh and Mallorie, Officer Arn will be forever remembered in the hearts of the residents of St. Joseph for making the greatest sacrifices while protecting the community. He was truly one of America's finest, and I am honored to offer this tribute to him—as well as his family—today.

Mr. Speaker, I am pleased that the heroic acts of these brave law enforcement officers have not gone unnoticed, and I rise today to express my appreciation to them for their dedication in protecting the St. Joseph community. Each of these officers exemplify the finest of traits one must possess to be a member of the law enforcement community, and I congratulate them on receiving these awards.

HONORING THE 200TH BIRTHDAY OF SMITH COUNTY

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GORDON. Mr. Speaker, I rise today to recognize the 200th birthday of Smith County, Tennessee, one of the most scenic and friendly communities you'll ever come across.

Smith County, the fifth county created in Middle Tennessee, was established by Private Act in October of 1799 and was named in honor of Daniel Smith, a Revolutionary War officer, surveyor and U.S. Senator.

Nestled among the gently rolling hills and the pristine fish-filled streams that meander through Middle Tennessee, the county is home to some truly wonderful folks, including Vice President AL GORE. The vice president's late father, Al Gore Sr., also called Smith County home and proudly represented the county and region in the U.S. House of Representatives and the U.S. Senate, as did another famous resident, Cordell Hull, who also served the nation as Secretary of State.

I congratulate the county's residents for their invaluable contributions to the state of Tennessee and the nation as a whole. Happy Birthday Smith County and thanks to its residents for letting me serve them in the U.S. House of Representatives.

A TRIBUTE TO BERNT BALCHEN

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SABO. Mr. Speaker, October 23, 1999 marks the 100th anniversary of the birth of the late great Norwegian-American pilot, military leader, and Arctic and Antarctic explorer, Colonel Bernt Balchen.

Bernt Balchen was born in Tveit, Norway, on October 23, 1899, the son of a physician with an ancestry of military leaders and sea captains. His love of nature and wildlife, his artistic talents, and his sensitive, discerning eye were revealed in his sketch books begun at an early age.

His love of outdoor life and sports was coupled with a keen spirit of adventure and discovery which was kindled when he met the great explorer Roald Amundsen, shortly after his successful expedition to the South Pole in 1913. This meeting fired young Balchen's imagination and determination to explore the mysteries of the Polar regions.

After completing his education in Forestry Engineering at Harnosand, Sweden, interspersed with practical work in Norway's lumber camps, Bernt Balchen underwent training in the Norwegian Army. At 18, he volunteered for service with the White Army in Finland, serving first in ski patrols and then in the cavalry. A Russian bayonet almost cost him his life. He confounded doctors who predicted he would be permanently incapacitated by later becoming a member of Norway's Olympic boxing team, then setting records in cross-country skiing and bicycling. He built a strong physique, great endurance, keen perceptions and the quick reflexes which were to serve him, and others, so well in the rugged life ahead.

Bernt Balchen's eyes turned skyward. He entered the Royal Norwegian Naval Air Force, graduating at the head of his class and receiving his wings in 1921. He became an instructor in navigation and participated in the planning of some of the first Arctic serial expeditions from Norway. While working on preparations for Amundsen's first flight across the North Pole in the dirigible *Norge* based at Spitsbergen, Balchen was directed by Amundsen to assist Commander Richard E. Byrd in equipping his plane with skis of Balchen's design. This plane was to be flown by Floyd Bennett, with Byrd as a navigator, in an attempt to reach the North Pole.

Impressed with Balchen's many skills, Commander Richard Byrd asked that Balchen be given leave from the Norwegian Naval Air Force and join his party on its return to the U.S. Balchen then became chief test pilot for the famous aircraft designer, Tony Fokker, joining the Fokker Aircraft Corporation at Teterboro, New Jersey. In 1927, Balchen was assigned to Western Canada Airways at Hudson, Ontario, to teach Canadian pilots how to handle ski-equipped planes—the beginning of ''bush flying''—then to transport men, equipment and supplies from Cache Lake, Manitoba, the northern terminus of the Hudson Bay railway, to Fort Churchill, Manitoba, within a prescribed period of time. As one of the two pilots selected for the job, he flew an open cockpit plane during six weeks of savage weather, with temperatures hitting 65 degrees below zero. In paying tribute to the importance of this operation, which was an important factor in changing the economy of Canada, the government of Canada stated, ''There has been no more brilliant operation in the history of commercial aviation.''

After the crash-landing of the plane *America* on a test flight in which the pilot Floyd Bennett was badly injured, Balchen became involved in preparations for Byrd's Trans-Atlantic flight in 1927. He was chosen to be a co-pilot, along with Bert Acosta. As harsh weather conditions developed on that flight, Balchen took over the piloting of the plane for 40 hours, and finally saved the lives of all aboard by making an emergency landing off the coast of France. Balchen subsequently became the third person to successfully fly across the Atlantic Ocean.

In 1928, Balchen piloted one of the relief planes flying to the crash site of the German aircraft *Bremen* on Greenly Island, off Labrador. The next year he piloted now-Admiral Byrd across the South Pole in the *Floyd Bennett*— the first flight over the South Pole. In addition to his work as pilot for the Byrd Antarctic Expedition I, Balchen played a major role in designing equipment and working out problems in logistics, constructing snow hangars and other equipment. The following year, back in the U.S., he instructed Amelia Earhart and redesigned her aircraft for her successful flight across the Atlantic.

In 1931, through a special act of Congress, Colonel Balchen became a U.S. citizen.

Balchen served as chief pilot for the Lincoln Ellsworth Trans-Antarctic Expeditions (1933–1935). Upon completing this association, he returned to Norway to work in aviation and the development of the Norwegian Airlines, and the laying of the foundation for a united Scandinavian airlines system.

With the invasion of Norway by Germany, Bernt Balchen became associated with the British Royal Air Force in ferrying planes over the North Atlantic and in transport flights from San Diego to Singapore. He carried out the first flight from San Diego to Singapore.

In 1941, as the U.S. began to ferry bombers to England, Balchen was requested by General ''Hap'' Arnold to join the U.S. Army Air Force and to build a secret base in Greenland—code-named Bluie West 9 (8W–8). From this base, Balchen and his men carried out spectacular rescues of downed American bomber crews by dogsled and plane, one of which involved a belly-landing of a PBY by Bernt Balchen on the ice—a feat never before attempted. In 1943, he led successful bombing missions against German installations on the east coast of Greenland; later, in Iceland.

In 1944, Balchen became the commander of the Allied Air Transport Command for Scandinavia and the USSR, with a secret base in Leuchars, Scotland. This became part of the Carpetbagger Operation (OSS), involving the organization of an air route to Sweden using civilian plan markings and unmarked, black aircraft used for flights into Norway to supply underground forces and to carry out bombing missions. Close to 4,000 Norwegians were safely transported through the Sweden air route to England. His command supported Norwegian forces and helped in the evacuation of 70,000 Russians from slave labor camps in northern Norway, as well as participating in the destruction of the German ''heavy water'' development center. The Distinguished Flying Cross, the Legion of Merit, the

Soldiers Medal and the Air Medal with Oak Leaf Clusters were among the many honors awarded to Bernt Balchen by the U.S. for his wartime service, in addition to high honors from Norway and Denmark.

Returning to civilian life in 1946, Balchen resumed work in the development of the Scandinavian airlines system, while working for DNL in Norway. Recalled to the U.S. Air Force in 1948, he took command of the 10th Rescue Squadron in Alaska. In 1949, he piloted the first flight from Alaska across the North Pole, landing in Norway—thus becoming the first pilot to fly over both the North and the South Poles. He served as a special assistant to the Secretary of the U.S. Air Force on Arctic Affairs, developing search and rescue techniques and equipment, defense concepts, and navigational systems for the transpolar route which was soon to be adopted by commercial airlines. He pioneered the building of the antimissile base at Thule, Greenland, hailed for its strategic importance.

Through all the rugged years, Balchen's sketch pad and watercolor paints were close at hand. In 1948, however, inspired by the grandeur of the scenery and wildlife in Alaska, he began a serious study of watercolor painting techniques, acquiring a large collection of the best books on the subject. In 1953, he held his first one-man show in New York, in which 73 of his paintings won critical acclaim from critics because of their brilliant colors and thrilling scenes of the High North. This was followed later by one-man showings in other areas of New York, as well as other states and abroad.

Upon his retirement from the Air Force in 1956, Colonel Balchen was honored with the Distinguished Service Medal with a citation for ''his understanding of the intricate Arctic conditions and for his firm leadership, extensive background and selfless devotion to duty.'' He was the holder of many other honors, including the Harmon International Trophy, awarded to him by President Dwight Eisenhower in 1954, and the National Pilots' Association Award. He held honorary Doctorate of Science degrees from Tufts College (1953) and from the University of Alaska (1954). His writings included ''The Next 50 Years of Flight,'' his autobiography ''Come North With Me'' (Dutton 1958), and a cookbook published in Norway.

Until his death on October 17, 1973, Bernt Balchen served as a consultant to the U.S. Air Force and to leading corporations, including General Precision and General Dynamics, on Polar and Arctic matters, on energy problems and defense considerations.

In addition to Bernt Balchen's being honored by the 70,000 members of the Sons of Norway, Alaska's Governor, Tony Knowles, proclaimed October 23, 1999 as ''Polar Flight Day.'' Furthermore, the Alaska Legislature as well as the Municipality of Anchorage, Alaska proclaimed October 23, 1999 as ''Bernt Balchen Day,'' a fitting tribute to this outstanding Norwegian-American on the anniversary of his 100th birthday.

Bernt Balchen is buried in Arlington Cemetery alongside Admiral Byrd. During the interment services, a red-tipped C–54 from his former Alaskan Command flew over Arlington Cemetery in a touching farewell.

Balchen's headstone at Arlington Cemetery reads: ''Today goes fast and tomorrow is almost here. Maybe I have helped a little in the change. So I go on to the next adventure, looking to the future but always thinking back to the past, remembering my teammates and the lonely places I have seen that no man ever saw before.''

Mr. Speaker, on October 23, 1999, I ask that my colleagues pause to remember Colonel Bernt Balchen, a true hero who made significant contributions to the security of both Norway and the United States.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

As the House sponsor of legislation that redesignated the Black Canyon as a national park, it gives me great joy to describe for this esteemed body's record the beauty of this truly majestic place. In addition, I would like to offer my gratitude to a community of individuals instrumental in the long process that ultimately yielded the establishment of the Black Canyon of the Gunnison National Park.

Mr. Speaker, anyone who has visited the Black Canyon can attest to its awe-inspiring natural beauty. Named for the dark rock that makes up its sheer walls, the Black Canyon is largely composed of what geologists call basement rocks, the oldest rocks on the earth estimated at 1.7 billion years old. With its narrow openings, sheer walls, and scenic gorges that plunge 2000 feet into the clear blue majesty of the Gunnison River, the Black Canyon is a natural crown jewel second to none in its magnificent splendor. Though other canyons may have greater depth or descend on a steeper course, few combine these attributes as breathtakingly as does the Black Canyon.

If ever there was a place worthy of the prestigious status that only national park status can afford, Mr. Speaker, it is the Black Canyon. But as you know, national parks don't just happen. In this case, it took nearly 15 years, several Congressional Representatives and Senators, innumerable locally elected officials, and a virtual sea of committed citizens in western Colorado.

Included in this group are the good people of Olathe, Colorado. During this long and at times difficult process, Olathe's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Olathe's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Olathe who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

ON THE OCCASION OF NOVA SOUTHEASTERN UNIVERSITY'S 35TH ANNIVERSARY

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize a very important date in the Florida educational community. Nova Southeastern University, Florida's largest independent university, will celebrate its 35th anniversary on December 2nd, 1999. This event, entitled ''Celebration of Excellence,'' promises to showcase the outstanding achievements of NSU students and alumni alike, and I am honored to be a part of this joyous occasion.

Through Nova Southeastern University's quality educational programs, the university has made an immense contribution to the personal and professional advancement of thousands of Florida residents. In addition, NSU provides a wide range of community services and programs for the benefit of South Florida residents. Working to bring new skills and knowledge to the community around it, the work of Nova Southeastern University ultimately benefits Florida residents of all ages.

''Celebration of Excellence'' is also notable because it features the fifth anniversary of the merger of Nova University and Southeastern University of the Health Sciences to form NSU in its current state. This synergistic merger of the two schools has resulted in the development of some of Florida's most impressive medical and health care education programs. Indeed, these programs benefit the entire community's health and well-being.

Nova Southeastern University has set itself apart in its ability to form partnerships with other educational institutions, state and local agencies, and community organizations. These successful cooperative efforts enhance local access to advocacy, counseling, health care, rehabilitative and other human services, raise community awareness on existing services and resources, and provide a valuable form to identify and address unmet local needs. It is without hesitation that I say that Nova Southeastern University has had a tremendous impact on the life of all South Floridians.

Mr. Speaker, Nova Southeastern University has spent the last 35 years demonstrating its strong commitment to the well-being and education of the Florida community. I am extremely proud to celebrate this anniversary with administration, students, and alumni of NSU. Reflecting on their success of the past, I wish everyone at NSU the best as the university turns its eyes to the immediate future.

RECOGNIZING THE 1999 RECIPIENTS OF THE MICHIGAN WOMEN'S HALL OF FAME

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. STABENOW. Mr. Speaker, this year the Michigan Women's Historical Center will induct ten members into the Michigan Women's Hall of Fame. These remarkable individuals from

the past and the present have made noteworthy inroads in expanding opportunities and creating greater equality for Michigan women. Tonight at the Sixteenth Annual Michigan Women's Hall of Fame Awards Dinner, each of these individuals will be recognized for their significant contributions. I would like to congratulate the 10 new Hall of Fame members and thank them for blazing a trail for women to follow in future.

Contemporary Honorees include writer and humanist Doris DeDeckere; nature columnist Margaret Drake Elliot; Elizabeth Homer, who has fought for educational and professional equality for women; and Sister Ardeth Platte, who has committed her life to social justice and eliminating violence

Historical Honorees include Patricia Beeman, a member of the Southern African Liberation Committee, who fought to educate Michiganites on apartheid in South Africa; the first woman minister in the United States, Olympia Brown, the first woman to head the Detroit Police Department's Women's Division, Eleonore Hutzel; dietitian, writer and child advocate Ella Eaton Kellogg; and Emily Burton Ketcham, a Grand Rapids woman who fought for women's right to vote.

Dr. Peter T. Mitchell, President of Albion College, was recognized with the Phillip A. Hart Award for his contributions nationally to improving educational opportunities for women.

STUDENT RESULTS ACT OF 1999

SPEECH OF

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2) to send more dollars to the classroom and for certain other purposes:

Mr. FORBES. Madam Chairman, efforts to achieve gender equity have made herculean strides in the past 25 years, but now is not the time to look back with nostalgia and congratulate ourselves on how far we've come. We must look to how far we still have to go to ensure that everyone has equal access to the opportunities presented by the 21st century, as well as the means to meet the challenges of the new economy. The Women's Educational Equity Act is a key to unlock that door. The Act has focused on combating gender bias in the classroom, and provided funds to programs that train teachers and supply instructional materials to encourage girls to pursue careers and instruction in those areas that will drive our commerce in the future—math, science, engineering and technology.

Since the implementation of the act in 1974, girls have improved in areas such as math and science, but they have been left behind in learning the technological skills needed to compete in tomorrow's economy. The new global economy demands these skills. Technological literacy is essential for success in the workforce. Next year, 65 percent of jobs will require some technological skills. Why, then, do a very small percentage of girls take computer science courses? Of the girls that do participate in computer classes, they tend to cluster in lower-end data entry and word processing classes. Boys, on the other hand, continue on to higher-skill, more challenging computer courses such as computer programming and problem-solving. We cannot afford, as a nation, to waste such a precious resource in this way.

The trend in educational initiatives is to give every student access to a computer and the Internet by the year 2000. These computers and the Information Highway have become as essential to the learning process as pencils and paper. We must ensure that girls in the classroom are equal partners in these opportunities and that teachers recognize and encourage their participation in technological training.

While steps have been made in narrowing the gender gap, girls and young women still encounter barriers in the classroom. Congress has an obligation to ensure that all students attain the highest standards and obtain the resources and tools needed to succeed in the new millennium. I urge my colleagues to vote in favor of including this act as an amendment to the Student Results Act, H.R. 2.

IN HONOR OF MR. GUILLERMO ESTEVEZ ON HIS RETIREMENT FROM THE NEW JERSEY OFFICE OF THE INTERNATIONAL RESCUE COMMITTEE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mr. Guillermo Estevez, Director of the New Jersey Office of the International Rescue Committee, for 20 years of dedicated service, and to congratulate him on his retirement from the organization.

From volunteer to Director, Mr. Estevez has had a remarkable career with the International Rescue Committee, Inc. Mr. Estevez and IRC provided assistance to more than 25,000 refugees from all over the world in the quest for freedom.

Since his arrival in the United States in 1979, Mr. Estevez has been a pro-active leader in the human rights struggle in Cuba. A political prisoner himself, who served more than 20 years in the jails of Communist Cuba, Mr. Estevez has firsthand knowledge of the flagrant disregard for civil and human rights on the island.

Over the years, Mr. Estevez has spearheaded many marches and demonstrations against the Communist Regime in Cuba. Through the streets of New York City, Los Angeles, Washington, DC, Miami, Tampa, New Orleans, and various cities in my home State of New Jersey, Mr. Estevez has been instrumental in shining a light on the too often overshadowed abuses in Cuba.

In Mr. Estevez's fight for a free and democratic Cuba, he founded, organized, and served as first General Coordinator of the Cuban Civic Committee. Mr. Estevez's efforts were rewarded when he was recently named to the Free Cuba Task Force by the Governor of the State of New Jersey.

Mr. Estevez was the first Hispanic member of the Board of Trustees of the New Jersey State Prison Complex and was a member of the Alcohol and Drug Abuse Committee of the Hudson County Human Services Advisory Committee.

For his remarkable contributions to the fight against civil and human rights violations, specifically in regard to the fight against the Cuban Communist Regime, I ask my colleagues to join me in congratulating Mr. Estevez on a truly exceptional career and to wish him luck in all his future endeavors.

TRIBUTE TO THE BLACK CANYON OF THE GUNNISON NATIONAL PARK AND THOSE WHO MADE IT POSSIBLE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. McINNIS. Mr. Speaker, it is with an overwhelming sense of pride that I now rise to pay tribute to a truly historic event in the proud and distinguished history of the great State of Colorado: the establishment of the Black Canyon of the Gunnison National Park.

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Included in this group are the good people of Paonia, Colorado. During this long and at times difficult process, Paonia's civic leaders have given tirelessly and beyond measure in the hopes of making the Black Canyon a national park. Again and again these great Americans rose to the challenge, doing everything in their power to fulfill this dream. Without Paonia's leadership and perseverance, none of what we have accomplished would have ever been possible.

It is with this, Mr. Speaker, that I give my thanks to the people of Paonia who played a leading role in making the Black Canyon of the Gunnison National Park a wonderful reality for Colorado, America, and the world to enjoy.

BATTERED IMMIGRANT WOMEN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. SCHAKOWSKY. Mr. Speaker, I am proud to introduce legislation to address the gaps, errors, and oversights in current law that impede the ability of battered immigrant women to flee violent relationships and survive economically. The Battered Immigrant Women Protection Act of 1999 would restore provisions that allow battered women, who are entitled to permanent residency, to file their own application for immigrant status without requiring the cooperation of their abusive spouses. It would also allow them to remain in the United States while awaiting their green cards.

This legislation would also ensure that battered immigrants with pending immigration applications are able to access public benefits, food stamps, SSI, housing, work permits and immigration relief.

October is Domestic Violence Awareness Month, and domestic violence has grown to epidemic proportions. It is the single largest cause of injury to women in the United States. It is in every neighborhood and community throughout our Nation. Domestic abuse does not discriminate. Rural and urban women of all religious, ethnic, economic, and educational backgrounds; of varying ages, physical abilities, and lifestyles can be affected by domestic violence.

A woman's reasons for staying in an abusive relationship are more complex than a statement about her strength of character. In many cases, it is dangerous for a woman to leave her abuser. On average, a typical battered woman attempts to leave her abusive relationship five to seven times before she achieves permanent separation from her batterer.

This pattern indicates that battered women often lack adequate independent living and employment options. We must take the next step toward creating real solutions to the continuing problem of domestic violence. We must help women and families achieve economic self-sufficiency so that they are able to escape their violent relationships and secure protection.

Sadly though, in addition to the lack of adequate housing and employment options for many victims of domestic abuse, immigrant women and their children who suffer every day at the hands of abusers face one more threat—the threat of deportation. Battered women often experience shame, embarrassment and isolation. For immigrant women, who often have no family support and whose immigration status is tied to the abusers, it is even more difficult. In more ways than one, they are held hostage by their abusers.

The bill would expand legal protections for battered immigrant women so that they may flee violent homes, obtain court protections, and cooperate in the criminal prosecution of their abusers without fear of deportation.

It also ensures that women who are victims of terrible crimes, such as rape, incest, torture, battery, sexual assault, female genital mutilation, and forced prostitution, can remain temporarily in the United States. These women would then be able to apply for lawful permanent residency at a later date. Giving these victims this opportunity to remain in the U.S. is an important step in the efforts of law enforcement to protect the victims and prosecute and investigate cases of domestic abuse and trafficking of aliens.

I'd like to share the story of ''Celeste'' to illustrate the dire need for this legislation.

Celeste was born in Mexico. She met her husband, Ronaldo, a lawful permanent resident of the United States in 1991. They immediately began dating and fell in love. Four months later, they married, and Celeste moved with her husband to Chicago.

For the first five months things went well. Celeste became pregnant, but soon after, things began to change. He suddenly became unpredictable and controlling. He began to abuse Celeste.

Celeste feared for her safety and that of her son. Ronaldo had promised to file a visa petition for Celeste when she came to the United States, but then refused to keep his promise unless she paid him a lot of money.

Celeste was left with only two choices: report the abuse to the police and face certain deportation or say nothing and live with the abuse.

If this critical piece of legislation is passed, thousands of women around the country like Celeste will be able to leave their abusive spouses and petition for citizenship on their own. Additionally, they will be authorized to work and will have access to basic services like transitional housing and counseling to help them get on their feet.

There is no reason to wait. We must act now to end the injustice, solve this problem, and help these women and their children. it is wrong to stand idly by as battered women and their children are forced to choose between a black eye and broken arm or a one-way ticket out of the country.

I submit the following summary of the bill.

BATTERED IMMIGRANT WOMEN PROTECTION ACT OF 1999

The Battered Immigrant Women Protection Act of 1999 continues the work that began with the passage of the first Violence Against Women Act (VAWA) in 1994. Prior to VAWA 1994, abusive citizens and permanent residents had total control over their spouse's immigration status. As a result, battered immigrant women and children were forced to remain in abusive relationships, unable to appeal to law enforcement and courts for protection for fear of deportation.

VAWA 1994 immigration provisions remedied the situation by allowing battered immigrants to file their own applications for immigration relief without the cooperation of their abusive spouse, enabling them to safely flee violence. Despite the successes of the immigration provisions of VAWA 194, subsequent legislation drastically reduced access to VAWA immigration relief for battered immigrant women and their children.

This bill seeks to restore, improve implementation of and expand access to a variety of legal protections for battered immigrants so they may file violent homes, obtain court protection, cooperate in the criminal prosecution of their abusers, and take control of their lives without the fear of deportation.

Under current law, many battered immigrants are forced to leave the US to obtain their lawful permanent residence. Leaving the US may put women at risk of violence from their abusers and would deny them the protection provided by courts, legislation, custody decrees, and law enforcement. This bill will allow battered immigrant women and children to obtain permanent immigration status without leaving the U.S.

The Battered Immigrant Women Protection Act would:

Allow for adjustment of status for VAWA self-petitioners, thus allowing women to remain in the U.S. while awaiting their green cards;

Prevent changes in abuser's status from undermining victim's petitions;

Provide for numerous waivers and exceptions to inadmissibility for VAWA eligible applicants;

Improve access to VAWA for battered immigrant women who are married to members of the armed forces, married to bigamists, and victims of elder abuse;

Allow for discretionary waivers for good moral character determinations;

Give VAWA applicant access to work authorization;

Protect certain crime victims including crimes against women;

Allow VAWA applicants access to food stamps, SSI, housing and legal services;

Train judges, immigration officials, armed forces supervisors and police on VAWA immigration provisions;

Provide permanent immigration status for immigrant victims of elder abuse.

IMF SHOULD PAY INTEREST ON ALL U.S. FUNDS USED

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SAXTON. Mr. Speaker, under legislation I am introducing today, the International Monetary Fund [IMF] would have to pay interest on all the U.S. reserves it taps, or face a cut-off of future U.S. funds. The failure of the IMF to pay full interest to the U.S. has been estimated to cost a cumulative $2.7 billion, or $150 million annually. This fleecing of the taxpayer should be ended before any further U.S. funds are even considered for the IMF. No U.S. approval of IMF gold sales, credit lines, or quota increases should be considered until the U.S. is fully and fairly compensated for its current financial support of IMF operations.

The IMF's failure to pay interest on all U.S. reserves is another one of many inconvenient facts that has never been disclosed or explained to the U.S. Congress or to the public. It provides yet another example of the lack of transparency so characteristic of the IMF and its activities. The disclosure of this failure of the IMF to pay interest on all U.S. reserves is one result of the Joint Economic Committee research program on the IMF. The JEC finding was recently confirmed and quantified in an important new General Accounting Office [GAO] report, ''Observations on the IMF's Financial Operations.''

These interest costs to the U.S. also highlight the implausibility of the Administration's oft-repeated arguments that the IMF does not cost taxpayers a dime, and that the U.S. must pay its fair share to the IMF. The U.S. already provides over one-quarter of the IMF's usable resources, but it is the IMF that is short-changing the U.S., not the other way around. U.S. taxpayers have been more than generous to the IMF, a specialized agency of the United Nations Organization.

There can be little doubt that very few members of Congress would defend the current

IMF practice that has cost the U.S. $2.7 billion to date. Although many issues involving the IMF are controversial, the IMF's full and fair payment of interest on all U.S. reserves provided is one area in which wide agreement should be possible. The current IMF practice of shortchanging the U.S. simply is not defensible.

A SPECIAL TRIBUTE TO THE OAK HARBOR HOTEL ON THE OCCASION OF ITS ONE-HUNDREDTH ANNIVERSARY CELEBRATION

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. GILLMOR. Mr. Speaker, it is my distinct honor and privilege to rise today to pay tribute to a special event taking place this weekend in Ohio's Fifth Congressional District. Beginning today and continuing through Sunday, October 24, 1999, the Oak Harbor Hotel will celebrate its One-Hundredth Anniversary.

In the final year of the Nineteenth Century, the Keubler Brewing Company of Sandusky decided to take an enormous step and build a hotel in Oak Harbor, Ohio. With a new railway line linking Toledo to points in the east, the hotel would be used to serve the many who came through Oak Harbor in search of a restful night's lodging. The three-story hotel, complete with its thirty-four rooms, lounges, and dining rooms, has served many travelers in the last one-hundred years. Its very presence in Oak Harbor and its grandiose appearance make it a truly remarkable building.

For the past century, the Oak Harbor Hotel has long been a centerpiece of this wonderful community. Located on the shores of Lake Erie, the Oak Harbor Hotel continues to fill its rooms to capacity with travelers throughout the year. Its history is long and its décor is breathtaking. Through all its changes—from operating the first telephone in town to housing the area Post Office—this elegant and vibrant hotel has remained strong in its service and dedicated to those who occupied its rooms.

Mr. Speaker, the Oak Harbor Hotel symbolizes all that is good in our communities—grace, elegance, and beauty. Over the last one-hundred years, the Oak Harbor Hotel has hosted many community groups, organizations, and clubs. In fact, the Rotary Club has met there nearly continuously since 1941. With its spacious and stylish dining, reception rooms, and state-of-the-art kitchen, the Oak Harbor Hotel is often the site of wedding rehearsals and receptions, banquets, and community events.

Mr. Speaker, the individuality of our culture and the warmth of our spirit are embodied in our communities and places like the Oak Harbor Hotel. I would urge my colleagues to stand and join me in paying special tribute to the Oak Harbor Hotel on its One-Hundredth Anniversary.

CONFERENCE REPORT ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

SPEECH OF

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 20, 1999

Mr. UNDERWOOD. Mr. Speaker, I rise in opposition to the Conference Report of H.R. 2670, the Commerce, Justice, State appropriations bill for FY 2000. This legislation fails to provide for adequate funding for many issues important to the safety of our communities and our families. Programs such as the President's Community Oriented Policing initiative requires full funding to put more officers in our neighborhoods and on our streets to safeguard our children. I am also disappointed that Conferees did not include legislation that would have expanded the definition of hate crimes to include acts committed against a person based on sexual orientation, gender or disability. Furthermore, I oppose this Conference Report because it also does not include any federal reimbursement to the Territory of Guam for taking on the federal responsibility to detain illegal aliens seeking asylum in the United States. In this first half of this year alone, Guam has spent more than $8 million in behalf of the Immigration and Naturalization Service for housing illegal aliens attempting to enter the U.S. through Guam. From this month until the end of the year, an additional $5 million will be spent.

In recent years, Guam has been subject to illegal immigration from Asian countries, particularly from the People's Republic of China, partly because of the Asian economic crisis. In just the first four months of 1999, Guam was the recipient of more than 700 Chinese illegal aliens seeking political asylum in the United States. Never before had Guam experienced such a surge of illegal immigration from Asia. This surge depleted INS financial resources on Guam and forced the Government of Guam to incur detention costs to our local correctional facility, which is already overcrowded, at a cost of nearly $45,000 per day for more than 430 current alien detainees.

Since the start of the year, I along with Governor of Guam Carl Gutierrez, have been working with the Clinton Administration to address the surge of illegal immigration from China. With their cooperation and also with the collaboration of the U.S. Coast Guard and the Commonwealth of the Northern Mariana Islands, illegal immigration—for now—has slowed. However, there remains more than 430 alien detainees that are housed in Guam's correctional facility awaiting for the INS asylum process to run its course.

Illegal immigration into the United States is a federal responsibility. Because of Guam's proximity to Asia, it is incumbent that federal agencies assist the Government of Guam in combating this serious problem on our shores. Guam's size of only 212 square miles and a population of 150,000 does not lend itself to unexpected and significant increases in the immigrant population. Any increases translate into serious social and financial repercussions because our resources have been strained by the Asian economic crisis and we do not have alternative resources available for non-criminal immigrants that are available on the U.S. mainland to supplement federal resources.

I believe that special budget requests from U.S. Territories in Congress are perhaps the greatest challenges territorial delegates face during our terms in office. Our needs and our states are often misunderstood because our distances from the mainland U.S. are great. Apart from federal programs that both states and territories can participate, any other requests outside of the norm can be a frustrating ordeal. We are vulnerable to federal interagency differences about how to treat the territories as well as having little leverage during the appropriations process.

I am appreciative for the collaboration and support of the President for including reimbursement for Guam as part of his Administration's priorities during the appropriations process. I remain confident that the President is committed to reimbursing Guam for shouldering the costs of the federal government's responsibility and I remain committed to working with my colleagues to ensure that Guam is reimbursed for all past, present and future costs related to the detention of illegal aliens on Guam.

CORAL REEF CONSERVATION

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation to authorize the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, to provide financial assistance for coral reef conservation projects, and for other purposes.

Coral reef ecosystems are the marine equivalent of tropical rain forests, containing some of the planet's richest biological diversity and supporting thousands of species of fish, invertebrates, algae, plankton, sea grasses and other organisms. The reef itself is composed of the massed calcareous skeletons of millions of sedentary, living animals (the corals). Coral reef communities are both exceptionally productive and diverse. Although coral reefs cover less than 1 percent of the Earth's surface, fully one-fourth of all ocean species live in or around the reefs of the world, including 65 percent of marine fish species. Southeast Asian reefs alone support an estimated 5 to 15 times the number of fish found in the North Atlantic Ocean. Reefs surrounding the Pacific island of Palau contain 9 species of sea-grass, more than 300 species of coral and 2,000 varieties of fish.

Coral reefs have great commercial, recreational, cultural and esthetic value to human communities. They supply shoreline protection, areas of natural beauty, and sources of food, pharmaceuticals, jobs and revenues through activities such as education, research, tourism and fishing. Coral reef ecosystems provide the main source of animal protein for more than 1 billion people in Asia.

Studies indicate that coral reefs in the United States and around the world are being degraded and severely threatened by human and environmental impacts. Land-based pollution, over-fishing, destructive fishing practices, vessel groundings, and climate change all affect coral reef ecosystems. Of particular concern is the effect of multiple impacts on coral

reef health. With increases in ocean temperatures, development in coastal areas surrounding coral reefs, and continued over-fishing, more and more reef ecosystems are showing signs of profound stress. These indicators include widespread bleaching events, when corals lose the ability to grow, and evidence that coral diseases such as black band disease, white band disease, and aspergillosis are increasing in frequency and extent.

Since 1994, under the United States Coral Reef Initiative, Federal agencies, State, local and territorial governments, non-governmental organizations, and commercial interests have worked together to design and implement management, education, monitoring, research, and restoration efforts to conserve coral reef ecosystems.

The year 1997 was recognized as the Year of the Reef to raise public awareness about the importance of conserving coral reefs and to facilitate actions to protect coral reef ecosystems. On October 21, 1997, the 105th Congress agreed to House Concurrent 8, a resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems by promoting comprehensive stewardship for coral reef ecosystems, discouraging unsustainable fisheries or other practices harmful to coral reefs, encouraging research, monitoring, assessment of, and education on coral reef ecosystems, improving coordination of coral reef efforts and activities of federal agencies, academic institutions, non-governmental organizations, and industry, and promoting preservation and sustainable use of coral reef resources worldwide.

The year 1998 was declared the International Year of the Ocean to raise public awareness and increase actions to conserve and use in a sustainable manner the broader ocean environment, including coral reefs. Also in 1998, President Clinton signed Executive Order 13089 which recognizes the importance of conserving coral reef ecosystems, establishes the Coral Reef Task Force under the joint leadership of the Departments of Commerce and Interior, and directs Federal agencies whose actions may affect United States coral reef ecosystems to take steps to protect, manage, research and restore these ecosystems.

The bill would make it the policy of the United States to (1) conserve and protect the ecological integrity of coral reef ecosystems; (2) maintain the health, natural conditions, and dynamics of those ecosystems; (3) reduce and remove human stresses affecting reefs; (4) restore coral reef ecosystems injured by human activities, and (5) promote the long-term sustainable use of coral reef ecosystems.

The purposes of this legislation are to (1) preserve, sustain, and restore the health of coral reef ecosystems; (2) assist in the conservation and protection of coral reefs by supporting conservation programs; (3) provide financial resources for those programs; and (4) establish a formal mechanism for collecting and allocating monetary donations from the private sector to be used for coral reef conservation projects.

The bill establishes a Coral Reef Restoration and Conservation Program through the Secretary of Commerce. This program will provide funding for projects that: (1) restore degraded or injured coral reefs and their ecosystems, including developing and implementing cost-effective methods to restore or enhance degraded or injured coral reefs; or (2) for the conservation of coral reefs and their ecosystems through mapping and assessment, management, protection, scientific research, and monitoring. These projects would be funded 75 percent by the Federal Government, and 25 percent by the non-Federal partner. The non-Federal partner's share could be an in-kind contribution.

The bill also authorizes a national program through the Secretary of Commerce to further the conservation of coral reefs and their ecosystems on a regional, national or international scale, or that furthers public awareness of and education about coral reefs on these broader scales. The activities under this program should supplement the programs under existing federal statutes.

For the past two centuries, abandoned vessels have damaged coral reefs to the detriment of our nation. Often times the owners of the vessels are unable or unwilling to pay for the damage these vessels cause. Section 8 of this bill is designated to address this problem by prohibiting the documentation of vessels the owners of which have abandoned vessels on U.S. coral reefs and the vessel either remains on a reef, or was removed from the reef using certain Federal funding, which has not been re-paid to the United States Government.

The bill also establishes legal liability to the United States for persons who destroy, cause the loss of, or injure any coral reef in the United States. The amount of liability is set at the cost to respond to the activity, including the costs of seizing and forfeiting the vessel causing the damage. The vessel causing the damage to a U.S. coral reef may be seized with the amount of liability constituting a maritime lien on the vessel. Costs recovered under this section would be used as reimbursement for past costs incurred under the section, and to restore the damaged coral reef, prevent future threats, or for educational purposes.

The bill directs the Secretary of Commerce to promulgate within 90 days regulations necessary to implement the provisions of the bill.

Finally, the bill authorizes $20,000,000 to be appropriated for each of the fiscal years 2001 through 2005, and establishes percentages of appropriated amounts for the programs contained in the bill.

CENTRAL ASIA: THE ''BLACK HOLE'' OF HUMAN RIGHTS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to introduce a resolution on the disturbing state of democratization and human rights in Central Asia. As is evident from many sources, including the State Department's annual reports on human rights, non-governmental organizations, both in the region and the West, and the work of the Helsinki Commission, which I chair, Central Asia has become the ''black hole'' of human rights in the OSCE space.

True, not all Central Asia countries are equal offenders. Kyrgyzstan has not joined its neighbors in eliminating all opposition, tightly censoring the media and concentrating all power in the hands of the president, though there are tendencies in that direction, and upcoming elections in 2000 may bring out the worst in President Akaev. But elsewhere, the promise of the early 1990's, when the five Central Asian countries along with all former Soviet republics were admitted to the Conference on Security and Cooperation in Europe, has not been realized. Throughout the region, super-presidents pay lip service to OSCE commitments and to their own constitutional provisions on separation of powers, while dominating the legislative and judicial branches, crushing or thwarting any opposition challenges to their factual monopoly of power, and along with their families and favored few, enjoying the benefits of their countries' wealth.

Indeed, though some see the main problem of Central Asia through the prism of real or alleged Islamic fundamentalism, the Soviet legacy, or poverty, I am convinced that the essence of the problem is more simple and depressing: presidents determined to remain in office for life must necessarily develop repressive political systems. To justify their campaign to control society, Central Asian leaders constantly point to their own national traditions and argue that democracy must be built slowly. Some Western analysts, I am sorry to say, have bought this idea—in some cases, quite literally, by acting as highly paid consultants to oil companies and other business concerns. But, Mr. Speaker, building democracy is an act of political will above all. You have to want to do it. If you don't, all the excuses in the world and all the state institutions formed in Central Asia ostensibly to promote human rights will remain simply window dressing.

Moreover, the much-vaunted stability offered by such systems is shaky. The refusal of leaders to allow turnover at the top or newcomers to enter the game means that outsiders have no stake in the political process and can imagine coming to power or merely sharing in the wealth only be extra-constitutional methods. For some of those facing the prospect of permanent exclusion, especially as living standards continue to fall, the temptation to resort to any means possible to change the rules of the game, may be overwhelming. Most people, however, will simply opt out of the political system in disillusionment and despair.

Against this general context, without doubt, the most repressive countries are Turkmenistan and Uzbekistan. Turkmenistan's President Niyazov, in particular, has created a virtual North Korea in post-Soviet space, complete with his own bizarre cult of personality. Turkmenistan is the only country in the former Soviet bloc that remains a one-party state. Uzbekistan, on the other hand, has five parties but all of them are government-created and controlled. Under President Islam Karimov, no opposition parties or movements have been allowed to function since 1992. In both countries, communist-era controls on the media remain in place. The state, like its Soviet predecessor, prevents society from influencing policy or expressing its views and keeps the population intimidated through omnipresent secret police forces. Neither country observes the most fundamental human rights, including freedom of religion, or permits any electoral challenges to its all-powerful president.

Kazakstan's President Nursultan Nazarbaev has played a more clever game. Pressed by the OSCE and Western capitals, he has formally permitted opposition parties to function,

and they did take part in the October 10 parliamentary election. But once again, a major opposition figure was not able to participate, and OSCE/ODIHR monitors, citing many shortcomings, have criticized the election as flawed. In general, the ability of opposition and society to influence policymaking is marginal at best. At the same time, independent and opposition media have been bought, coopted or intimidated out of existence or into cooperation with the authorities, and those few that remain are under severe pressure.

Tajikistan suffered a devastating civil war in the early 1990's. In 1997, war-weariness and a military stalemate led the disputants to a peace accord and a power-sharing agreement. But though the arrangement had promise, it now seems to be falling apart, as opposition contenders for the presidency have been excluded from the race and the major opposition organization has decided to suspend participation in the work of the National Reconciliation Commission.

Mr. Speaker, along with large-scale ethnic conflicts like Kosovo or Bosnia, and unresolved low-level conflicts like Nagorno-Karabakh and Abkhazia, I believe the systemic flouting of OSCE commitments on democratization and human rights in Central Asia is the single greatest problem facing the OSCE. For that reason, I am introducing this resolution expressing concern about the general trends in the region, to show Central Asian presidents that we are not taken in by their facade, and to encourage the disheartened people of Central Asia that the United States stands for democracy. The resolution calls on Central Asian countries to come into compliance with OSCE commitments on democracy and human rights, and encourages the Administration to raise with other OSCE states the implications for OSCE participation of countries that engage in gross and uncorrected violation of freely accepted commitments on human rights.

Mr. Speaker, I hope my colleagues will join me, Mr. HOYER, and Mr. FORBES in this effort and we welcome their support.

IN HONOR OF SONIA DANIELS EDWARDS, M.A., C.C.C.S.L.P.

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. SANCHEZ. Mr. Speaker, today I rise to congratulate Sonia Daniels Edwards, M.A., C.C.C.S.L.P., who has been named ''Teacher of the Year for Fountain Valley.'' Mrs. Edwards has been awarded the title, ''Teacher of the Year'' for her outstanding contributions to education. She is the first speech and language pathologist selected for this prestigious award.

As a speech and language therapist, Sonia Edwards is always at the cutting edge of new research and developments in speech and language. Her ability to diagnose and develop individualized programs for students has resulted in the identification and solution to problems that were interfering with the individual students ability to learn. Mrs. Edwards ability to solve these learning ''mysteries'' gained her the confidence and admiration of her fellow professionals.

Mrs. Edwards speciality is autism. During the past two years, she has served as the district's Autism Coordinator, training staff, setting up home programs, and continuing to provide solutions to many of these baffling learning disorders.

Mrs. Edwards has been known to spend many long hours on the job. She is a dedicated teacher who always has the time to talk with parents regarding their child's special needs. As an educator, she rises to new challenges and tackles the most complex situations. The word ''no'' is not in her vocabulary.

Respected and admired by her peers, parents and students, Sonia Edwards, is a role model for all of those who know her.

Colleagues, please join me today as I recognize and pay tribute to a gifted and talented teacher, Sonia Daniels Edwards.

IN HONOR OF THE HISPANIC SUMMER PROGRAM ON ITS 10TH ANNIVERSARY AND DR. JUSTO GONZALEZ FOR HIS CONTRIBUTIONS TO THE ORGANIZATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Hispanic Summer Program on its 10th Anniversary, and to recognize its Director, Dr. Justo Luis Gonzalez, for his dedication and leadership in the organization.

Born in Havana, Cuba, in 1937, Dr. Gonzalez has embodied the spiritual values of community, dignity, and ministry throughout his life. His significant contribution to theological education over the past twenty-two years has helped build a worldwide ecumenical network that serves as a model for academic globalization.

Upon completion of college studies in Cuba, Dr. Gonzalez studied at Yale University and received three graduate degrees there, including a doctorate. He was ordained as a Methodist Minister and, in 1969, he became an American citizen.

Dr. Gonzalez has educated students as a professor at the Evangelical Seminary in Puerto Rico and at the Candler School of Theology at Emory University. He is the author of more than sixty books and hundreds of articles, which can be found in the Spanish, English, Chinese, Russian, and Korean communities.

Currently, Dr. Gonzalez is committed to theological education in a variety of ways, including serving as editor of ''Apuntes'', a journal of Hispanic theology published in the United States.

For his remarkable commitment to theological education, I ask my colleagues to join me in congratulating Dr. Justo and the Hispanic Summer Program on its 10th Anniversary.

CONGRATULATING SOUTHAMPTON ELKS ON THEIR 70TH ANNIVERSARY

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FORBES. Mr. Speaker, I rise today to mark the 70th anniversary of the founding of Southampton Elks Lodge 1574. Its long and rich history dates back to December 7, 1929, when 90 candidates were initiated by the Officers of Patchogue Lodge 1323. The fraternal organization was founded on the principles of improving the quality of life on Eastern Long Island and strengthening ties within the community. They have been fulfilling that pledge ever since. On July 10, 1930, the Southampton Lodge was awarded their Grand Lodge Charter.

Elks in Suffolk County have long been known for their dedication in assisting and comforting the veterans of our wars, especially those who are disabled or in distress. The Southampton Elks are very proud of the symbol for which they fought—our national flag. They not only promote and defend the flag but also see it as a symbol of charity. Furthermore, the efforts of the Elks to involve youth in the lives of our veterans should serve as a model for community building in this country.

We cannot overlook the close attention they pay to the individual members of society who are in dire need of assistance. In the past, they have donated such items as specially-designed bicycles, wheelchairs and other items needed by the physically-challenged, helped local families pay for medical treatments, and assisted those whose homes have been lost to fire.

I am especially proud of their local assistance when disaster strikes. During emergency situations, Southampton Elks have always been, and I'm sure always will be, prepared to assist by donating funds, volunteering their time, or doing whatever else is needed during times of difficulty.

Once again, I commend Southampton Elks Lodge 1574. Their unselfish, voluntary efforts and generosity are a credit to the communities they serve. They are an asset to Long Island, and I have no doubt that they will continue their good works and service strongly into the new millennium.

UNITED STATES JAYCEES RESOLVE SOCIAL SECURITY NEEDS REFORM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SCHAFFER. Mr. Speaker, the United States Jaycees, numbering 115,000 individual members, recently adopted a resolution entitled, ''Legislation to Ensure the Future Economic Solvency of the Social Security System.''

The Jaycees, whose vision is to ''become the organization of choice for young people, providing direction and leadership to our communities and nation,'' conducted more than 75 Social Security town hall meetings across America, reporting that 79% of the surveyed participants think it needs radical or major reform. When asked if there should be implementation of a program that allows individuals to place their Social Security contributions from their current wages in their own personal retirement account and require(s) them to maintain that account for retirement only, 77% either strongly favored or favored that idea.

This resolution's recommendations include reforming Social Security, the need for personal retirement accounts and for directing

part of the budget surplus to the solvency of Social Security. It was delivered to me by Penni Zelinkoff, president of the Colorado Jaycees and incoming vice president of the United States Junior Chamber of Commerce; and Tana Bewly, incoming president of the Colorado Jaycees. I believe the resolution is of vital interest to my constituents and the United States Congress. Therefore, I hereby submit for the RECORD, the full text of the United States Jaycees' recommendations for Social Security's continued solvency.

RESOLUTION—CALL FOR LEGISLATION TO ENSURE THE FUTURE ECONOMIC SOLVENCY OF THE SOCIAL SECURITY SYSTEM

Whereas, the membership of The United States Junior Chamber of Commerce, as well as most America is concerned about the economic future of Social Security System; and

Whereas, payroll deductions will have to be dramatically increased or benefits significantly decreased unless Social Security is reformed; and

Whereas, we need to meet our Social Security promises to existing and future retirees; and

Whereas, the number of retirees will almost double by the year 2030; and

Whereas, The United States Junior Chamber of Commerce has conducted surveys at seventy-five Social Security Town Hall Meetings in forty different states; and

Whereas, The United States Junior Chamber of Commerce has testified before Congress to address these concerns; and

Whereas, as a result of The United States Junior Chamber of Commerce's Social Security Town Hall Report, an overwhelming majority approved the establishment of individual retirement accounts; and

Whereas, The U.S. Congress has introduced legislation for the establishment and maintenance of individual retirement accounts; and

Whereas, The United States Junior Chamber of Commerce has invested considerable time and resources in the solvency of the Social Security system; and

Whereas, The United States Junior Chamber of Commerce sees the need to get the average young American involved in the interest of their government; and

Whereas, The United States Junior Chamber of Commerce should actively promote getting out the vote to secure these aims.

Now, therefore, be it *resolved*, That the United States Junior Chamber of Commerce Board of Directors:

Recognizes that Social Security is in need of immediate revisions;

Recognizes that the future of Social Security is a vital concern for young people and future generations in the United States;

Recognizes the need for capitalization of the Social Security system;

Recognizes the need for personal retirement accounts;

Recognizes that a percentage of budget surpluses should go towards the solvency of Social Security;

Recognizes a need for a national ''Get Out the Vote'' campaign;

Gives authority to the USJCC staff to pursue a course to reform Social Security in local Junior Chamber communities and at the national level and organize a ''Get Out the Vote'' campaign.

Mr. Speaker, as a proud former Jaycee, I thank the organization for its most thorough examination of the Social Security System and recommendations for its reform.

WHEN WILL CROATIA BECOME A DEMOCRACY?

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. SMITH of New Jersey. Mr. Speaker, in the decade since multi-party elections first began to be held in what were the one-party states of East-Central Europe, the political leaders and societies of many of these states have committed themselves to building democratic institutions, respecting the rule of law and tolerating social diversity. Some have done well; others have not. One country which should have done well, but so far has not, is Croatia. I ask, ''Why?''

Many will assert, with considerable credibility, that Croatia faced until 1995 the added burdens of Yugoslavia's violent demise, bringing months of conflict in 1991, and the occupation of considerable territory by Serb militants. We should not minimize the sense of victimization felt by the people of Croatia at that time. Indeed, I was in Vukovar in 1991, when it was still under siege, and personally saw the awful things that were happening to the people there. Similarly, we cannot ignore the effect in Croatia of the continued presence of Croats from Bosnia-Herzegovina who still cannot safely return to their homes in what is now the entity of Republika Srpska.

However much one may want to give Croatia the benefit of the doubt, in the eight years since the tragic events following the assertion of statehood, and four years since the occupied territories were either retaken or set for subsequent reintegration, Croatia has become accustomed to its newfound independence. Its people have increasingly seemed desirous of becoming a more united part of European affairs, including through the development of ties with the European Union and NATO. They are part of a sophisticated, well-educated society, feel more secure within their borders, and want greater freedom and prosperity for themselves and their children. Analysts have, for at least two years, viewed the country as being in a stage of real transition. Unfortunately, as this transition moves forward, it meets greater resistance from those who have become entrenched in, and enriched by, the power they hold. This resistance manifests itself in two ways, the gross manipulation of the political system to the advantage of the ruling party, and the continued reliance on nationalist passions.

Regarding political manipulations, elections must be held within the next three months, yet there is no date, no new election law that provides a free and fair standard, no loosening of the grip on the media. More specifically, there continues to be a so-called ''diaspora'' representation, which effectively is the same as giving almost ten percent of parliamentary seats to the ruling party up front. Moreover, for some time the authorities considered scheduling the elections within a few days of Christmas, a rather blatant attempt to manipulate popular sentiment and voter turnout.

The ruling party is maintaining its control over Croatia's broadcast media. Defamation laws have resulted in hundreds of prosecutions, both criminal and civil, of journalists and publishers for critical comments deemed ''criminal'' for allegedly insulting the honor or dignity of high officials. In Croatia, it seems that alleged criminal activity by officials uncovered by independent journalists can be protected under a broad definition of ''state secrets.''

On the nationalist front, Serbs (who once represented over ten percent of Croatia's population) still have difficulty returning home—many fled in 1991 and 1995—and those who have returned face difficulties in getting their property back or obtaining government assistance. Statements by officials often create an environment which make individuals believe they can get away with more direct, physical harassment of the Serbs. While many Serbs may not be able even to participate in the voting for the upcoming elections, Croatian authorities are considering the reduction from three seats to one seat for Serb representation in the Croatian Parliament, or Sabor. Meanwhile, the ''diaspora'' vote sways the loyalties of Bosnia's indigenous Croat population, and Croatian President Tudjman recently resurrected notions of a Croat entity in Bosnia-Herzegovina. While Croatia's citizenship law still makes it difficult for members of the Serb and sometimes other minority communities to get citizenship, voting rights are extended to ethnic Croats abroad on the discredited basis of blood ties alone.

Tudjman further claimed this last week that Croatian generals cannot be held accountable for the commission of war crimes and crimes against humanity. His resistance to cooperation with the International Tribunal in The Hague is reprehensible, and, if it continues, warrants a strong response by this Congress.

Mr. Speaker, Croatian courts recently convicted Dinko Sakic, a commander of the Jasenovac concentration camp in Croatia during World War II. The trial and its outcome say something positive not only about Croatia's courts; the attention in Croatia given to this case indicates an ability to acknowledge a horrible period in the past. More broadly, Croats realize they must seek justice for the past and move forward so that they do not sink their personal futures in the pit of extreme nationalist aspirations.

I hope, Mr. Speaker, the leaders of Croatia today will come to their senses, and abide by the wish of the people to live in full freedom, true justice and greater prosperity. Signs of this would be: (1) holding an election which, from the campaign period to the vote count, is free and fair according to both international observers and domestic ones who should be permitted to observe; (2) cessation of the relegation of ethnic Serbs to the status of second-class citizens whose presence, at best, will be tolerated; and (3) surrendering to The Hague all indicted persons, including Mladen Naletilic (aka ''Tuta'') now that Croatia's own courts have cleared the way, and the information and documents which the Tribunal may request.

Only with progress in these areas can Croatia take its proper place in Europe and the world. Mr. Speaker, I ask Croatia's leaders, when that will be?

IN HONOR OF MR. NICHOLAS A. CAPODICE, BAYONNE CITY COUNCIL MEMBER-AT-LARGE, RECIPIENT OF SICILIAN CITIZEN'S CLUB 1999 MAN OF THE YEAR AWARD

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Bayonne City Council Member-At-Large, Mr. Nicholas Capodice, for being named this year's 1999 Man of the Year by the Sicilian Citizen's Club.

Grandson of Pietro Capodice, charter member of the Sicilian Citizen's Club, Mr. Capodice has been committed to serving the City of Bayonne. Through his exemplary service to the community, he has shown tremendous leadership.

Receiving his B.A. in special education and an M.A. in Administration and Supervision from the New Jersey City University, Mr. Capodice's commitment to the educational and social development of his students is truly remarkable. He has continued his work in the field of Special Education by serving on the Bayonne Board of Education for 10 years and on the Jersey City Board of Education for the last 11 years.

Mr. Capodice was recently elected Bayonne's City Council Member-At-Large, where he is Commissioner of the Bayonne Local Redevelopment Authority. In this capacity, Mr. Capodice is responsible for the strategic planning and implementation of the economic redevelopment of the City of Bayonne.

Prior to being elected to the City Council, Mr. Capodice served as a Trustee for the Bayonne Board of Education from 1991 to 1996, acting as President from 1992 to 1995. In addition, he was a member of the Board of School Estimates from 1993 to 1994.

For his dedication to the people of the City of Bayonne and his extraordinary service record, I ask my colleagues to join me in congratulating City Councilman Nicholas Capodice on being named 1999 Man of the Year by the Sicilian Citizen's Club of Bayonne.

INTRODUCTION OF THE YOUNG WITNESS ASSISTANCE ACT OF 1999

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. CAPUANO. Mr. Speaker, this week more than 350 young Americans gathered in our Nation's capitol to share their views about violence and how it has affected their lives. Three individuals from my district—Pierre Laurent and Amanda Abreu of Somerville, MA, and Yarimee Gutierrez of Boston, MA, came to Washington to take part in the Voices Against Violence conference. Their commitment to addressing the problems associated with violence among youth is to be commended, and I want to take this opportunity to personally thank them for their efforts to make a difference within their schools and communities.

As Pierre, Amanda, Yarimee and the other participants of the conference return to their respective communities with a renewed commitment to this cause, I believe it is Congress' responsibility to do all that we can to support these young peoples' efforts. What better way to do this than to provide legislation that assists young people who are striving to do the right thing? For this reason, I rise today to introduce the Young Witness Assistance Act of 1999.

Sadly, more and more of our Nation's youth are becoming intimately familiar with violent crime. These crimes include homicide, assault, robbery, domestic violence and sexual assault. Upon witnessing such violent crimes, they suddenly find themselves in the uncomfortable position of deciding whether or not to report the act. Far too often, many young people choose to stay quiet. In many ways, who can blame them? Witnessing a violent crime is a traumatic experience. Additionally, reporting a violent crime can potentially lead to additional hardships that threaten the well-being of the young witness. Earlier this year in Connecticut, an 8-year-old boy and his mother were gunned down after the boy agreed to testify as a witness in a murder trial. In my district, a young man and his family were harassed and threatened after he agreed to assist authorities in an armed robbery case—eventually his family removed the boy from school and placed him into hiding in reaction to repeated threats on his life.

It's time we take a stand for the young people who are willing to stand against crimes in their communities. The Young Witness Assistance Act is a step in the right direction. It provides Federal funds to state and local authorities specifically for establishing and maintaining programs that assist young witnesses of violent crimes. Authorities can use these funds to develop such activities as counseling for the youth; pre- and post-trial assistance for the youth and their family; educational services if the youth has to be removed from school; community and school based outreach initiatives; and protective services. The bill would authorize $3 million for each fiscal year from 2001 to 2003. No new money will be used to fund this effort. Rather, funding would be derived from existing monies within the Violent Crime Reduction Trust Fund.

Mr. Speaker, this bill supports our Nation's young people who take a courageous stance against violent crime in their communities. It sends a message that Congress cares and is willing to provide the assistance young witnesses need. Forty-fix members of the House, Democrats and Republicans, have acknowledged this by becoming original cosponsors of this legislation. It is my hope that the House will ''do the right thing'' and pass this legislation.

HONORING THE MEMORY OF MR. LEONARD S. RASKIN

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. McCARTHY of Missouri. Mr. Speaker, I rise today to honor Leonard S. Raskin, whose death on October 18 is an incalculable loss to his loving family and cherished friends, and to our community. Lenny loved life and was undaunted by its challenges. Even as cancer claimed more and more of him, he did " . . . not go gently into that good night . . . (but) . . . raged against the dying of the light. . . ." His incredible strength and will to live emulate these words of courage written by Dylan Thomas to his dying father. Lenny adopted me into his life, and as my friend, reinforced in me the belief that anything was possible to accomplish if you just tried hard enough and were good enough. I knew even if I failed he'd still be there for me; so true was his love. Lenny loved his family and friends with a passion even death cannot diminish. Mr. Speaker, please join me in expressing my deepest sympathy to his devoted wife of 50 years, Sarah Raskin, his eldest son, Phillip E. Raskin, his only daughter and my dearest friend, Maryl D. Raskin, his youngest son and daughter-in-law Garry N. and Susan Raskin, and his beloved grandchildren, Kaley and Sydney Raskin. I ask unanimous consent that the following material be included with my statement. The poems, ''Adios'' by Naomi Shihab Nye, and ''Reading Aloud to My Father'' by Jane Kenyon; works Maryl shared with me which reflect upon life as we reflect upon this wonderful man's friendship and love. Thank you, Mr. Speaker. Adios, Lenny.

ADIOS

It is a good word, rolling off the tongue no matter what language you were born with.
Use it. Learn where it begins, the small alphabet of departure, how long it takes to think of it, then say it, then be heard.
Marry it. More than a golden ring, it shines, it shines.
Wear it on every finger till your hands dance, touching everything easily, letting everything, easily, go.
Strap it to your back like wings. Or a kite-tail. The stream of air behind a jet.
If you are known for anything, let it be the way you rise out of sight when your work is finished.
Think of things that linger; leaves, cartons and napkins, the damp smell of mold.
Think of things that disappear.
Think of what you love best, what brings tears into your eyes.
Something that said adios to you before you knew what it meant or how long it was for.
Explain little, the word explains itself. Later perhaps. Lessons following lessons, like silence following sound.

NAOMI SHIHAB NYE.

READING ALOUD TO MY FATHER

I chose the book haphazard from the shelf, but with Nabokov's first sentence I knew it wasn't the thing to read to a dying man:
The cradle rocks above the abyss, it began, and common sense tells us that our existence is but a brief crack of light between two eternities of darkness.
The words disturbed both of us immediately, and I stopped. With music it was the same—Chopin's Plano Concerto—he asked me to turn it off. He ceased eating, and drank little, while the tumors briskly appropriated what was left of him.
But to return to the cradle rocking. I think Nabokov had it wrong. This is the abyss.
That's why babies howl at birth, and why the dying so often reach for something only they can apprehend.
At the end they don't want their hands to be under the covers, and if you should put your hand on theirs in a tentative gesture of solidarity, they'll pull the hand free; and you must honor that desire, and let them pull it free.

JANE KENYON.

TRIBUTE TO MANA, A NATIONAL LATINA ORGANIZATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Ms. ROYBAL-ALLARD. Mr. Speaker, it is a great honor to stand before you today to pay tribute to the members of MANA, a national Latina organization whose members are in our Nation's Capital to celebrate the 25th Anniversary of the founding of this organization.

MANA, a national Latina organization, was founded in 1977 as a Mexican American Women's National Association. Its mission is to strengthen Latina community leaders; cultivate vital and prosperous Latino communities and advance public policy for an equal and just society. MANA is a membership-based organization headquartered in Washington, D.C. and has chapters across the country.

For over 25 years, MANA has been the voice for Latinas in the Nation's Capital and across the country—from the statehouse to the White House. They have shared the national and international concerns of Hispanas with Presidents of the United States and Mexico and consulted with cabinet-level leaders on a range of domestic issues. Through its chapters, MANA has duplicated a strong advocacy role at the community level.

Throughout its rich history, MANA has established a number of programs which have been replicated at the local level through their chapters. From the outset, MANA viewed leadership development as the key to achieve a dream of ''full empowerment of Latinas.'' To that end, the organization holds annual training conferences on public policy issues and the legislative process. MANA also provides scholarships specifically targeting Latinas. Concerned with the high dropout rate, MANA developed its youth stay-in-school program, Las herMANITAS. This program has been duplicated at the chapter level. Through role models, success stories, personal triumphs, encouragement and leadership training, MANA has developed, inspired, motivated and mobilized self-reliant, determined and courageous women to become community leaders.

Lastly, I would be remiss if I did not mention the women who led the organization the last 25 years. Through their efforts they demonstrated how a totally volunteer organization of more than 1,000 women across the country can make a difference in creating a better future for Hispanic women, their families and their communities. Past National Presidents include: Blandina (Bambi) Cárdenas, Founder, 1974; Bettie Baca, Organizing Chair 1974–75; Evangeline (Vangie) Elizondo, President 1975–76; Gloria López Hernández, President 1976–77; Elisa Sánchez, President 1977–79 and 1995–1999; Wilma Espinoza, President 1979–81; Raydean Acavedo, President 1981–83; Veronica (Ronni) Collazo, President 1983–85; Gloria Barajas, President 1985–86; María Rita Jaramillo, President 1986–88; Irma Maldonado, President 1988–90; Judy Canales, President 1990–92 and Elvira Valenzuela Crocker, President 1992–94.

On behalf of the Congressional Hispanic Caucus, we applaud you for your contributions, and we thank you for your leadership on behalf of Latinas and Latinos throughout the country. We look forward to continuing to work with you in the years to come.

JACOB'S HOPE

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. RAMSTAD. Mr. Speaker, tomorrow marks the tenth anniversary of a tragic event in my home state of Minnesota. On October 22, 1989, an eleven-year-old boy named Jacob Wetterling was stolen from his family in the small community of St. Joseph, Minnesota. Since then, no one has heard from Jacob or the masked gunman who stole him that day.

This tragedy shook the community, our state and the nation. If a child could be taken from a closely-knit, small community like St. Joseph, Minnesota, what child in America was truly safe?

Jacob's parents, Jerry and Patty Wetterling, have made it their crusade to make America a safer place for our children. They turned an unthinkable horror in their own lives into an opportunity to bring hope to other families. Over the last 10 years, they have kept the hope of Jacob's return alive, and, at the same time, created the Jacob Wetterling Foundation to promote child safety.

Today, the Jacob Wetterling Foundation is an invaluable, nationally recognized resource for families with missing children and the law enforcement officials searching for them. The Foundation has helped 1,500 families with missing or exploited children and processed 1,000 leads on missing children.

Patty Wetterling has been a tireless crusader, traveling around the country to educate children and families about preventing child abduction and abuse.

The Jacob Wetterling Foundation has reached 160,000 people at 500 events and has distributed more than 1.2 million safety brochures across the nation.

The Jacob Wetterling Foundation has been instrumental in shaping our nation's laws to protect children. Working with Patty Wetterling, I introduced legislation to protect communities from the criminals who prey on children. This landmark legislation—the Jacob Wetterling Act—became the law of the land in 1994. Because of it, released criminals who are convicted of crimes against children must register with law enforcement, and communities are notified when dangerous offenders move into the neighborhood.

Several events are taking place in Minnesota and across the country this weekend to mark the tragic anniversary of Jacob's abduction and make America award of the need for child protection. At 6:00 p.m. tomorrow in St. Joseph, Minnesota, there will be a balloon launch from Kennedy Elementary School. Also tomorrow on television, ''Dateline NBC'' will carry a report on the Wetterling case.

On Saturday, a safety fair for children and parents will be held at the Rainbow Foods store in St. Cloud, Minnesota. There will also be a local broadcast on KARE–TV at 10:00 a.m. with a behind-the-scenes look at a public service announcement by Jacob's friends and classmates.

On Sunday, a ''Hope Service'' will be held at St. Joseph's Catholic Church. In addition, the November issue of ''Reader's Digest'' currently on newsstands carries a cover story about Jacob.

Mr. Speaker, there are few people who have touched my own life like Jacob Wetterling, a boy I have never met. Because of Jacob, America's children are better protected from those who would steal their childhood. Because of Jacob, more and more children will have the opportunity to grow up safe and secure.

I ask my colleagues and fellow Americans to remember Jacob and his wonderful family. We owe Patty and Jerry Wetterling and the Jacob Wetterling Foundation a great debt of gratitude for their ten years of work protecting America's most precious gift—our children.

PRAY FOR THE CHILDREN WEEKEND

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mrs. BIGGERT. Mr. Speaker, I am pleased to recognize an effort sponsored by the Illinois Drug Education Alliance and others to raise awareness of and unite people against the dangers of illegal drug use. This effort, known as Pray for the Children, is a grassroots movement to keep children drug-free and safe through faith and community involvement.

The second annual ''Pray for the Children Weekend'' is this weekend, October 22, 23, and 24. This is a time for people all across the world to take a moment to reflect and pray for children to avoid the pitfalls of illegal drug use. It is also a time for families, religious institutions and political leaders to come together to keep children drug free and safe.

We are all aware of the devastating impact illicit drug use has on our society, particularly on young people. Illicit drug use is something we all understand must be addressed and overcome. While saying a prayer is not the sole answer to the drug problem, it is part of a larger solution that demands community involvement and responsibility for one's own actions.

I encourage those listening to participate in this effort and urge my colleagues to wear the red ''Pray for the Children'' ribbons that have been sent to their offices. The Ribbons and this campaign symbolize what members of this body and those around the world should be promoting—a zero tolerance for illegal drug use and a commitment to a drug-free lifestyle.

IN HONOR OF THE STATEWIDE HISPANIC CHAMBER OF COMMERCE OF NEW JERSEY ON ITS ''DECADE OF SUCCESS''

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize the Statewide Hispanic Chamber of Commerce of New Jersey on a ''Decade of Success'' in the State of New Jersey on this occasion, its 9th Annual Convention and Expo.

Starting out with just a handful of volunteers in 1989, the Statewide Hispanic Chamber of Commerce of New Jersey has become the flagship organization for New Jersey's small business community. Today, the SHCC is an organization committed to serving the needs

of the Hispanic business community, while working closely with the U.S. Hispanic Chamber of Commerce to provide leadership and to promote the continued growth and development of New Jersey's economy.

Championing the needs of Hispanic businesses in the State of New Jersey, the SHCC is a voluntary network of individuals, businesses, Hispanic Chambers of Commerce, and regional professional associations. The network is responsible for expanding business opportunities, forging a mutually beneficial relationship between the public and private sectors, advocating businesses in the political arena, and promoting trade between New Jersey businesses and their national and international counterparts.

The SHCC encourages growth through technical assistance and regional conferences for area businesses, professional associations, and entrepreneurs. Also, the SHCC provides strong leadership for New Jersey in the U.S. Hispanic Chamber of Commerce, as well as in programs such as Education NOW for future business leaders.

Nationwide, Hispanic businesses are thriving. With 30,000 Hispanic-owned businesses supporting 128,000 jobs and generating $7.5 billion in sales nationwide, the Hispanic market is the fastest growing sector in the United States. In the State of New Jersey alone, this booming market has experienced an 87% increase in less than ten years. The efforts of groups such as the SHCC have been instrumental in fostering this growth.

For its commitment to the survival and prosperity of Hispanic-owned businesses, as well as its unwavering leadership, I ask my colleagues to join me in commending the Statewide Hispanic Chamber of Commerce of New Jersey.

MONTGOMERY GI BILL NEEDS A BOOST

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 21, 1999

Mr. FILNER. Mr. Speaker, I want to submit an article by my colleague, the distinguished Ranking Member of the Veterans' Affairs Committee, Mr. Lane Evans. This article, about needed changes in the Montgomery GI Bill, appeared in the November 1999 issue of the Association of the United States Army's AUSA News.

MONTGOMERY GI BILL NEEDS A BOOST

We are enjoying a balanced budget for the first time in a generation. Now is the prudent time to make badly-needed changes in the Montgomery GI Bill (MGIB).

Army and other service recruiters and the commanders of the Armed Services' Recruiting Commands see the MGIB as the most important recruiting incentive for the Armed Services. Yet congressional leaders have refused to fund an upgrade, despite a recruiting crisis today that will be tomorrow's manpower crisis.

The House Veterans Affairs Subcommittee on Benefits held hearings this year on the Montgomery GI Bill Improvements Act of 1999, H.R. 1071, which I introduced, and the Servicemembers Educational Opportunity Act of 1999, H.R. 1182, introduced by Chairman BOB STUMP. Both bills would appreciably increase benefits provided by the Montgomery GI Bill. The testimony we received during those hearings was far-reaching, and it confirmed two things:

1. GI Bill enhancements are sorely needed, and

2. My H.R. 1071 is a significantly stronger bill.

Commanders and recruiters from all of the Armed Services told the Benefits Subcommittee that they face brutal recruiting challenges this year which will continue into the future.

Vice. Adm. Patricia A. Tracey, Deputy Assistant Secretary of Defense for Military Personnel Policy, said that it is a buyer's market out there. What most young Americans are not buying is military service.

As a result, the military has become increasingly unable to compete with colleges for the caliber of high school graduates it needs to operate today's complex weapon systems and equipment.

The Army missed its recruitment goal of 48,700 during the first half of 1999 by more than 7,300. Its ''write-rate'' is the worst in the history of the all-volunteer force, and the annual goal will be missed by ten times last year's figure.

Admiral Tracey told us that ''money for college'' is consistently the primary reason young men and women give for enlisting. All the recruiters backed her up.

To my mind the recruiting problems we see now reflect the diminished buying power of the Montgomery GI Bill. College costs have quadrupled in the last 20 years. The basic GI Bill benefit, however, has increased only 76 percent since the program was enacted.

No wonder America's young people aren't buying military service. The 21st century job market will demand a college degree—but they have a great many opportunities to pay for a college education without facing the rigors, the risks and the sacrifices of serving their country in the Armed Forces. Most of us who are veterans today grew up looking for ways to serve our country—and wearing the uniform was a good career move, too—whether for a few years before going on to a civilian job, or as a life's work. That ethic is dying, and Congress is doing nothing to reinforce it.

The GI Bill today simply does not provide enough education assistance to attract the numbers of high quality high school graduates the Army and the other services need. Today, potential recruits see the Montgomery GI Bill as an inadequate educational benefits package compared to the commitment required by the Armed Services.

As a result, the military has become increasingly unable to compete with colleges. The Armed Forces are accepting lower-ability recruits in an effort to meet recruiting goals.

Recently Patrick T. Henry, Army Assistant Secretary for Manpower and Reserve Affairs said America has to understand that the Army is not an employer of last resort. I agree, but if we experience continuing recruiting shortfalls, our military may soon become just that.

The Armed Forces must have high quality recruits, defined as those who have a high school diploma and who have at least average scores on tests measuring math and verbal skills.

The Department of Defense says about 80 percent of high quality recruits will complete their first 3 years of active duty, while only 50 percent of recruits with only a GED will finish basic training successfully and complete their enlistment. The General Accounting Office notes that it costs at least $35,000 to replace every recruit who leaves the service prematurely.

We must restore MGIB's effectiveness in recruiting the number of high quality young men and women the Armed Forces need and providing a competitive readjustment educational benefit for veterans.

The Congressional Budget Office has estimated the 10-year cost of enhancing the Montgomery GI Bill (H.R. 1071) to be $5 billion over 10 years. This $5 billion 10-year cost to recruit the high quality young men and women required to maintain our national defense and provide these veterans the opportunity to obtain the best education for which they can qualify after their military service is one-half of 1 percent (.005) of the 10-year nearly $800 billion tax cut congressional leaders are trying to enact.

A single tax break—such as the five-year extension of a temporary tax deferral on income life insurance companies, banks and securities firms earn abroad—will cost the government that much in lost revenues, according to congressional calculations.

Shame on Congress and its Republican leaders if, in their lock-step march to give tax relief to those who need it least, they pass national security by.

Shame on Congress and its leaders, too, if they fail to find the relatively smaller amount we need to attract the new soldiers—and sailors, airmen and marines—this country needs to remain strong and free.

Daily Digest

HIGHLIGHTS

Senate passed Partial Birth Abortion Ban.

The Senate and House agreed to the Conference Report on H.R. 2466, Department of the Interior and Related Agencies Appropriations.

The House passed H.R. 2, The Students Results Act.

The House passed H.R. 2300, Academic Achievement for All Act.

Senate

Chamber Action

Routine Proceedings, pages S12949–S13035

Measures Introduced: Ten bills and one resolution were introduced, as follows: S. 1759–1768, and S.J. Res. 36. **Pages S13011–12**

Measures Reported: Reports were made as follows:

H.R. 2112, to amend title 28, United States Code, to allow a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, and to provide for Federal jurisdiction of certain multiparty, multiforum civil actions, with an amendment in the nature of a substitute.

H.J. Res. 62, to grant the consent of Congress to the boundary change between Georgia and South Carolina.

S. 1235, to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training.

S. 1485, to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States.

S. 1713, to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act.

S. 1753, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act. **Page S13011**

Measures Passed:

Work Incentives Improvement Act: Senate passed H.R. 1180, to amend the Social Security Act to expand the availability of health care coverage for working individuals with disabilities, to establish a Ticket to Work and Self-Sufficiency Program in the Social Security Administration to provide such individuals with meaningful opportunities to work, after striking all after the enacting clause and inserting in lieu thereof the text of S. 331, Senator companion measure, as passed by the Senate on June 16, 1999. Senate insisted on its amendment, requested a conference with the House thereon, and the Chair was authorized to appoint the following conferees on the part of the Senate: Senators Roth, Lott, and Moynihan. **Page S12961**

Partial Birth Abortion: By 63 yeas to 34 nays (Vote No. 340), Senate passed S. 1692, to amend title 18, United States Code, to ban partial-birth abortions, as modified, after taking action on the following amendments proposed thereto:

Pages S12949–70, S12972–99

Adopted:

By 51 yeas to 47 nays (Vote No. 337), Harkin Amendment No. 2321 (to Amendment No. 2320), to express the sense of Congress in support of the Supreme Court's decision in *Roe* v. *Wade*. (By 48 yeas to 51 nays (Vote No. 336), Senate earlier failed to table the amendment.) **Pages S12949–61, S12972**

Boxer Amendment No. 2320 (to the text of the language proposed to be stricken by Amendment No. 2319), to express the Sense of the Congress that, consistent with the rulings of the Supreme Court, a woman's life and health must always be protected in

any reproductive health legislation passed by Congress. **Pages S12949–72**

Modification to S. 1692, to clarify the definition of partial birth abortion. **Page S12980**

Rejected:

By 46 yeas to 51 nays (Vote No. 338), Smith (of N.H.) Modified Amendment No. 2324, to provide for certain disclosures and limitations with respect to the transference of human fetal tissue. **Pages S12985–89**

By 46 yeas to 51 nays (Vote No. 339), Landrieu Modified Amendment No. 2323, to express the sense of the Congress that the Federal Government should fully support the economic, educational and medical requirements of families with special needs children. **Pages S12975–89**

Torture Victims Relief Authorization: Senate passed H.R. 2367, to reauthorize a comprehensive program of support for victims of torture, clearing the measure for the President. **Page S13035**

Interior Appropriations Conference Report: Senate agreed to the conference report on H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, clearing the measure for the President. **Pages S13000–02**

African Growth and Opportunity Act: Senate began consideration of the motion to proceed to the consideration of H.R. 434, to authorize a new trade and investment policy for sub-Sahara Africa. **Pages S13002–06**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Friday, October 22, 1999. **Page S13035**

Appointment:

Mickey Leland National Urban Air Toxics Research Center: The Chair, on behalf of the Majority Leader, pursuant to Public Law 101–549, appointed Susan F. Moore, of Georgia, to the Board of Directors of the Mickey Leland National Urban Air Toxics Research Center, vice Patricia A. Buffler. **Page S13035**

Messages From the House: **Page S13010**

Enrolled Bills Signed: **Page S13010**

Communications: **Pages S13010–11**

Executive Reports of Committees: **Page S13011**

Statements on Introduced Bills: **Pages S13012–24**

Additional Cosponsors: **Pages S13024–25**

Amendments Submitted: **Page S13025**

Notices of Hearings: **Page S13025**

Authority for Committees: **Pages S13025–26**

Additional Statements: **Pages S13033–35**

Record Votes: Five record votes were taken today. (Total—340) **Pages S12961, S12972, S12989, S12997**

Adjournment: Senate convened at 9:31 a.m., and adjourned at 7:57 p.m., until 9:30 a.m., on Friday, October 22, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S13035.)

Committee Meetings

(Committees not listed did not meet)

OPERATION ALLIED FORCE

Committee on Armed Services: Committee resumed open and closed hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo, receiving testimony from Gen. Wesley K. Clark, USA, Commander-in-Chief, United States European Command, Supreme Allied Commander, Europe; Adm. James O. Ellis, Jr., USN, Commander-in-Chief, United States Naval Forces, Europe, Commander-in-Chief, Allied Forces, Southern Europe; and Lt. Gen. Michael C. Short, USAF, Commander, 16th Air Force, United States Air Forces, Europe, Commander, Allied Air Forces, Southern Europe.

Hearings recessed subject to call.

NATIONAL TECHNICAL INFORMATION SERVICE

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine issues dealing with the Department of Commerce's proposal to close the National Technical Information Service, after receiving testimony from Senator Robb; Representatives Davis and James Moran; Robert Mallett, Deputy Secretary of Commerce; Michael F. DiMario, Public Printer, Government Printing Office; Joan R. Challinor, Member, United States National Commission on Libraries and Information Science; and Bill Clark, National Federation of Federal Employees, Washington, DC.

NATIONAL HISTORIC PRESERVATION

Committee on Energy and Natural Resources: Subcommittee on National Parks, Historic Preservation, and Recreation concluded 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, after receiving testimony from Robert Stanton, Director, Katherine Stevenson, Associate Director, Cultural Resource, Stewardship and Partnerships, and Michael Soukup, Associate Director, Natural Resources, Stewardship and Science, all of the National Park Service, Department of the Interior; John Fowler, Executive Director, Advisory Council on Historic Preservation; Judith Bittner, Alaska State Office of Historic Preservation, Anchorage, on behalf of the National Conference of State Historic Preservation Officers; Gerri Johnson Hobdy, Louisiana Department of Culture, Recreation and Tourism, Baton Rouge; Michael A. Andrews, Washington, DC, and Lucille Clark Dumbrill, New Castle, Wyoming, both of the National Trust for Historic Preservation; and Susan West Montgomery, Preservation Action, Washington, DC.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported an original bill, the Balanced Budget Adjustment Act of 1999.

WTO TRADE NEGOTIATIONS

Committee on Finance: Subcommittee on International Trade concluded hearings to examine the United States trade negotiating objectives for services at the Seattle World Trade Organization Ministerial meeting, after receiving testimony from David L. Aaron, Under Secretary of Commerce for International Trade; Susan G. Esserman, Deputy United States Trade Representative; and Stuart J. Brahs, The Principal Financial Group, Catherine L. Mann, Institute for International Economics, and J. Robert Vastine, Coalition of Service Industries, all of Washington DC.

CHILD LABOR ABUSE

Committee on Foreign Relations: Committee concluded hearings on Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, adopted by the International Labor Organization Convention at its 87th Session in Geneva on June 17, 1999 (Treaty Doc. 106–05), after receiving testimony from Senator Harkin; Alexis M. Herman, Secretary of Labor; John J. Sweeney, American Federation of Labor and Congress of Industrial Organizations, Washington, DC; Thomas M.T. Niles, United States Council for International Business, New York, New York, on behalf of the International Labor Organization; Casey Harrell, Duke University Students Against Sweatshops, Durham, North Carolina; and Francoise Remington, Forgotten Children, Arlington, Virginia.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of John F. Walsh, of Connecticut, and Legree Sylvia Daniels, of Pennsylvania, each to be a Governor of the United States Postal Service, after the nominees testified and answered questions in their own behalf. Mr. Walsh was introduced by Senator Dodd, and Ms. Daniels was introduced by Senator Specter.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

H.R. 2112, to amend chapter 87 of title 28, United States Code, to authorize a judge to whom a case is transferred to retain jurisdiction over certain multidistrict litigation cases for trial, with an amendment in the nature of a substitute. (As approved by the committee the substitute amendment incorporates the text of S. 1748, Senate companion measure.);

H.J. Res. 62, to grant the consent of Congress to the boundary change between Georgia and South Carolina;

S. 1713, to amend the Immigration and Nationality Act to extend for an additional 2 years the period for admission of an alien as a nonimmigrant under section 101(a)(15)(S) of such Act, and to authorize appropriations for the refugee assistance program under chapter 2 of title IV of the Immigration and Nationality Act;

S. 1485, to amend the Immigration and Nationality Act to confer United States citizenship automatically and retroactively on certain foreign-born children adopted by citizens of the United States;

S. 1753, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act;

S. 1754, ''Denying Safe Havens to International and War Criminals Act of 1999'', with an amendment in the nature of a substitute;

S. 1235, to amend part G of title I of the Omnibus Crime Control and Safe Streets Act of 1968 to allow railroad police officers to attend the Federal Bureau of Investigation National Academy for law enforcement training; and

The nominations of Timothy B. Dyk, of the District of Columbia, and Richard Linn, of Virginia, each to be a United States Circuit Judge for the Federal Circuit, Paul L. Seave, to be United States Attorney for the Eastern District of California, and Diana E. Murphy, of Minnesota, Ruben Castillo, of Illinois, Sterling R. Johnson, Jr., of New York, Elton J. Kendall, of Texas, Michael E. O'Neill, of

Maryland, William K. Sessions, III, of Vermont, and John R. Steer, of Virginia, each to be a Member of the United States Sentencing Commission.

FDA MODERNIZATION

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings on the implementation of the Food and Drug Administration Modernization Act (P.L. 105–115), focusing on provisions on pharmaceuticals and medical devices, after receiving testimony from Jane E. Henney, Commissioner of Food and Drugs, Food and Drug Administration, Department of Health and Human Services; Richard A. Galbraith, University of Vermont Fletcher Allen Health Care, Burlington; Janice Bourque, Massachusetts Biotechnology Council, Inc., Waltham; Myron Genel, Yale University School of Medicine, New Haven, Connecticut, on behalf of the American Academy of Pediatrics; Amy S. Langer, National Alliance of Breast Cancer Organizations, New York, New York; and Pamela G. Bailey, Health Industry Manufacturers Association, and Alan F. Holmer, Pharmaceutical Research and Manufacturers of America, both of Washington, D.C.

UNITED STATES WORKFORCE NEEDS

Committee on the Judiciary: Subcommittee on Immigration concluded hearings to examine workforce needs in the high technology industry and at smaller companies, focusing on the need for additional H–1B visas, after receiving testimony from Senators Gramm and Robb; Susan Williams DeFife, womenCONNECT.com, Fairfax, Virginia; Julie Holdren, Olympus Group, Inc., Alexandria, Virginia; Robert D. Atkinson, Progressive Policy Institute, and William T. Archey, American Electronics Association, both of Washington, D.C.; and Roberta Katz, Technology Network, Palo Alto, California.

House of Representatives

Chamber Action

Bills Introduced: 15 public bills, H.R. 3120–3134; 1 private bill, H.R. 3135; and 3 resolutions, H. Con. Res. 203–204, and H. Res. 340, were introduced. **Page H10724**

Reports Filed: Reports were filed today as follows:

H. Res. 339, providing for consideration of H.R. 2260, to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia (H. Rept. 106–409); and

H.R. 2005, to establish a statute of repose for durable goods used in a trade or business, amended (H. Rept. 106–410, Pt. 1). **Page H10723**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Thornberry to act as Speaker pro tempore for today. **Page H10615**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Timothy O'Brien, Ph.D. of Washington, D.C. **Page H10615**

Journal Vote: Agreed to the Speaker's approval of the Journal of Wednesday, October 20, by a yea and nay vote of 352 yeas to 62 nays, Roll No. 520. **Pages H10615, H10620–21**

Appointment of Conferees—District of Columbia Appropriations: The Chair announced the Speaker's appointment of Chairman Istook and Representatives Cunningham, Tiahrt, Aderholt, Emerson, Sununu, Young of Florida, Moran of Virginia, Dixon, Mollohan, and Obey as conferees on 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. **Page H10621**

The Students Results Act: The House passed H.R. 2, to send more dollars to the classroom and for certain other purposes by a recorded vote of 358 ayes to 67 noes, Roll No. 526. **Pages H10621–56**

Rejected the Hinojosa motion to recommit the bill to the Committee on Education and the Workforce with instructions to conduct hearings and promptly report to the House regarding the effectiveness of bilingual education and migrant education. **Pages H10654–55**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H10652**

Agreed to:

The Schaffer amendment that permits children to transfer to another public school chosen by their parents when they are victims of violent crimes at school or otherwise attend unsafe schools; **Pages H10635–36**

The Andrews amendment, as amended, that permits schools to use Title I funding for prekindergarten programs. Earlier, agreed to the Goodling

amendment to the Andrews amendment that eliminates prerequisites for implementing the program; **Pages H10640–41**

The Roemer amendment that increases Title I program funding by $1.5 billion (agreed to by a recorded vote of 243 ayes to 181 noes, Roll No. 523); and **Pages H10636–40, H10650**

The Ehlers amendment that includes mathematics and science in Title I standards and assessments (agreed to by a recorded vote of 360 ayes to 62 noes, Roll No. 525). **Pages H10647–49, H10651–52**

Rejected:

The Armey amendment that sought to establish a five year pilot program to provide a $3,500 scholarship for children, who are victims of violent crimes at school or who otherwise attend unsafe schools, to attend another school chosen by their parents (rejected by a recorded vote of 166 ayes to 257 noes, Roll No. 521); **Pages H10621–28**

The Payne amendment that sought to strike title VIII that permits school-wide program funding for schools that serve at least 40 per cent of children from low-income families (rejected by a recorded vote of 208 ayes to 215 noes, Roll No. 522); **Pages H10629–35, H10649–50**

The Petri amendment that sought to establish a pilot program in ten states to convert Title I funds into a portable benefit to be used by the parents or legal guardians for their children's education (rejected by a recorded vote of 153 ayes to 271 noes, Roll No. 524). **Pages H10641–47, H10650–51**

The Clerk was authorized in the engrossment of the bill to correct section numbers, punctuation, cross references, and to make other necessary technical and conforming changes to reflect the actions of the House. **Page H10656**

H. Res. 336, the rule that provided for consideration of the bill was agreed to on October 20.

Interior and Related Agencies Appropriations: The House agreed to the Conference report on H.R. 2466, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000 by a yea and nay vote of 225 yeas to 200 nays, Roll No. 528. **Pages H10672–85**

H. Res. 337, the rule waiving points of order against the conference report was agreed to by a yea and nay vote of 228 yeas to 196 nays, Roll No. 527. **Pages H10656–72**

Academic Achievement for All Act: The House passed H.R. 2300, to allow a State to combine certain funds to improve the academic achievement of all its students, by a recorded vote of 213 ayes to 208 noes, Roll No. 532. **Pages H10689–H10715**

Rejected with Clay motion to recommit the bill to the Committee on Education and the Workforce with instructions to report it back to the House in a manner that addresses the need to help communities to reduce class size, to modernize our Nation's crumbling and overcrowded public schools, and to ensure that teachers are highly qualified, by a recorded vote of 201 ayes to 217 noes, Roll No. 531. **Pages H10714–15**

Agreed to the committee amendment in the nature of a substitute made in order by the rule. **Page H10713**

Rejected the Fattah amendment that sought to require states to certify that either per pupil expenditures or achievement levels are substantially equal across the state by a recorded vote of 183 ayes to 235 noes, Roll No. 530. **Pages H10710–13**

The Clerk was authorized in the engrossment of the bill to correct section numbers, punctuation, cross references, and to make other necessary technical and conforming changes to reflect the actions of the House. **Page H10716**

H. Res. 338, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 214 yeas to 201 nays, Roll No. 529. Pursuant to the rule, the amendments in Part A of H. Rept. 106–408 that limits the program to no more than 10 states and changes the effective date to October 1, 2000. **Pages H10685–89**

Legislative Program: The Majority Leader announced the legislative program for the week of October 25. **Pages H10715–16**

Meeting Hour—Monday, October 25: Agreed that when the House adjourn today, it adjourn to meet on Monday, October 25 for morning-hour debates. **Page H10716**

Calendar Wednesday: Agreed to dispense with the business under the Calendar Wednesday rule on Wednesday, October 27. **Page H10716**

Senate Messages: Messages received from the Senate appear on pages H10615 and H10672.

Quorum Calls—Votes: Four yea and nay votes and nine recorded votes developed during the proceedings of the House today and appear on pages H10620–21, H10628, H10649–50, H10650, H10650–51, H10651–52, H10655–56, H10671–72, H10685, H10689, H10713, H10714–15, and H10715. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 11:59 p.m.

Committee Meetings

YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government held a hearing on the Youth Anti-Drug Media Campaign. Testimony was heard from Barry McCaffrey, Director, Office of National Drug Control Policy; Susan David, National Institute of Drug Abuse, Department of Health and Human Services; and public witnesses.

POSTURE, READINESS ISSUES, AND UNFUNDED REQUIREMENTS

Committee on Armed Services: Held a hearing on posture, readiness issues, and unfunded requirements. Testimony was heard from the following officials of the Department of Defense: Gen. Eric K. Shinseki, USA, Chief of Staff, Department of the Army; Adm. Jay L. Johnson, USN, Chief of Naval Operations, Department of the Navy; Gen. Michael E. Ryan, USAF, Chief of Staff, Department of the Air Force; and Gen. James. L. Jones, USMC, Commandant, U.S. Marine Corps.

Y2K AND MEDICAL DEVICES

Committee on Commerce: Subcommittee on Health and Environment and the Subcommittee on Oversight and Investigations held a joint hearing on Y2K and Medical Devices: Testing for the Y2K Bug. Testimony was heard from the following officials of the Department of Health and Human Services: Thomas Shope, Special Assistant to the Director, Office of Science and Technology, Center for Devices and Radiological Health; William Hubbard, Senior Associate Commissioner, Policy, Planning and Legislation, both with the FDA; and George Grob, Deputy Inspector General; Joel C. Willemssen, Director, Civil Agencies Information Systems, Accounting and Management Division, GAO; and public witnesses.

MSPA CLARIFICATION ACT; OPPORTUNITIES FOR MIGRANT EMPLOYEES

Committee on Education and the Workforce: Subcommittee on Workforce Protections held a hearing on the following bills: H.R. 1886, MSPA Clarification Act of 1999; and H.R. 2757, Opportunities for Migrant Employees. Testimony was heard from Representatives Canady of Florida, Hastings of Washington and Radanovich; and public witnesses.

SUBSTANCE ABUSE TREATMENT PARITY

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on Substance Abuse Treatment Parity: A Viable Solution to the Nation's Epidemic of Addiction? Testimony was heard from Senator Wellstone; Representative Ramstad; Capt. Ronald Smith, M.D., USN, Vice Chairman, Department of Psychiatry, National Naval Medical Center, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES; OVERSIGHT—POSTAL SERVICE

Committee on Government Reform: Subcommittee on Postal Service approved for full Committee action the following bills: H.R. 2952, to redesignate the facility of the United States Postal Service located at 100 Orchard Park Drive in Greenville, South Carolina, as the "Keith D. Oglesby Station"; and H.R. 3018, amended, to designate the United States Post Office located at 557 East Bay Street in Charleston, South Carolina, as the "Marybelle H. Howe Post Office".

The Subcommittee also held an oversight hearing on the U.S. Postal Service. Testimony was heard from the following officials of the U.S. Postal Service: Karla W. Corcoran, Inspector General; and William J. Henderson, Postmaster General and CEO; and Bernard L. Ungar, Director, Government Business Operations Issues, GAO.

COMMITTEE BUSINESS

Committee on House Administration: Met and considered pending Committee business.

Y2K: A THREAT TO U.S. INTERESTS ABROAD?

Committee on International Relations: Held a hearing on Y2K: A Threat to U.S. Interests Abroad? Testimony was heard from the following officials of the U.S. Agency for International Development: Richard C. Nygard, Chief Information Officer; and Theodore Alves, Director, Assistant Inspector General, Audits; the following officials of the Department of State: John O'Keefe, Special Representative for the Year 2000; and Jacquelyn L. Williams-Bridgers, Inspector General; Lawrence K. Gershwin, National Intelligence Officer, Science and Technology, CIA; and Linda D. Koontz, Associate Director, Accounting and Information Management Division, GAO.

PARTICIPATION AND REHABILITATION

Committee on the Judiciary: Subcommittee on the Constitution held a hearing on H.R. 906, Civic Participation and Rehabilitation Act of 1999. Testimony was heard from Representative Davis of Illinois; and public witnesses.

ANTITAMPERING ACT

Committee on the Judiciary: Subcommittee on Courts and Intellectual Property held a hearing on H.R.

2100, Antitampering Act of 1999, Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Energy and Mineral Resources held a hearing on the following bills: H.R. 3063, to amend the National Leasing Act to increase the maximum acreage of Federal leases for sodium that may be held by an entity in any one State; and H.R. 2818, to prohibit oil and gas drilling in Mosquito Creek Lake in Cortland, Ohio. Testimony was heard from Representative Traficant; the following officials of the Bureau of Land Management, Department of the Interior: Gwen Mason, Associate State Director, Eastern States Office; and Robert M. Anderson, Deputy Assistant Director, Minerals, Realty and Resource Protection; Brig. Gen. Hans A. VanWinkle, USA, Deputy Commander for Civil Works, Corps of Engineers, Department of the Army; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans held a hearing on the following measures: H. Con. Res. 189, expressing the sense of the Congress regarding the wasteful and unsportsmanlike practice known as shark finning; and H.R. 2903, Coral Reef Conservation and Restoration Act of 1999. Testimony was heard from Representative Cunningham; from the following officials of NOAA, Department of Commerce: Sally Yozell, Deputy Assistant Secretary, Oceans and Atmosphere; and Andrew Rosenberg, Deputy Assistant Administrator, Fisheries, National Marine Fisheries Service; and public witnesses.

LAND EXCHANGE

Committee on Resources: Subcommittee on National Parks and Public Lands held a hearing on H.R. 2950, to provide for the exchange of certain land in the State of Oregon. Testimony was heard from Representative Walden of Oregon; Carson Culp, Assistant Director, Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior; Jack Craven, Director, Lands, Forest Service, USDA; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following: H.R. 2348, to authorize the Bureau of Reclamation to provide cost sharing for the endangered fish recovery implementation programs for the Upper Colorado and San Juan River Basins; H.R. 2619, to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner; H.R. 3067, Nampa and Meridian Conveyance Act; and a measure to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project. Testimony was heard from the following officials of the Bureau of Reclamation, Department of the Interior: David Hayes, Acting Deputy Secretary; and Eluid Martinez, Commissioner; Katheen Clarke, Executive Director, Department of Natural Resources, State of Utah; and public witnesses.

PAIN RELIEF PROMOTION ACT

Committee on Rules: Granted, by voice vote, a structured rule providing 1 hour of general debate on H.R. 2260, Pain Relief Promotion Act of 1999, equally divided and controlled by the chairman and ranking member of the Committee on Commerce and the chairman and ranking member of the Committee on the Judiciary. The rule waives clause 4(a) of rule XIII (requiring a three-day layover of the committee report) against consideration of the bill. The rule makes in order as an original bill for the purpose of amendment the amendment in the nature of a substitute consisting of the bill as modified by the amendments recommended by the Committee on Commerce and printed in the bill. The rule provides for consideration of only the amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments will be considered only in the order specified in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment. 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. Testimony was heard from Representatives Bilirakis, Canady of Florida, Scott, Watt of North Carolina, Rothman, Hoyer, Maloney of New York, Hooley of Oregon and Wu.

SUPERFUND RD&D

Committee on Science: Subcommittee on Energy and Environment held a hearing on Superfund RD&D. Testimony was heard from the following officials of the EPA: Norine Noonan, Assistant Administrator, Research and Development, Office of Research and Development; and Ed Berkey, Committee on Environmentalk Engineering, Science Advisory Board; and public witnesses.

NASA'S SPACE SHUTTLE—SAFETY AND PERFORMANCE UPGRADES

Committee on Science: Subcommittee on Space and Aeronautics held a hearing on Safety and Performance Upgrades to NASA's Space Shuttle. Testimony was heard from William F. Readdy, Deputy Associate

Administrator, Space Flight, NASA; and public witnesses.

CONTRACTOR RESPONSIBILITY

Committee on Small Business: Held a hearing on the proposed changes to Part 9 of the Federal Acquisition Regulation relating to contractor responsibility. Testimony was heard from Representative Davis of Virginia; Deidre Lee, Administrator, Office of Federal Procurement Policy, OMB; Eleanor Spector, Director, Defense Procurement, Department of Defense; James Ballentine, Acting Associate Deputy Administrator, Government Contracting and Minority Enterprise Development, SBA; and public witnesses.

STATE OF AIRLINE COMPETITION

Committee on Transportation and Infrastructure: Subcommittee on Aviation continued hearings on the State of Airline Competition, (including the Status of New Low-Cost Airlines and the DOT Response to the TRB Report). Testimony was heard from Nancy E. McFadden, General Counsel, Department of Transportation; and public witnesses.

FATHERS COUNT ACT; MEDICARE BALANCED BUDGET REFINEMENT ACT

Committee on Ways and Means: Ordered reported, amended the following bills: H.R. 3073, amended, Fathers Count Act of 1999 and H.R. 3075, Medicare Balanced Budget Refinement Act of 1999.

MANAGEMENT OF DISABILITY CASES

Committee on Ways and Means: Subcommittee on Social Security and the Subcommittee on Human Resources held a joint hearing on the Management of Disability Cases. Testimony was heard from Kenneth S. Apfel, Commissioner, SSA; Cynthia M. Fagnoni, Director, Income Security Issues, Health, Education and Human Services Division, GAO; the following Administrative Law Judges: Ronald G. Bernoski; and Kathleen A. McGraw; and public witnesses.

Joint Meetings

FINANCIAL SERVICES MODERNIZATION

Conferees continued in evening session to resolve the differences between the Senate and House passed versions of S. 900/H.R.10, bills 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.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 22, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the security of the Panama Canal, 9:30 a.m., SH–216.

House

Committee on Commerce, to mark up the following: H.R. 1070, 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; and the Health Care Restoration Act of 1999, 9:30 a.m., 2123 Rayburn.

Committee on Science, Subcommittee on Technology and the Subcommittee on Government Management, Information and Technology of the Committee on Government Reform, joint hearing on Y2K and Nuclear Power: Will Reactors React Responsibly, 10 a.m., 2318 Rayburn.

Next Meeting of the SENATE

9:30 a.m., Friday, October 22

Senate Chamber

Program for Friday: Senate will continue consideration of the motion to proceed to H.R. 434, African Growth and Opportunity Act. Also, Senate will consider any appropriations conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, October 25

House Chamber

Program for Monday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

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